

KEYWORD: Guideline F; Guideline E

DIGEST: The Appeal Board, however, does not have authority to grant an interim, conditional, or probationary clearance. Adverse decision affirmed.

CASENO: 15-05699.a1

DATE: 08/11/2017

DATE: August 11, 2017

In Re: ----- Applicant for Security Clearance)))))))	ISCR Case No. 15-05699
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APPEAL BOARD DECISION

APPEARANCES

FOR GOVERNMENT

James B. Norman, Esq., Chief Department Counsel

FOR APPLICANT

Pro se

The Department of Defense (DoD) declined to grant Applicant a security clearance. On March 10, 2016, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline F (Financial Considerations) and Guideline E (Personal Conduct) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a decision on the written record. On June 15, 2017, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Thomas M. Crean denied Applicant’s request for a security clearance. Applicant appealed pursuant

to Directive ¶¶ E3.1.28 and E3.1.30.

The Judge found against Applicant on 15 delinquent debts totaling about \$30,000, noting Applicant did not present any evidence of his efforts to resolve the debts. The Judge also found Applicant falsified his security clearance application (SCA) by failing to disclose his delinquent debts. Noting the Applicant did not consult a credit report before completing his SCA, the Judge concluded that Applicant must have known he had delinquent debts and his failure to list any of them in the SCA was deliberate.

In his appeal brief, Applicant contends the Judge erred in finding that he was honorably discharged from the Army as a specialist, when he was discharged as a sergeant. While the Judge may have erred in that finding, we find it was harmless error because it likely had no affect on the Judge's decision. *See, e.g.*, ISCR Case No. 15-00535 at 3 (App. Bd. Mar. 13, 2017).

Applicant also argues that the Government did not handle the SCA renewal process properly, that he was rushed to provided information, and that he did not pull his credit report to verify information. Applicant's arguments are not enough to show that the Judge weighed the evidence in a manner that was arbitrary, capricious, and contrary to law. *See, e.g.*, ISCR Case No. 15-08778 at 2 (App. Bd. Jul. 24, 2017). He requests the Board grant him an interim clearance "with stipulations that need to be met." Appeal Brief at 1. The Appeal Board, however, does not have authority to grant an interim, conditional, or probationary clearance. *See, e.g.*, ISCR Case No. 14-04289 at 2 (App. Bd. Sep. 9, 2015).

Applicant has not identified any harmful error in 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, Encl. 2, App. A ¶ 2(b): "Any doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security."

Order

The Decision is **AFFIRMED**.

Signed: Michael Ra'an
Michael Ra'an
Administrative Judge
Chairperson, Appeal Board

Signed: William S. Fields
William S. Fields
Administrative Judge
Member, Appeal Board

Signed: James F. Duffy
James F. Duffy
Administrative Judge
Member, Appeal Board