

KEYWORD: Guideline F

DIGEST: Applicant’s appeal brief raises no allegation of harmful error on the part of the Judge. Adverse decision affirmed.

CASENO: 17-00192.a1

DATE: 09/21/2018

DATE: September 21, 2018

In Re:

Applicant for Security Clearance

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) ISCR Case No. 17-00192
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)
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)

APPEAL BOARD DECISION

APPEARANCES

FOR GOVERNMENT

James B. Norman, Esq., Chief Department Counsel

FOR APPLICANT

James Lombardo, Personal Representative

The Department of Defense (DoD) declined to grant Applicant a security clearance. On February 21, 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). On April 27, 2017, the Defense Office of Hearings and Appeals (DOHA) amended the SOR to add additional allegations under Guideline F. Department Counsel requested a hearing. On July 26, 2018, after the hearing, DOHA Administrative Judge Wilford H. Ross denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant’s appeal brief raises no allegation of harmful error on the part of the Judge. Rather, it contains statements about the status of the debts, including that creditors have failed to validate debts, issued Forms 1099-C (Cancellation of Debt), or refused payment due to the expiration of the statute of limitations. However, even if debts have been paid, removed, or rendered uncollectable by operations of law, a Judge may still consider the underlying circumstances of an applicant’s financial difficulties in evaluating whether the has demonstrated good judgment and reliability. *See, e.g.*, ISCR Case No. 16-02246 at 2 (App. Bd. Dec. 8, 2017). In this case, the Judge’s finding that Applicant had simply stopped paying his debts, and his comments about a paucity of evidence of debt resolution, support his overall adverse conclusion.

The Board does not review cases *de novo*. The Appeal Board’s authority to review a case is limited to cases in which the appealing party has alleged the Judge committed harmful error. Because Applicant has not made such an allegation of error, the decision of the Judge denying Applicant a security clearance is sustainable.

Order

The Decision is **Affirmed**.

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

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

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