



The Department of Defense (DoD) declined to grant Applicant a security clearance. On December 15, 2014, 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 September 6 2016, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Paul J. Mason 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 adverse decision was arbitrary, capricious, or contrary to law. Consistent with the following, we affirm.

### **The Judge’s Findings of Fact**

Applicant has worked for a Defense contractor since 2001 and has held a clearance since then. Her SOR lists numerous delinquent debts, such as student loans, a car loan, medical accounts, a debt to an on-line university, etc. Applicant did not provide documentation regarding the circumstances underlying her debts and/or her efforts to resolve them. Though Applicant provided no particular reason that she fell into debt, the Judge surmised that her problems likely resulted from a leave of absence from her job in late 2010. He found that Applicant’s information about her income, expenses, etc, did not appear to be correct, in that they contained computational errors. Applicant has never had financial counseling.

### **The Judges’ Analysis**

The Judge stated that Applicant had not demonstrated responsible action in regard to her debts. He stated that her only documented payments were a garnishment action for one of the debts and a single payment to a bank, despite Applicant’s continued employment since 2001. He stated that her having held a clearance for many years should have put her on notice of the importance that the Government attaches to financial responsibility. Indeed, Applicant’s clearance interview, conducted in 2011, addressed her delinquent debt, from which she should have recognized her duty to put her financial house in order.

### **Discussion**

Applicant’s brief includes evidence from outside the record, which we cannot consider. Directive ¶ E3.1.29. She cites to her various claims of debt payment and to other matters in the record. Applicant has not rebutted the presumption that the Judge considered all of the evidence in the record. *See, e.g.*, ISCR Case No. 15-02854 at 2 (App. Bd. Nov. 22, 2016). Neither has she shown 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). Applicant notes that her continued employed is contingent upon retention of her clearance. The Directive does not permit

us to consider the impact of an unfavorable decision. *See, e.g.*, ISCR Case No. 14-02619 at 3 (App. Bd. Apr. 7, 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.”

**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