

KEYWORD: Guideline F

DIGEST: Applicant's brief includes documents that post-date the Judge's decision. We cannot consider new evidence on appeal. Directive ¶ E3.1.29. Applicant reiterates some of the information that he had provided earlier, as in his Response to the SOR, in which he claims that he is resolving his large debt and denies owing the others. The Judge discussed information that Applicant submitted during the course of his clearance adjudication. Applicant's has not shown that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. Adverse decision affirmed.

CASENO: 15-04225.a1

DATE: 02/17/2017

DATE: February 17, 2017

In Re: ----- Applicant for Security Clearance)))))))	ISCR Case No. 15-04225
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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 4, 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 decision on the written record. On November 4, 2016, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Martin H. Mogul 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 weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. Consistent with the following, we affirm.

The Judge’s Findings of Fact

Applicant’s SOR lists five delinquent debts. One, for over \$23,000, is owed to the Department of Education. Applicant signed a rehabilitation agreement promising to make nine monthly payments of \$212. Applicant provided a document showing three payments of \$50. Applicant’s evidence does not support his contention that he has begun the process of resolving this debt. Other debts consist of a \$13,000 collection account, two charged-off accounts of about \$5,000 each, and a \$116 medical debt. Applicant denied owing these debts, except for the medical one, which he did not address in his Response to the SOR. He sent dispute forms to the creditor holding the two charge-off accounts, although his credit reports establish that he owes them.

The Judge’s Analysis

The Judge concluded that none of the mitigating conditions were entitled to full application. He stated that Applicant had presented no evidence to show that he had initiated good-faith efforts to resolve his debts, nor had he shown that his financial situation is stable.

Discussion

Applicant’s brief includes documents that post-date the Judge’s decision. We cannot consider new evidence on appeal. Directive ¶ E3.1.29. Applicant reiterates some of the information that he had provided earlier, as in his Response to the SOR, in which he claims that he is resolving his large debt and denies owing the others. The Judge discussed information that Applicant submitted during the course of his clearance adjudication. Applicant’s brief is not sufficient to show that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law.

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