

KEYWORD: Guideline F

DIGEST: An appealing party must set forth his or her claims of error with specificity. In this case, Applicant has failed to set forth a claim of error with sufficient specificity to establish a *prima facie* case that he was denied due process. Adverse decision affirmed.

CASENO: 15-07366.a1

DATE: 11/8/2017

DATE: November 8, 2017

In Re:  -----  Applicant for Security Clearance	) ) ) ) ) ) )	ISCR Case No. 15-07366
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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 May 16, 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 hearing. On August 11, 2017, after the hearing, 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 SOR alleged that Applicant had seven delinquent debts totaling about \$73,000. The Judge found against Applicant on all of the alleged debts. In his appeal brief, Applicant states, “It appears that my supporting documents were not received or misunderstood.” Appeal Brief at 1.

In the decision, the Judge noted that Applicant offered five exhibits at the hearing that were admitted into the record without objection. The five exhibits were marked as AX A through E and are contained in the record. In his decision, the Judge cited to each of those exhibits in his findings of fact. Applicant’s argument in his appeal brief is neither enough to rebut the presumption that the Judge considered all of the record evidence nor sufficient to show that the Judge misconstrued the evidence or weighed it in a manner that was arbitrary, capricious, or contrary to law. *See, e.g.*, ISCR Case No. 15-01717 at 4 (App. Bd. Jul. 3, 2017).

At the hearing held on May 17, 2017, the Judge left the record open until June 7, 2017, for Applicant to provide additional matters. Tr. at 121. In the decision, the Judge noted that Applicant did not provide any documents after the hearing. Decision at 3, 4, and 7. In the appeal brief, Applicant did not claim that the “supporting documents” in question were part of a post-hearing submission nor did he identify any of those documents. An appealing party must set forth his or her claims of error with specificity. *See, e.g.*, ISCR Case No. 08-01306 at 3 (App. Bd. Oct. 28, 2009). In this case, Applicant has failed to set forth a claim of error with sufficient specificity to establish a *prima facie* case that he was denied due process. *See, e.g.*, ISCR Case No. 15-02933 at 2 (App. Bd. Sep. 23, 2016).

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