

Applicant raised the following issue on appeal: 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

In early 2012, Applicant was fired from a job with a Defense contractor because he had presented fraudulent logs to the Government and because he did not do a majority of the work conveyed in the logs, which the employer characterized as "gross misconduct." Decision at 2. In his Answer to the SOR, Applicant admitted the misconduct but claimed that it was common among his co-workers to falsify the logs and then receive only a verbal warning. His state's Department of Labor upheld Applicant's firing. When interviewed by a clearance investigator, Applicant lied about his job termination, attributing it to a conflict between himself and a company official. He later confirmed under oath the accuracy of his interview summary that the investigator had prepared.

The Judge's Analysis

The Judge concluded that none of the mitigating conditions applied to Applicant's case. He characterized Applicant's on-the-job misconduct as extremely serious, stating that it could have affected national security. He also stated that Applicant had lied about his misconduct at least twice. He concluded that there is insufficient evidence that Applicant currently shows good judgment or is trustworthy.

Discussion

Applicant contends that the Judge did not extend appropriate weight to favorable evidence, for example his claim in the SOR Answer that others had committed similar infractions.¹ He also argues that the Judge should have extended more weight to Applicant's three years without subsequent offense. Applicant has not demonstrated that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. *See, e.g.*, ISCR Case No. 14-06686 at 2 (App. Bd. Apr. 27, 2016). 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."

¹Applicant did not submit a documentary response to the File of Relevant Material. Decision at 1.

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