

KEYWORD: Guideline F

DIGEST: Applicant’s appeal brief contains documents and assertions that are not included in the record. The Appeal Board is prohibited from considering new evidence on appeal. He also cites to the effect that a clearance denial will have on him and his company. The Directive does not permit us to consider the impact of an unfavorable decision. Adverse decision affirmed.

CASENO: 17-04350.a1

DATE: 11/29/2018

DATE: November 29, 2018

In Re:  -----  Applicant for Security Clearance	) ) ) ) ) ) )	ISCR Case No. 17-04350
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**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 February 15, 2018, 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 September 25, 2018, after considering the record, Administrative Judge Philip J. Katauskas 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 four delinquent debts totaling about \$146,000. He admitted those allegations. He stated that he was adhering to a good-faith effort to repay a charged-off debt of over \$40,000, but provided no corroborating documentation. For a student loan in collection for over \$10,000, he provided one document showing a first payment of \$10. The Judge found against Applicant on those two debts because he failed to provide sufficient documentation showing they were being resolved and found in favor of him on the remaining two debts.

Applicant’s appeal brief contains documents and assertions that are not included in the record. The Appeal Board is prohibited from considering new evidence on appeal. Directive ¶ E3.1.29. Applicant does not challenge any of the Judge’s findings of fact. His other arguments are not sufficient to show that the Judge’s rulings or conclusions were arbitrary, capricious, or contrary to law. Directive E3.1.32.3. He also cites to the effect that a clearance denial will have on him and his company. The Directive does not permit 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 has failed to establish that 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.”

### **Order**

The Decision is **AFFIRMED**.

Signed: Michael Ra’anan  
Michael Ra’anan  
Administrative Judge  
Chairperson, Appeal Board

Signed: James F. Duffy  
James F. Duffy  
Administrative Judge  
Member, Appeal Board

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