

KEYWORD: Guideline F

DIGEST: The Judge made sustainable findings that Applicant had been discharged in bankruptcy in 2001 but afterward ran up further significant debt. Adverse decision affirmed.

CASENO: 05-12836.a1

DATE: 09/18/2007

DATE: September 18, 2007

In Re:  -----  Applicant for Security Clearance	) ) ) ) ) ) )	ISCR Case No. 05-12836
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**APPEAL BOARD DECISION**

**APPEARANCES**

**FOR GOVERNMENT**

James B. Norman, Esq., Chief Department Counsel

**FOR APPLICANT**

*Pro Se*

The Defense Office of Hearings and Appeals (DOHA) declined to grant Applicant a security clearance. On February 28, 2006, DOHA issued a statement of reasons 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 March 19, 2007, after considering the record, Administrative Judge Thomas M. Crean denied Applicant’s request for a security clearance. Applicant filed a timely appeal pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

We construe Applicant’s appeal as alleging that the Judge’s adverse security clearance decision was arbitrary, capricious, and contrary to law. Applicant’s brief and attachments include new matters not submitted in his response to the File of Relevant Material. Finding no error, we affirm.

The Judge made sustainable findings that Applicant had been discharged in bankruptcy in 2001 but afterward ran up further significant debt. While some of these debts had been paid off at the time of the Judge’s decision, the Judge concluded that, on the whole, Applicant’s financial history evidenced “carelessness, irresponsibility, and poor judgement.” The Judge further concluded that Applicant had not met his burden of persuasion that he should have a security clearance. We have examined the Judge’s decision in light of Applicant’s brief on appeal and the record as a whole and conclude that it is neither arbitrary, capricious, nor contrary to law. We cannot consider the new matters which Applicant has submitted in support of his appeal. *See* Directive ¶ E3.1.29; ISCR Case No. 04-11369 at 1-2 (App. Bd. Mar. 16, 2007).

### **Order**

The Judge’s adverse security clearance decision is AFFIRMED.

Signed: Jeffery D. Billett  
Jeffrey D. Billett  
Administrative Judge  
Member, Appeal Board

Signed: William S. Fields  
William S. Fields  
Administrative Judge  
Member, Appeal Board

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