

KEYWORD: Guideline F

DIGEST: Applicant does not challenge any of the Judge’s material findings or conclusions. Rather, she provides a narrative statement explaining the reasons for her financial problems and discussing her efforts to resolve them. To the extent that she is arguing that the Judge misweighed the evidence, her arguments are not sufficient to show that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. Adverse decision affirmed.

CASENO: 17-01659.a1

DATE: 04/24/2018

DATE: April 24, 2018

In Re:	)	
	)	
-----	)	ISCR Case No. 17-01659
	)	
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 May 30, 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 January 26, 2018, after considering the record, Administrative Judge Robert J. Kilmartin 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 ten delinquent student loans and four other delinquent debts. In her response to the SOR, Applicant admitted the student loan allegations totaling over \$119,000. The Judge found against Applicant on the student loans and one other small debt. He found in favor of Applicant on the remaining three allegations. The Judge noted that Applicant had entered into a repayment agreement for her student loans in July 2017, which was about a month and a half after the issuance of the SOR. In his analysis, the Judge concluded that Applicant produced no documentation to convince him that she was making consistent payments on the delinquent student loans. He also indicated that he could not conclude that she acted responsibly under the circumstances, that her financial problems were under control, or that such problems were unlikely to recur.

In her appeal brief, Applicant does not challenge any of the Judge’s material findings or conclusions. Rather, she provides a narrative statement explaining the reasons for her financial problems and discussing her efforts to resolve them. To the extent that she is arguing that the Judge mis-weighed the evidence, her 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 also attached documents to her brief that post-date the Judge’s decision. Those documents are not part of the record and constitute new evidence that the Board may not consider. *See* Directive ¶ E3.1.29.

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