

arbitrary, capricious, or contrary to law. Consistent with the following, we affirm.

The Judge's Findings of Fact

Applicant has held a clearance for 31 years. The SOR alleges that he failed to file Federal and state income tax returns for 2013 and 2014. He owes back taxes to the IRS for 2013 through 2015. He also had five collection accounts and a charged-off account. These allegations are supported by Applicant's admissions. The non-tax allegations are supported by the contents of his credit reports.

Applicant's problems arose from a contentious divorce. He claimed that his ex-wife's lack of cooperation was at the root of his failure to file his tax returns. They finalized their divorce in 2016, and Applicant claimed that he filed his delinquent returns in that year. Applicant failed to provide promised copies of the returns. He estimated his total debt as about \$59,000. Applicant hired a tax professional who contacted the IRS about a payment plan, but Applicant provided no documentation about this. Applicant did resolve several collection accounts, however.

Applicant also has a debt resulting from a foreclosure on a timeshare. Applicant testified that he thought the debt had been cancelled, but he did not provide documentary proof. Applicant presented evidence that he will receive a substantial retirement pension of over \$1 million. He has \$30,000 in a retirement account, and his monthly income is about \$3,500. Applicant paid his wife spousal support of about \$23,000 for 2014 and 2015. He has not sought financial counseling, and he did not provide a budget.

The Judge's Analysis

The Judge stated that Applicant's problems continue to cast doubt upon his judgment and reliability. Though noting Applicant's divorce, he stated that Applicant's tax problems went back many years and that he failed to acquire professional assistance until late in 2016. He stated that Applicant's dilatory response to his tax filings and his current, unaddressed tax debt are such that there are no clear indications that his problems are under control. He concluded that Applicant had not demonstrated a good-faith effort to pay his debts.

Discussion

Much of Applicant's appeal submission consists of matters from outside the record. We cannot consider new evidence on appeal. Directive ¶ E3.1.29. Applicant challenges the Judge's conclusion that he was dilatory in addressing his tax problems. Much of his argument is an effort to provide context for his financial problems in order to show that he had been diligent in addressing them. Applicant has not shown that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. *See, e.g.*, ISCR Case No. 15-08842 at 3 (App. Bd. Feb. 14, 2017).

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’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