

KEYWORD: Guideline F

DIGEST: Applicant contends that the Judge did not investigate whether child support payments were being taken from of his weekly income. The Directive does not authorize a Judge to act as an investigator for either party. Adverse decision affirmed.

CASENO: 16-01373.a1

DATE: 03/09/2018

DATE: March 09, 2018

In Re:

Applicant for Security Clearance

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) ISCR Case No. 16-01373
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)
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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 September 30, 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 21, 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 SOR alleged that Applicant had six delinquent debts totaling about \$11,400. Applicant disputed two alleged telecommunications debts, one for less than \$100 and the other for about \$1,300, but provided no documentation of those disputes. He admitted the other alleged debts, including two child support accounts placed for collection. He provided a printout record showing child support payments from November 2016 to January 2017. The child support accounts were opened in 1996 and 1999 and have been delinquent since 2013. “He also suffered a stroke during a prolonged period of unemployment. Applicant did not provide information about the financial impacts of his medical problem or about his efforts to address his debts.” Decision at 3.

In his appeal brief, Applicant contends that he is paying his child support obligation as well as his other bills. He also provided a pay stub for December 2017 that shows he has two attachments from his pay, presumably for the child support payments. The pay stub constitutes new evidence that the Appeal Board may not consider. Directive ¶ E3.1.1.29. He also contends that the Judge did not investigate whether child support payments were being taken from of his weekly income. The Directive does not authorize a Judge to act as an investigator for either party. *See, e.g.*, ISCR Case No. 11-06659 at 5 (App. Bd. Oct. 22, 2012). Applicant’s appeal brief fails to establish the Judge committed any harmful error.

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