

The Department of Defense (DoD) declined to grant Applicant a security clearance. On September 7, 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 hearing. On May 15, 2018, after the hearing, Administrative Judge LeRoy F. Foreman denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant, who is 32 years old, has been working for his current employer since late 2015. After serving in the military for about eight years, he was involuntarily discharged for failure to meet physical fitness standards. He received about \$14,000 in severance pay and was then unemployed for about 13 months. His wife is employed and their combined monthly income is between \$3,500 to \$4,000. Applicant’s wife and son have suffered medical problems that have resulted in treatment expenses. He is pursuing an associate’s degree and, when in school, receives a monthly GI Bill housing stipend of about \$1,200.

The SOR alleged that Applicant has 21 delinquent debts totaling about \$40,000. These debts are reflected on credit reports from 2016 and 2017. The Judge found in favor of Applicant on two Federal debts that were satisfied through the withholding of his tax refunds. The Judge found against Applicant on the remaining debts, noting that Applicant had not contacted many of the creditors or taken other significant steps to resolve the debts. After the issuance of the SOR, Applicant hired an attorney to file Chapter 7 bankruptcy. The attorney will not file the bankruptcy petition until her fee is paid. Applicant hopes to pay the fee within two months.

Applicant’s brief includes matters that are not contained in the record. We cannot consider new evidence on appeal. Directive ¶ E3.1.29.

In the appeal brief, Applicant claims “there is factual/legal error” involving two specific debts. Appeal Brief at 1. Because one of those is a Federal tax debt for which the Judge found in favor of Applicant, we need not address that assignment of error. The other debt is a \$430 cable-service debt. In his findings, the Judge noted that Applicant denied the cable-service debt, reestablished an account with the provider after a move, is current with the provider, but did not contact the provider to inquire about or dispute the debt. Even if the Judge may have erred in his findings and conclusions about the cable-service debt, it was harmless error because it did not likely affect the outcome of the case. *See, e.g.*, ISCR Case No. 11-15184 at 3 (App. Bd. Jul. 25, 2013).

Applicant also challenges the Judge’s finding that he did not receive financial counseling. He contends that financial counseling is mandatory to file bankruptcy. However, we find no reason to disturb the Judge’s finding about financial counseling. By the close of the record, Applicant had not established that he filed bankruptcy.

The balance of Applicant’s arguments amount to a disagreement with the Judge’s weighing of the evidence, which is not sufficient to show that the Judge weighed the evidence in a manner that is arbitrary, capricious, or contrary to law. *See, e.g.*, ISCR Case No. 14-06440 at 4 (App. Bd. Jan. 8, 2016). Applicant also request an extension to present further evidence. We have no authority to

grant Applicant a continuance to develop additional favorable evidence. *See, e.g.*, ISCR Case No. 14-00151 at 3 (App. Bd. Sep. 12, 2014).

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