

KEYWORD: Guideline F

DIGEST: Applicant has not rebutted the presumption that the Judge considered all of the evidence in the record. Neither has he shown that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. Adverse decision affirmed.

CASENO: 15-07696.a1

DATE: 09/25/2017

DATE: September 25, 2017

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| In Re: |) | |
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| ----- |) | ISCR Case No. 15-07696 |
| |) | |
| 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 22, 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 June 7, 2017, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Gregg A. Cervi 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 analysis of the mitigating conditions and whether the Judge’s whole-person analysis was erroneous, rendering his overall decision arbitrary, capricious, or contrary to law. Consistent with the following, we

affirm.

The Judge's Findings of Fact

Applicant's SOR lists six delinquent debts, which he admitted with an explanation. The debts include charged-off credit cards and a line-of-credit. They total over \$64,500. Applicant has been employed by a Defense contractor since 2015. Applicant divorced in 2004, which he stated was a cause of his financial problems. He became financially overextended a few years later and had to take another job in a different state, though at a reduced salary. He had about nine months of unemployment. He sought help from a credit repair company. However, the company resolved few of Applicant's debts. He stopped using the service but continued to have unpaid delinquent debts.

The Judge's Analysis

The Judge cited to things such as Applicant's divorce and unemployment that affected his financial situation. He noted, however, that Applicant discontinued the credit repair service before resolving his debts. Despite steady employment he has not presented evidence of debt resolution, nor has he shown that he sought financial counseling. The Judge stated that the evidence left him with doubts about Applicant's reliability, trustworthiness, and good judgment.

Discussion

Applicant cites to evidence such as his divorce, unemployment, and the debt consolidation company that he hired. He notes that at least some of his debts have been turned over to collection companies and contends that it takes a while to set aside the funds to pay them. He also discusses his circumstances in light of the whole-person factors, contending that he has shown mitigation of the concerns raised by his financial problems. Applicant has not rebutted the presumption that the Judge considered all of the evidence in the record. Neither has he shown that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. *See, e.g.*, ISCR Case No. 13-00502 at 3 (App. Bd. Mar. 7, 2017). Moreover, we conclude that the Judge took into account all aspects of the record evidence which bore upon Applicant's trustworthiness and reliability, which is what a whole-person analysis requires. *See, e.g.*, ISCR Case No. 04-00540 at 7 (App. Bd. Jan. 5, 2007).

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: Williams S. Fields

William S. Fields
Administrative Judge
Member, Appeal Board