

KEYWORD: Guideline F

DIGEST: Applicant has not rebutted the presumption that the Judge considered all of the evidence in the record. Adverse decision affirmed.

CASENO: 12-06259.a1

DATE: 06/19/2017

DATE: June 19, 2017

In Re:  -----  Applicant for Security Clearance	) ) ) ) ) ) )	ISCR Case No. 12-06259
---	---------------------------------	------------------------

**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 December 31, 2015, 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 March 31, 2017, after the hearing, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Arthur E. Marshall, Jr., 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 failed properly to apply the whole-person concept. Consistent with the following, we affirm.

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

Applicant's debt problem arose due to his (now) ex-wife having suffered injury from an automobile accident, which, along with her mother's illness and surgery, caused the wife to miss work. As a consequence, the couple had to rely on Applicant's salary alone, which was not sufficient, and they fell into debt. The couple divorced in 2013.

Applicant has numerous delinquent debts, for example, education loans, accounts owed to a bank, etc. Applicant entered into an agreement with a debt resolution company to address some of his debts. He entered into a plan, with payments to begin in March 2016. Applicant presented no evidence of any payments. Applicant's education loans were made the subject of a payment plan as well, and he made payments from October 2015 through January 2016. Applicant stated that payments continued until August 2016, at which time the plan lapsed, and his back up plan is to get a second job.

In addition, the SOR alleges a delinquent mortgage, which is his wife's responsibility pursuant to the divorce decree. It also cites to a charged-off account that Applicant believed was included in the first payment plan described above, although he presented no corroboration for this claim. Applicant's character references describe him as reliable and trustworthy.

## **The Judge's Analysis**

The Judge resolved the mortgage debt in Applicant's favor. The remainder, however, resulted in adverse findings. Though noting circumstances outside Applicant's control that affected his debts, the Judge stated that the education loans appear to be "at a standoff" and that there is insufficient documentary proof that the other debts are being addressed. Directive at 6. The Judge stated that Applicant has not had formal debt counseling and that his financial reserves are "scant." *Id.* at 7. In the whole-person analysis the Judge reiterated his comments about a paucity of corroborating evidence and concluded that Applicant had not demonstrated a track record of debt resolution.

## **Discussion**

Some of Applicant's comments on appeal pertain to the mortgage loan, which the Judge resolved favorably to him. He also cites to his efforts at debt resolution, his having hired a firm to address his financial problems, and to his extensive documentary response to the SOR, which includes documents concerning debt disputes, payments plans, etc. Applicant has not rebutted the presumption that the Judge considered all of the evidence in the record. *See, e.g.*, ISCR Case No. 13-00502 at 3 (App. Bd. Mar. 7, 2017). Reading the Decision as a whole, we conclude that the Judge evaluated Applicant's security concerns in light of the entirety of the evidence, which is what a whole-person analysis requires. *See, e.g.*, ISCR Case No. 14-06653 at 3 (App. Bd. Nov. 18, 2016). Applicant states that he has taken some financial classes on line. This is supported by a Certificate of Completion attached to Applicant's response to the SOR. This document is not totally consistent with the Judge's comment in the Analysis portion of the Decision that Applicant had not had formal counseling. However, to the extent that this is an error, it did not likely affect the overall decision.

Therefore, it is harmless. *See, e.g.*, ISCR Case No. 15-00535 at 3 (App. Bd. Mar. 13, 2017).

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: James F. Duffy  
James F. Duffy  
Administrative Judge  
Member, Appeal Board