

KEYWORD: Guideline F

DIGEST: Much of Applicant's appeal brief consists of information that was not presented to the Judge for consideration. Based on that information, Applicant makes various arguments, including that some of her debts have been resolved or removed from her credit reports. However, such information presented for the first time on appeal constitutes new evidence that the Appeal Board is prohibited from considering. Adverse decision affirmed.

CASENO: 16-01869.a1

DATE: 01/16/2018

DATE: January 16, 2018

In Re:)	
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Applicant for Security Clearance)	ISCR Case No. 16-01869

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 3, 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 October 23, 2017, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Gina L. Marine 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’s unfavorable decision was arbitrary, capricious, or contrary to law. Consistent with the following, we affirm.

The SOR alleged 17 delinquent debts totaling about \$10,800. The Judge found in favor of Applicant on some debts and against her on others.

Much of Applicant’s appeal brief consists of information that was not previously presented to the Judge for consideration. This includes a narrative statement, character reference letter, credit reports, documents from creditors, and other matters. Based on that information, Applicant makes various arguments, including that some of her debts have been resolved or removed from her credit reports. However, such information presented for the first time on appeal constitutes new evidence that the Appeal Board is prohibited from considering. Directive ¶ E3.1.29.

In her appeal brief, Applicant claims that she provided documentation to the Judge in her response to the SOR showing alleged medical debts were resolved. She did provide a document from one of her creditors showing a medical debt (SOR ¶ 1.q) was resolved, and the Judge found in favor of her on that debt. For other medical debts, she made representations that debts were paid, a payment arrangement was established, or the creditor could not locate a debt. She, however, did not provide documentation corroborating those claims; specifically, she provided no proof that she paid certain debts or made payments under the payment arrangement. The Appeal Board has previously stated that it is reasonable for a Judge to expect applicants to present documentation showing the resolution of individual debts. *See, e.g.*, ISCR Case No. 07-10310 at 2 (App. Bd. Jul. 30, 2008). We find no error in the Judge’s findings regarding the medical debts.

The balance of Applicant’s arguments amount 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 has not established that 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.”

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