

KEYWORD: Guideline F

DIGEST: It is well established that an applicant’s delinquent debts can raise security concerns. While an absence of prior security violations is a matter that a Judge should consider, along with all the other evidence in the record, it does not preclude a Judge from concluding that an applicant’s circumstances present security concerns that the applicant failed to mitigate. The Government does not have to wait until an applicant has compromised or mishandled classified information before it can deny the applicant a clearance. Even individuals with good prior records can encounter circumstances in which their judgment and reliability might be compromised. Adverse decision affirmed.

CASENO: 15-04415.a1

DATE: 03/16/2018

DATE: March 16, 2018

In Re: ----- Applicant for Security Clearance)))))))	ISCR Case No. 15-04415
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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 February 28, 2016, 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 17, 2017, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Matthew E. Malone denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

The Judge’s Findings and Conclusions

The SOR alleged that Applicant owed 19 delinquent debts totaling about \$30,000. All of the allegations are supported by credit reports and disclosures he made in his security clearance applications and a background interview. He did not provide any documentation that he paid, or that he is paying, any of the alleged debts. Applicant did not mitigate the Government’s security concerns.

Discussion

In his appeal brief, Applicant stated that he has a record of being a solid citizen, including service in the military for 11 years; that his financial situation is improving; and that he qualified for a Veterans Affairs loan to purchase a home and for disability payments. He argues the Judge’s conclusion that he is a security risk is not based on sound evidence. This argument amounts to a disagreement with the Judge’s weighing of the evidence, which is not sufficient to show that the Judge weighed the evidence in a manner that is arbitrary, capricious, and contrary to law. *See, e.g.*, ISCR Case No. 14-06440 at 4 (App. Bd. Jan. 8, 2016).

Applicant also argues there is nothing in his record to indicate that he is a security risk. It is well established that an applicant’s delinquent debts can raise security concerns. Guideline F states that “[f]ailure to live within one’s means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual’s reliability, trustworthiness, and ability to protect classified or sensitive information” and “[a]n individual who is overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds.”¹ While an absence of prior security violations is a matter that a Judge should consider, along with all the other evidence in the record, it does not preclude a Judge from concluding that an applicant’s circumstances present security concerns that the applicant failed to mitigate. The Government does not have to wait until an applicant has compromised or mishandled classified information before it can deny the applicant a clearance. Even individuals with good prior records can encounter circumstances in which their judgment and reliability might be compromised. *See, e.g.*, ISCR Case No. 14-14648 at 3 (App. Bd. Sep. 9, 2015); *Adams v. Laird*, 420 F. 2d 230, 238-239 (D. C. Cir. 1969), *cert. denied*, 397 U.S. 1039 (1970).

¹ Directive, Encl. 2, App A ¶ 18.

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, 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: William S. Fields
William S. Fields
Administrative Judge
Member, Appeal Board

Signed: James F. Duffy
James F. Duffy
Administrative Judge
Member, Appeal Board