

KEYWORD: Guideline F

DIGEST: The Judge made findings of fact about much of the record evidence that Applicant discusses in his appeal. His arguments 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. Adverse decision affirmed.

CASENO: 16-00088.a1

DATE: 09/11/2017

DATE: September 11, 2017

In Re: ----- Applicant for Security Clearance)))))))	ISCR Case No. 16-00088
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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 June 15, 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 19, 2017, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Darlene D. Lokey Anderson 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 six delinquent debts totaling about \$69,000. These included a mortgage account past due approximately \$65,000. Applicant attributed his financial problems to his failed efforts to maintain two homes during a period when his wife was caring for her ailing sister. He was also a first-time home buyer who was not experienced with adjustable rate mortgages and, when his adjusted, he was unable to meet his obligation. The home was foreclosed. He stated he was in the process of discussing damage-mitigation options with a VA representative. He claimed that he paid the other alleged debts, but provided no evidence of debt satisfaction.

In contending that his case "was unfairly categorized as cookie-cutter" and the circumstances leading to his family's financial hardship were disregarded, Applicant provides an explanation of those circumstances, which includes some information that was not previously submitted to the Judge for consideration, such as, the foreclosed home was sold by the bank for \$90,000 in September 2016. The Appeal Board cannot consider new evidence on appeal. Directive ¶ E3.1.29. We note the Judge made findings of fact about much of the record evidence that Applicant discusses in his appeal. His arguments 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: James E. Moody

James E. Moody
Administrative Judge
Member, Appeal Board

Signed: James F. Duffy

James F. Duffy
Administrative Judge
Member, Appeal Board