

KEYWORD: Guideline E; Guideline F

DIGEST: The Directive provides that an applicant whose security clearance has been finally denied or revoked by DOHA is barred from reapplication for one year from the date of the initial unfavorable clearance decision. Adverse decision affirmed.

CASENO: 16-02523.a1

DATE: 09/27/2018

DATE: September 27, 2018

In Re:)	
)	
-----)	ISCR Case No. 16-02523
)	
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 19, 2016, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline F (Financial Considerations) and Guideline E (Personal Conduct) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Department Counsel requested a hearing. On July 31, 2018, after the hearing, Administrative Judge John Grattan Metz, Jr., 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 adverse decision was arbitrary, capricious, or contrary to law. The Judge’s favorable finding under Guideline E has not been raised as an issue on appeal. Consistent with the following, we affirm.

The Judge’s Findings of Fact and Analysis

At the hearing, Department Counsel withdrew two SOR allegations. Excluding the withdrawn allegations, the SOR alleged that Applicant had 15 delinquent debts. He admitted 14 of those debts totaling more than \$57,000. Applicant attributed his financial problems to the termination of his long-term relationship with a co-habitant in about 2010. Since submitting his security clearance application in 2015, Applicant paid eight debts, resolved his child support arrearage, and established a payment plan for another debt. However, he took no meaningful action on the three largest debts from a single creditor or on two smaller debts. He did not describe any concrete plans for addressing those unresolved debts. The security concern arising from the five debts that he has not addressed are not mitigated.

Discussion

In his appeal, Applicant contends that he provided receipts showing he satisfied a majority of the debts and he explained his plan to address the largest unresolved debts. He also states that he has met his child support obligations, that he is responsible for his elderly parents, and that he was advised to file bankruptcy but was not financially able to do so. His arguments are neither enough to rebut the presumption that the Judge considered all of the evidence in the record nor sufficient to show the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. *See, e.g.*, ISCR Case No. 14-01284 at 3 (App. Bd. Apr. 6, 2015).

Applicant also asks that his case be reconsidered and he be given an opportunity to submit another security clearance application. We do not have authority to grant that request. The Directive provides that an applicant whose security clearance has been finally denied or revoked by DOHA is barred from reapplication for one year from the date of the initial unfavorable clearance decision. *See* Directive ¶ E3.1.37.

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