

KEYWORD: Guideline F

DIGEST: Applicant claims the two unresolved debts were “taken care of,” but does not point to any evidence in the record that supports that proposition. He also cites to various conditions that have contributed to his financial problems. Applicant’s arguments, however, are neither sufficient to rebut the presumption that the Judge considered all of the evidence in the record nor enough to show that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. Adverse decision affirmed.

CASENO: 16-00844.a1

DATE: 07/25/2017

DATE: July 25, 2017

In Re:	)	
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Applicant for Security Clearance	)	
	)	
	)	
	)	ISCR Case No. 16-00844

**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 September 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 May 5, 2017, after the hearing, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Jennifer I. Goldstein denied Applicant’s request for a security clearance. Applicant appealed

pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant raised the following issue on appeal: whether the Judge's decision was arbitrary, capricious, or contrary to law. Consistent with the following, we affirm.

### **The Judge's Findings of Fact and Analysis**

Applicant is a 47-year-old employee of a government contractor. The SOR alleged three delinquent debts totaling about \$46,000. The delinquent debts are identified in credit reports admitted into evidence. Applicant resolved one of those debts, *i.e.*, a mortgage account that was delinquent for about \$800.

The other two delinquent debts remain unresolved, which include a mortgage account in the approximate amount of \$45,000. Applicant initially paid in full for the mortgaged property. He later obtained a loan on that property to pay bills. At some point his monthly mortgage payments increased from \$575 to \$2,500. He was unable to pay the higher amount and thought the property was foreclosed. He later learned the foreclosure was never perfected. He testified that he contacted the creditor and is now going through the loan modification process. The current status of the debt was not provided.

Applicant attributed his financial problems to assisting his divorced parents with their medical conditions. He also assists financially his adult child and grandchild, and he has a medical condition that requires costly medication. He testified that he owns a total of eight properties; five are paid in full and he is making payments on the other three. He owed two other properties that were foreclosed. He owns six vehicles, including a 2013 luxury vehicle, 2014 sports car, and 2016 truck. His monthly incomes is about \$10,900 and his monthly expenses are about \$9,500.

Applicant has a long history of financial delinquencies. Even though he encountered conditions beyond his control that contributed to his financial problems, he failed to establish that he acted responsibly with respect to his debts. There are no clear indications that his financial problems are being resolved or are under control.

### **Discussion**

In his appeal brief, Applicant claims the two unresolved debts were "taken care of," but does not point to any evidence in the record that supports that proposition.<sup>1</sup> Appeal Brief at 1. He also cites to various conditions that have contributed to his financial problems. Applicant's arguments, however, are neither sufficient to rebut the presumption that the Judge considered all of the evidence in the record nor enough 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. 14-03747 at 3 (App. Bd. Nov. 13, 2015).

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<sup>1</sup> At the hearing, Applicant presented part of an exhibit that was written in Spanish. The Judge advised Applicant that only the English sections of the exhibit would be admitted into evidence. Applicant was afforded the opportunity to provide a translation of the Spanish sections, but he did not provide anything further. *See*, Decision at 2, note 1.

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