

KEYWORD: Guideline F

DIGEST: Applicant has been telling the Government since 2005, for at least twelve years, that he was working to resolve his indebtedness. Over the years, he obviously did little to nothing towards his delinquent debts. Applicant has not submitted any compelling evidence that he has established a meaningful track record of repayment, or that he had a basis to dispute the legitimacy of any of his delinquent debts. Adverse decision affirmed.

CASENO: 16-03994.a1

DATE: 04/27/2018

DATE: April 27, 2018

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In Re: )	
)	
----- )	ISCR Case No. 16-03994
)	
)	
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 January 10, 2017, 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 February 20, 2018, after considering the record, Administrative Judge Darlene D. Lokey Anderson 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 18 delinquent debts totaling about \$10,000. In his response to the SOR, Applicant admitted each debt. In her analysis, the Judge stated:

Applicant has been telling the Government since 2005, for at least twelve years, that he was working to resolve his indebtedness. Over the years, he obviously did little to nothing towards his delinquent debts. In response to the FORM [File of Relevant Material] dated June 2017, Applicant submitted a letter and a Statement of Payment and Records, showing that he has finally hired a debt resolution company to assist him in resolving this indebtedness. It also shows that many of the creditors listed in the SOR are included in the repayment plan. However, it also shows that Applicant recently started the program, as the debt amounts still remain close to what was originally owed. At this point, Applicant has not submitted any compelling evidence that he has established a meaningful track record of repayment, or that he had a basis to dispute the legitimacy of any of his delinquent debts.<sup>1</sup>

In his appeal brief, Applicant does not challenge any of the Judge’s material findings or conclusions. In fact, he stated that he does “not question the previous judgment[.]” Appeal Brief at 1. He asks that his case be reconsidered and highlights his efforts to resolve his debts, including his making payments under the debt repayment plan. To the extent that he is arguing that the Judge mis-weighed the evidence, his arguments are not sufficient to show that the Judge weighed the evidence in a manner that was 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.”

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<sup>1</sup> Decision at 7.

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