

KEYWORD: Guideline F

DIGEST: The Appeal Board has previously held it is reasonable for a Judge to expect applicants to present documentation about the resolution of specific debts. Adverse decision affirmed.

CASENO: 16-01679.a1

DATE: 03/08/2018

DATE: March 08, 2018

In Re:)	
)	
-----)	ISCR Case No. 16-01679
)	
Applicant for Security Clearance)	

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 June 8, 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 December 7, 2017, after considering the record, Defense Office of

Hearings and Appeals (DOHA) Administrative Judge Wilford H. Ross 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 26 delinquent debts. In her response to the SOR, Applicant stated certain debts were paid in full and other debts were in payment arrangements. She also denied some debts. However, she provided no documents to support her claims. She was later sent Department Counsel's File of Relevant Material (FORM) and was given the opportunity to make objections and submit additional information.¹ She did not submit a response to the FORM. In the decision, the Judge indicated that all of the alleged debts were established by credit reports in the record or by Applicant's admissions. In his analysis, the Judge noted that Applicant provided no documentary evidence of payments to alleged creditors or of debt disputes. The Judge found in favor of Applicant on some allegations and against her on others.

In her appeal brief, Applicant claims the Judge erred in making findings that she was delinquent on a student loan and that she did not seek financial counseling. She also claims some debts were paid, removed, disputed, or in payment arrangements. The Appeal Board has previously held it is reasonable for a Judge to expect applicants to present documentation about the resolution of specific debts. *See, e.g.*, ISCR Case No. 15-03363 at 2 (App. Bd. Oct. 19, 2016). In this case, Applicant has failed to identify any document in the record that supports her claims on appeal. Based upon our review, the Judge's material findings "are supported by such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of all the contrary evidence in the same record." *See*, Directive ¶ E3.1.32.1.

Applicant has failed to establish the Judge committed 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."

¹ In the FORM, Department Counsel amended the SOR by withdrawing six SOR allegations, changing the amount of one alleged debt, and adding sixteen new allegations. The Judge treated the amendment as a motion to amend the SOR, and he granted the portion withdrawing the six SOR allegations but denied the portions seeking to change the amount of a debt and to add new allegations. Neither Department Counsel's amendment to the SOR nor the Judge's treatment of it have been raised as an issue on appeal.

Order

The Decision is **AFFIRMED**.

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

Signed: Charles C. Hale _____
Charles C. Hale
Administrative Judge
Member, Appeal Board

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