

Consistent with the following, we affirm.

The Judge's Findings of Fact

Applicant, who is 45 years old, provides consulting services to DoD, and her annual income is about \$140,000. She has never been married and has three children. She said she spent about \$100,000 on child custody and support litigation over about six years. She pays about \$20,000 annually for her 13-year-old child's boarding school. She has a rental property that at times was not rented, but recently obtained a tenant resulting in a significant increase in her income.

The SOR alleges 15 delinquent debts totaling about \$17,000. In her response to the SOR, she admitted all of the allegations. Applicant paid three of the alleged debts (SOR ¶¶ 1.a, 1.d, and 1.l). She disputed the debt in SOR ¶ 1.o and provided documentation substantiating the dispute.

SOR ¶¶ 1.g, 1.i, 1.j, 1.k, 1.m, and 1.n are medical debts. After the hearing, Applicant said she would pay these medical debts, but only provided proof of payment of one medical debt (*i.e.*, the debt in SOR ¶ 1.d, discussed above).

SOR ¶ 1.b is a telecommunication debt for which she could not recall returning the equipment to the company. SOR ¶ 1.c is a debt to a law firm that she asked to stop representing her, but the firm continued to represent and bill her. She did not file a dispute of the law firm's debt with the credit reporting companies. SOR ¶ 1.e is a charged-off credit card debt in which the monthly minimum raised from \$10 to \$25 soon after she used the card, and she has refused to pay the balance. SOR ¶ 1.f is a collection account from a telecommunications company that she disputes, but did not provide any documentation showing the debt was resolved or disputed.

SOR ¶ 1.h is a collection account for \$9,816 that arose from a contract to build a deck near her house. Applicant claims the contractor dug four holes in the wrong place near her home's foundation that caused water issues, including the sinking of a preexisting patio. She said the cost to repair the damage would be \$20,000 to \$30,000. She did not provide a copy of the repair estimate. She offered to settle the debt for \$2,500 and the creditor made a counter-offer for \$5,000. After the hearing, she provided an \$2,500 estimate for the repairs that did not discuss what steps a reasonable owner could have taken to mitigate the damage. She did not present the original plans for the deck.

The Judge's Analysis

The Judge found for Applicant on the debts she resolved (SOR ¶ 1.a, 1.d, 1.l and 1.o) and against her on the remaining debts. Applicant presented important mitigating evidence, such as information about her child custody and support litigation as well as her unemployment and underemployment, but she neither provided specifics about how those circumstances over the past five years adversely affected her finances nor established that she acted responsibly under the circumstances. She may be relying on the absence of delinquent debt from her current credit report to mitigate security concerns, which is not meaningful evidence of debt resolution. While she

mitigated four of the alleged debts, she did not provide sufficient documentation showing payment or other good-faith attempts to resolve the other debts. There is insufficient assurance that her financial problems are being resolved, are under control, and will not recur in the future.

Discussion

In the appeal brief, Applicant states that the Judge “often misquotes or cites facts that are incorrect or backwards, indicating a confused decision that cannot be considered common sense.” A footnote at the end of that sentence refers to pages 4 and 8 of the decision. Appeal Brief at 5-6. An appealing party must state with sufficient specificity what it is about a Judge’s decision that he or she believes to be erroneous so as to enable reviewing authorities, such as the Appeal Board, to address the assignment of error. *See, e.g.*, ISCR Case No. 14-05920 at 3 (App. Bd. Jan. 8, 2016). Applicant’s appeal brief is deficient in that regard because it failed to specify exactly what facts were misquoted or incorrect. In particular, we are unable to discern which facts on pages 4 and 8 of the decision are being challenged.

We note the Judge erred in finding that Applicant admitted all of the allegations in her SOR response. She either denied or indicated that she was “unable to admit or deny” most of the SOR allegations.¹ However, this error was harmless because it likely had no affect on the outcome in this case. *See, e.g.*, ISCR Case No. 12-03420 at 3 (App. Bd. Jul. 25, 2014). In the decision, the Judge individually addressed each SOR allegation. In doing so, he noted when Applicant was disputing a particular debt and her reasons for the dispute. Consequently, the Judge was aware of Applicant’s position concerning each debt during his analysis of the evidence pertaining to that debt.

In the appeal brief, Applicant also states, “there are a number of references to ‘Personal Conduct’ allegations throughout Judge Harvey’s decision when Personal Conduct allegations were never alleged by the government.” Appeal Brief at 2-3. Our review of the decision reveals one reference to “personal conduct.” In the last paragraph of his whole-person analysis, the Judge stated, “I conclude that personal conduct security concerns are mitigated; however, financial considerations security concerns are not mitigated.” This reference to “personal conduct” is an error because, as Applicant correctly noted, there were no personal conduct (Guideline E) allegations in the SOR. However, this error was harmless because its own wording shows it likely had no impact on the decision in this case. *Id.*

Applicant further argues that the Judge did not weigh and consider all relevant evidence. She cites to such things as the financial burden of her past custody disputes and her efforts to resolve her debts. However, the Judge made findings about those matters. She also claims that the Judge did not discuss many of the SOR allegations (Appeal Brief at 12). Applicant’s arguments are neither sufficient to rebut the presumption that the Judge considered all of the evidence in the record nor are they enough to show that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. *See, e.g.*, ISCR Case No. 14-03747 at 3 (App. Bd. Nov. 13, 2015). We give due consideration to the Hearing Office case that Applicant has cited, but it is neither

¹ In a post-hearing submission, Applicant changed her responses from “unable to admit or deny” concerning a number of the medical debts to admissions. *See*, AE P at 8-9. She continued to deny other debts.

binding precedent on the Appeal Board nor sufficient to undermine the Judge's decision. *Id.* Additionally, the Judge complied with the requirements of the Directive in his whole-persons analysis by considering the totality of the evidence in reaching his decision.

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 Y. Ra'anan
Michael Y. 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