

KEYWORD: Guideline F; Guideline B

DIGEST: Applicant’s narrative statement and credit report constitute new evidence that the Appeal Board can neither receive nor consider. Applicant has failed to assert that the Judge committed any harmful error in his analysis of the record evidence. Adverse decision affirmed.

CASENO: 15-06811.a1

DATE: 06/23/2017

DATE: June 23, 2017

In Re:	)	
	)	
-----	)	ISCR Case No. 15-06811
	)	
Applicant for Security Clearance	)	

**APPEAL BOARD DECISION**

**APPEARANCES**

**FOR GOVERNMENT**

James B. Norman, Esq., Chief Department Counsel

**FOR APPLICANT**

Jeremy A. Robinson, Esq.

The Department of Defense (DoD) declined to grant Applicant a security clearance. On April 20, 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 B (Foreign Influence) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a hearing. On March 17, 2017, after the hearing, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Matthew E. Malone denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

The Judge found in favor of Applicant on the Guideline B allegation and on three of the five

delinquent debts alleged under Guideline F. No issues regarding those favorable findings have been raised on appeal.

The Judge found against Applicant on a charged-off account of about \$25,000 and a state tax lien of about \$575. Applicant admitted both of those allegations in responding to the SOR. In the appeal brief, Applicant contends that the amount of the larger debt is in error. In support of that argument, he presents a narrative statement and credit report that were not previously presented to the Judge. This narrative statement and credit report constitute new evidence that the Appeal Board can neither receive nor consider. Directive ¶ E3.1.29. Applicant has failed to assert that the Judge committed any harmful error in his analysis of the record evidence.

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