

KEYWORD: Guideline F

DIGEST: In her appeal brief, Applicant contends that she is making payments on the debt management program which began after she submitted her response to the FORM and provided proof of payments toward the debt management program. The proof of those payments constitute new evidence that the Appeal Board may not consider. She also indicated that maintaining a security clearance is important to achieving her career goals. The Directive does not allow us to consider the impact of an unfavorable decision. Adverse decision affirmed.

CASENO: 17-01492.a1

DATE: 04/30/2018

DATE: April 30, 2018

In Re:	)	
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Applicant for Security Clearance	)	ISCR Case No. 17-01492

**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 May 26, 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 28, 2018, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Gregg A. Cervi 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 19 delinquent debts totaling about \$15,000. These included student loans, credit cards, and medical accounts. With the exception of two debts that she was unable to identify, Applicant admitted the SOR debts. Periods of unemployment and medical problems contributed to her financial delinquencies. In responding to Department Counsel’s File of Relevant Material (FORM), she provided proof of payments on two SOR debts. In August 2017, she initiated a debt management program, but provided no proof of payments towards that program. The Judge determined that there was insufficient evidence to establish that Applicant had the ability to meet her current financial obligations or show that she took responsible action to resolve her debts. The Judge concluded no mitigating condition was fully applicable.

In her appeal brief, Applicant contends that she is making payments on the debt management program. She noted that those payments did not begin until after she submitted her response to the FORM and provided proof of payments toward the debt management program. The proof of those payments constitute new evidence that the Appeal Board may not consider. Directive ¶ E3.1.1.29.<sup>1</sup> She also indicated that maintaining a security clearance is important to achieving her career goals. The Directive does not allow us to consider the impact of an unfavorable decision. *See, e.g.*, ISCR Case No. 14-04202 at 4 (App. Bd. Dec. 24, 2015). Applicant’s appeal brief fails to establish the Judge committed any harmful error.

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> To the extent that Applicant contends that she was denied the opportunity to present evidence, our review of the record shows that she was neither denied the opportunity to present evidence nor misled about her chance to do so. *See, e.g.*, ISCR Case No. 16-02941 at 3 (App. Bd. Dec. 29, 2017).

**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