KEYWORD: Guideline F

DIGEST: As the Judge noted, Applicant did not submit corroborating evidence with her response to the SOR, nor did she submit a response to the FORM. Applicant states on appeal that she submitted evidence to the DoD CAF and has attached documents to the Appeal Brief. One of them is an email to the DoD CAF, which shows that she sent at least one document to them. However, this document predates the FORM and thus cannot be a response to the FORM. If it was the response to the SOR, that is already in the record. This submission does not refute the Judge's finding that Applicant's response to the SOR included no corroborating evidence. Adverse decision affirmed.

CASENO: 16-01237.a1

DATE: 12/5/2017

DATE: December 5, 2017

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| In Re: | ) | |
| ---------------- | ) | ISCR Case No. 16-01237 |
| 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 July 30, 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 October 12, 2017, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Edward W. Loughran 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 she was denied due process and whether the Judge's adverse decision was arbitrary, capricious, or contrary to law. Consistent with the following, we affirm.

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

Applicant works for a Defense contractor. In 2010, she was charged with felony hit and run, which resulted in a plea of guilty to reckless driving. She paid a fine as well as restitution. Applicant was unemployed from mid-2012 until late 2013. Her SOR lists two unpaid judgments and several other delinquent debts, for such things as a repossessed vehicle, unpaid parking citations, and other miscellaneous obligations. Applicant claimed that she did not owe certain debts, had established payment plans, etc. She did not provide corroborating evidence in response to the SOR or to the File of Relevant Material (FORM). The Judge concluded that there is insufficient evidence that Applicant's problems are under control, that she has made good-faith efforts to pay her debts, or that she otherwise acted responsibly.

**Discussion**

As the Judge noted, Applicant did not submit corroborating evidence with her response to the SOR, nor did she submit a response to the FORM. Applicant states on appeal that she submitted evidence to the DoD CAF and has attached documents to the Appeal Brief. One of them is an email to the DoD CAF, which shows that she sent at least one document to them. However, this document predates the FORM and thus cannot be a response to the FORM. If it was the response to the SOR, that is already in the record. This submission does not refute the Judge's finding that Applicant's response to the SOR included no corroborating evidence.

Applicant also attaches a number of documents dated well after the one just discussed. There is nothing in her brief or elsewhere in the record that would show that she sent these documents to the DoD CAF along with her SOR response or to DOHA in response to the FORM. Indeed, one of the documents is a credit report that was created two days after the issuance of the Judge's decision. As it stands, Applicant has not made a *prima facie* showing that she actually submitted documents that were not included in the record. Applicant has not established that she was denied an opportunity to present documents in support of her case or that she was otherwise denied the due process afforded by the Directive. *See, e.g.*, ISCR Case No. 14-05996 at 2 (App. Bd. Nov. 3, 2017).

Applicant claims that she has mitigated the concerns in her case. However, her arguments are not enough to rebut the presumption that the Judge considered all of the evidence, nor are they sufficient to undermine the Judge's weighing of the evidence. *See, e.g.*, ISCR Case No. 14-03069 at 3 (App. Bd. July 30, 2015).

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 of the Judge 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