

evidence and whether the Judge's adverse decision was arbitrary, capricious, or contrary to law. Consistent with the following, we affirm.

The Judge's Findings of Fact

In 2003, Applicant bought a home with a VA loan in the amount of about \$183,000. He later bought a second home for about \$622,000. At about the same time, Applicant obtained a second mortgage on his first house. This loan was for about \$248,000. Applicant's wife and mother were to sell the first home, but they never did so, and was not never rented out. Although Applicant could keep up with mortgage payments through most of 2012, the lender short-sold the first house. This action resolved the first mortgage but not the second.

Applicant suffered some economic setbacks in the years leading up to his mortgage problems. A prime contractor did not renew the contract for Applicant's business and lured away his employees. He was unemployed for several months, eventually taking a job that paid less than he was previously making. He was again unemployed in November 2012, obtaining another job early the next year, though again for a lesser salary than he had made when running his company. Applicant's wife also experienced some unemployment.

Applicant had some non-alleged debts that, though previously delinquent, he had resolved. Applicant did not present evidence of financial counseling *or of a budget*. (emphasis added) Decision at 3. Neither did he submit character references or evidence of his job performance.

The Judge's Analysis

The Judge noted evidence that Applicant and his wife had suffered unemployment, which was beyond their control. However, he concluded that Applicant's having acquired so much mortgage debt in purchasing a second home without a plan to deal with the first one demonstrated a lack of responsibility. The Judge cited to evidence that Applicant did not begin to resolve his financial problems until after he received the SOR and ultimately concluded that Applicant had not shown that his problems were under control.

Discussion

Applicant argues that the Judge did not consider all of the evidence in the record, for example that he had addressed some of his debts. He also argues that he submitted evidence of a budget, yet the Judge found that he had not done so. A Judge is presumed to have considered all of the evidence in the record. *See, e.g.*, ISCR Case No. 13-00502 at 3 (App. Bd. Mar. 7, 2017). The Judge made findings about Applicant's debt resolution and discussed it in his analysis.

Regarding the budget, however, Applicant has rebutted the presumption. Applicant included a budget in a package of documents admitted as Applicant Exhibit B. The Judge's finding suggests that he did not consider this document in evaluating Applicant's case, which was an error. However, given (1) that the budget shows a monthly deficit of nearly \$300; (2) that the Judge did not rely on the absence of a budget in his analysis of the case; and (3) that the Judge based his decision in large measure on the timing of Applicant's effort at debt resolution and on aspects of Applicant's financial

problems that impugned his judgment, we find no reason to believe that, had the Judge actually addressed the budget, he would have arrived at a different conclusion. Therefore, this error is harmless. *See, e.g.*, ISCR Case No. 15-00535 at 3 (App. Bd. Mar. 13, 2017).

Applicant cites to a Hearing Office case that he asserts is similar to his own and supports his effort to get a clearance. Hearing Office cases are not binding on other Hearing Office Judges or on the Appeal Board. *See, e.g.*, ISCR Case No. 15-01416 at 3 (App. Bd. Nov. Feb. 15, 2017). In any event, the case that Applicant has cited has significant differences from the circumstances underlying his. This case does not provide a reason to reverse the Judge's decision.

The Judge examined the relevant evidence and articulated a satisfactory explanation for the decision. The decision is sustainable on this record. "The general standard is that a clearance may be granted only when 'clearly consistent with the interests of the national security.'" *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). *See also* Directive, Enclosure 2 ¶ 2(b): "Any doubt concerning personnel being considered for access to classified information will be resolved in favor of the national security."

Order

The Decision is **AFFIRMED**.

Signed: Michael Ra'anan

Michael Ra'anan
Administrative Judge
Chairperson, Appeal Board

Signed: James E. Moody

James E. Moody
Administrative Judge
Member, Appeal Board

Signed: James F. Duffy

James F. Duffy
Administrative Judge
Member, Appeal Board