

KEYWORD: Guideline E

DIGEST: Applicant contends that he did not provide Company B with the same resume that he used to obtain employment with Company A. As noted above, Applicant admitted in his SOR response that he used the falsified resume he had purchased from a third party to apply for and obtain employment with Company B. The Judge’s material findings regarding Applicant’s use of the falsified resume to obtain employment with Company B are based on substantial evidence or constitute reasonable inferences that could be drawn from the record evidence. Adverse decision affirmed.

CASENO: 17-01821.a1

DATE: 04/20/2018

DATE: April 20, 2018

)	
In Re:)	
-----)	ISCR Case No. 17-01821
)	
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 June 15, 2017, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under 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 January 31, 2018, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Roger C. Wesley 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 paid a third party \$1,000 in 2014 to falsify a resume for him that contained erroneous certifications; that he paid that third party \$1,000 in 2014 to act as him during the hiring process with Company A, which hired him; and that he used the false resume in 2014 to obtain employment with Company B, which, upon learning of the false resume and lack of certifications, fired him in 2015. In his response to the SOR, Applicant admitted each of the SOR allegations without providing any explanations for his conduct. In August 2017, he received Department Counsel’s File of Relevant Material (FORM) and was given 30 days to file objections and submit additional information. He did not submit a response to the FORM.

In his appeal brief, Applicant contends that he did not provide Company B with the same resume that he used to obtain employment with Company A. As noted above, Applicant admitted in his SOR response that he used the falsified resume he had purchased from the third party to apply for and obtain employment with Company B.¹ The Judge’s material findings regarding Applicant’s use of the falsified resume to obtain employment with Company B are based on substantial evidence or constitute reasonable inferences that could be drawn from the record evidence. *See, e.g.*, ISCR Case No. 12-03420 at 3 (App. Bd. Jul. 25, 2014).

Applicant also contends some dates and job titles are not accurate. In the decision, the Judge did not use the job titles that Applicant has referenced in his brief. Because we are unable to determine with any degree of certitude exactly what error Applicant is raising regarding the dates and titles, these assignments of error fail for lack of specificity. *See, e.g.*, ISCR Case No. 14-05920 at 3 (App. Bd. Jan. 8, 2016).

Applicant has not cited to any error likely to affect the outcome of the case. 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.”

¹ In his background interview, Applicant reportedly stated that he accidentally submitted the resume created by the third party when he applied for the job with Company B. Item 5 of the FORM.

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