



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

Applicant raised the following issues on appeal: whether the Judge erred in finding that he had deliberately omitted information from his security clearance application (SCA), whether the Judge erred in concluding that Applicant's circumstances raised concerns under Guideline F, 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**

Applicant is an employee of a Defense contractor. His SOR lists several delinquent debts. The ones that the Judge resolved adversely to Applicant were a Federal tax lien and a debt for reimbursement to a Federal agency for overpayment. Regarding the tax lien, which was filed in 2012, Applicant had a repayment plan but missed payments, resulting in the plan being voided. He stated that he notified the IRS that he had to make unexpected car repairs and that his mother had health problems. In his clearance interview, Applicant surmised that the tax lien could have resulted from taxes owed on a new car. The overpayment by the other agency resulted from Applicant's having worked overseas and having received additional pay. He continued to receive some of that additional pay after returning stateside. His requested for a waiver of reimbursement was denied. He did not corroborate his claim that he had paid \$6,000 on this debt.

In completing his SCA, Applicant did not disclose the tax lien or the underlying tax delinquency. He did not disclose other debts as well, including one resulting from a real estate foreclosure. Applicant may have been unaware of some of his debts, but at the time he completed his SCA Applicant knew that he had unpaid taxes and that he had not paid his mortgage. Applicant intentionally falsified his SCA.

### **The Judge's Analysis**

The Judge stated that Applicant had not demonstrated responsible action in regard to his debts, nor had he presented evidence of good-faith efforts to resolve them. He cited to a lack of corroboration for some of Applicant's claims as well as evidence regarding the extent and the age of Applicant's financial problems. The Judge concluded that none of the mitigating conditions applied to Applicant's false statements on the SCA.

### **Discussion**

Applicant's brief includes evidence not contained in the record. We cannot consider new evidence on appeal. Directive ¶ E3.1.29. Applicant challenges the Judge's finding of deliberate falsification. He states that he understands the requirements for holding a clearance and would never intentionally withhold information. Examining the decision in light of the record, however, we conclude that the challenged finding is supported by substantial evidence. *See, e.g.*, ISCR Case No. 15-01285 at 2-3 (App. Bd. Dec. 22, 2016). Applicant contends that his financial record does not support a conclusion that he is unable or unwilling to pay his debts. However, evidence that Applicant has had delinquent debts for several years, including one for Federal taxes, is sufficient to raise a concern under Guideline F that Applicant may be deficient in the reliability expected of

those with access to classified information. *See* Directive, Encl. 2, App. A ¶ 18. Applicant cites to his favorable evidence, such as his having held a clearance during his service with the other Government agency. 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). Despite Applicant’s arguments to the contrary, the Judge’s whole person analysis complies with the requirements of Directive ¶ 6.3, in that he considered the totality of the evidence in reaching his decision. *See, e.g.*, ISCR Case No. 14-06653 at 3 (App. Bd. Nov. 18, 2016).

The Judge examined the relevant evidence and articulated a satisfactory explanation for the decision, both as to the mitigating conditions and the whole-person factors. 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