

The Department of Defense (DoD) declined to grant Applicant a security clearance. On November 18, 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). Applicant requested a decision on the written record. On October 18, 2017, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Robert Tuider 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 findings under Guideline E are not at issue in this appeal. Consistent with the following, we affirm.

The Judge’s Findings of Fact and Analysis

The Judge made the following findings pertinent to the issue raised on appeal: A high school graduate, Applicant attended college part-time but did not receive a degree. He divorced his wife in 2010 and pays her a little over \$500 each month in child support. He retired from the U.S. military in 2006.

Applicant’s SOR lists several delinquent debts. The Judge found that two of them were resolved. For the remainder, however, which totaled nearly \$21,000, he found that they had not been addressed. Applicant attributed his financial difficulties to “a horrible divorce which at times left [him] battling to pay off overdue bills” and to four periods of unemployment. Decision at 3.

The Judge noted that Applicant has been gainfully employed for most of his adult life. However, he found that Applicant had not presented sufficient evidence of debt resolution and that the record as it stands does not show that Applicant is suitable for a security clearance.

Discussion

Applicant cites to evidence that he believes is favorable to his effort to obtain a favorable result, such as his divorce and the effect it had on his finances. Among other things, he states that one of the SOR debts was a loan in his wife’s name. The Judge found, however, that Applicant had admitted, with explanations, each of the SOR allegations. We also note that, in his clearance interview, Applicant stated that all of his accounts were in his name. Item 3, Clearance Interview, at 5.¹ Applicant has not demonstrated that the Judge’s findings contain material errors. *See* Directive ¶ E3.1.32.1 for the standard we apply in evaluating a Judge’s factual findings. Neither has he shown that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary

¹Applicant submitted a copy of an automobile loan in his wife’s name for which he was a co-signer. The loan number corresponds to that of the allegation that Applicant discussed in his brief. Promissory Note, dated September 10, 2004, included in Applicant’s response to the File of Relevant Material.

to law, nor has he rebutted the presumption that the Judge considered all of the evidence in the record. *See, e.g.*, ISCR Case No. 16-03219 at 2 (App. Bd. Nov.15, 2017).

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: James E. Moody
James E. Moody
Administrative Judge
Member, Appeal Board

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