KEYWORD: Guideline F

DIGEST: It is reasonable for a Judge to expect applicants to present documentation supporting their claims about the status of alleged financial problems. Adverse decision affirmed.

CASENO: 16-01932.a1

DATE: 08/30/2018

DATE: August 30, 2018

In Re:	)	
	)	
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	)	
	)	
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 September 12, 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 hearing. On June 18, 2018, after the hearing, Administrative Judge David M. White 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 a Federal tax lien filed against her in 2015 for about $235,000; had two delinquent Federal student loans totaling about $58,000; had two delinquent credit card accounts; and incurred about $5,000 in charges on a credit card account that she fraudulently opened in her former father-in-law's name. The Judge found against Applicant on the tax lien, two student loans, and one of the two delinquent credit card accounts and found for her on the remaining SOR allegations.

In her appeal brief, Applicant asserts that she did not have all the information she needed at the hearing to address the SOR allegations and she incorrectly answered the Judge's question that asked whether she would lose her job if her security clearance was not granted. These matters are not a basis for granting Applicant any relief because they do not allege the Judge committed harmful error. Directive ¶¶ E3.1.32.1 through E3.1.32.3

Applicant contends that her student loans are current and will remain so until they are finally paid. In the decision, the Judge noted that Applicant testified her student loans were in forbearance until 2018. However, in concluding the student loans remained unresolved, the Judge stated no documentary evidence was submitted supporting Applicant's claim that those loans were no longer in default. It is reasonable for a Judge to expect applicants to present documentation supporting their claims about the status of alleged financial problems. *See, e.g.*, ISCR Case No. 15-03363 at 2 (App. Bd. Oct. 19, 2016). After reviewing the record, the Board concludes that the Judge's material findings about the student loans are based on substantial evidence or constitute reasonable characterization or inferences that could be drawn from the evidence. *Id*.

The balance of Applicant's arguments amount to a disagreement with the Judge's weighing of the evidence. For example, she states that she has complied with her obligations in an IRS agreement to resolve the tax lien but her ex-husband has failed to uphold his part of the deal. The Judge made findings about Applicant's efforts to the resolve the tax lien, but also noted she offered no evidence of the IRS agreement, of seeking recourse against her ex-husband, or of the IRS not holding her responsible for this marital debt. Applicant also asserts that she is an upstanding citizen, valued worker, and would never betray the trust and confidence placed in her to protect classified or sensitive information. Her arguments, however, are not sufficient to show that the Judge weighed the evidence in a manner that is arbitrary, capricious, or contrary to law. *See, e.g.*, ISCR Case No. 14-06440 at 4 (App. Bd. Jan. 8, 2016).

Applicant has not identified any harmful error in the Judge's decision. 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: Charles C. Hale
Charles C. Hale
Administrative Judge
Member, Appeal Board

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