

KEYWORD: Guideline F

DIGEST: Applicant’s appeal brief contains new evidence in the form of a narrative statement, debt payment plan, and portions of credit reports. The Appeal Board cannot consider new evidence on appeal. Adverse decision affirmed.

CASENO: 15-07663.a1

DATE: 08/17/2017

DATE: August 17, 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 May 5, 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 31, 2017, after considering the record, Defense Office of Hearings

and Appeals (DOHA) Administrative Judge Carol G. Ricciardello denied Applicant's request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

The Judge concluded that Applicant has numerous debts that are unresolved. Applicant attributed her financial problems to a chronic medical problem, medical expenses incurred by her son, and the absence of health insurance. After 2010, she acquired health insurance and had a more stable work history; however, she did not begin making payments on her medical debts until a judgment was entered against her in 2013. She stated that she is creating a plan to pay other delinquent debts, but there is no evidence the plan has been implemented or any of the remaining debts are being paid or resolved.

Applicant's appeal brief contains new evidence in the form of a narrative statement, debt payment plan, and portions of credit reports. The Appeal Board cannot consider new evidence on appeal. Directive ¶ E3.1.29.

In her appeal brief, Applicant submitted an explanation about her financial problems and the efforts she has taken to resolve them. Her arguments, however, are neither enough to rebut the presumption that the Judge considered all of the record evidence nor sufficient to show that the Judge weighed the evidence 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).

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'anan  
Michael Ra'anan  
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