

KEYWORD: Guideline F

DIGEST: Applicant has not identified any harmful error in the Judge’s findings of fact or in the decision. The Judge examined the relevant evidence and articulated a satisfactory explanation for the decision. Adverse decision affirmed.

CASENO: 15-06841.a1

DATE: 08/04/2017

DATE: August 4, 2017

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In Re:	)	
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	)	
Applicant for Security Clearance	)	
	)	

**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 February 26, 2016, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline F (Financial Considerations) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a decision on the written record. On May 18, 2017, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Robert J. Kilmartin denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant raised the following issues on appeal: whether the Judge erred in his findings of

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

The SOR alleged six delinquent debts totaling over \$25,000. In her response to the SOR, Applicant admitted five of the debts and denied the remaining debt as being a duplicate. The Judge found in favor of Applicant on the duplicate debt and against her on the other debts. He noted she produced no documents to substantiate her efforts to settle or dispute the debts.

Applicant's appeal brief includes matters, such as character reference letters and a marital separation agreement, that were not presented to the Judge for consideration. Those matters constitute new evidence that Appeal Board cannot consider. Directive ¶ E3.1.29.

In the appeal brief, Applicant indicated that she wished "to address some issues that may have been misrepresented in the Findings of Fact" (Appeal Brief at 1) and proceeded to state that she did not knowingly leave out information on her security clearance application (SCA). We note that the Judge correctly stated in the findings of fact that Applicant did not disclose her delinquent debts in her SCA, but she did disclose that she encountered financial problems as a result of her divorce and second husband's unemployment. Applicant also pointed out that her children and stepchildren were not grown adults at the time of her second marriage. However, the Judge did not make a finding of that nature. He merely found that she and her husband had six adult children at the time of the decision. Applicant has not identified any harmful error in the Judge's findings of fact or in the 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'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