

KEYWORD: Guideline F

DIGEST: Applicant contends that his financial problems do not raise a security concern because they originated several years in the past. However, unresolved debts are a continuing course of conduct. Adverse decision affirmed.

CASENO: 17-03146.a1

DATE: 07/31/2018

DATE: July 31, 2018

)	
In Re:)	
-----)	ISCR Case No. 17-03146
)	
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 September 29, 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).¹ Applicant requested a decision on the written record. On March 14, 2018, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Carol G. Ricciardello denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant raised the following issue on appeal: whether the Judge’s adverse decision was arbitrary, capricious, or contrary to law. Consistent with the following, we affirm.

The Judge’s Findings of Fact and Analysis

Applicant served in the military from 1984 until his honorable discharge in 1988. He was self-employed from 2014 until 2016, when he began working for a Federal contractor. He advised that he put a lot of time and money into his effort to start up a business, but his promised funding did not materialize. Applicant’s SOR contains numerous delinquent debts, including a home foreclosure, a utility bill, and two state tax liens. Although the Judge cited to Applicant’s claims either that the debts were not owed, were less than the amounts alleged, or were resolved, she found that he had not provided documentary corroboration.

The Judge noted that Applicant’s business failure affected his debts. However, she concluded that he had not demonstrated responsible action in regard to his debts. She stated that he has not provided sufficient information that he is resolving his debts, nor did he provide evidence in support of his claim that several of the alleged debts are in fact not owed. The Judge acknowledged Applicant’s status as a veteran but reiterated her conclusion that he had not submitted sufficient evidence that he is resolving his financial problems.

Discussion

Applicant’s brief includes matters from outside the record, including documents that post-date the Decision. We cannot consider new evidence on appeal. Directive ¶ E3.1.29. Applicant contends that his financial problems do not raise a security concern because they originated several years in the past. However, unresolved debts are a continuing course of conduct. *See, e.g.*, ISCR Case No. 15-08779 at 3 (App. Bd. Nov. 3, 2017). Debts that have remained unresolved over a course of years can properly be characterized as a history of delinquent debt sufficient to raise concerns under Guideline F. *See, e.g.*, ISCR Case No. 14-04435 at 4 (App. Bd. Mar. 13, 2017). We find no reason to disturb the Judge’s conclusion that Applicant’s financial problems raise a security concern. The balance of Applicant’s appeal is, in effect, a challenge to the Judge’s weighing of the evidence. Applicant’s arguments are not enough to show that the Judge weighed

¹In the File of Relevant Material (FORM), Department Counsel amended the SOR to include a state tax lien in addition to one already contained in the SOR.

the evidence in a manner that was arbitrary, capricious, or contrary to law. *See, e.g.*, ISCR Case No. 17-01181 at 4 (App. Bd. Apr. 30, 2018).

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

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