

KEYWORD: Guideline F

DIGEST: Applicant has over \$15,000 of delinquent consumer debt. Adverse decision affirmed.

CASENO: 06-11903.a1

DATE: 04/07/2008

DATE: April 7, 2008

In Re:)	
)	
-----)	ISCR Case No. 06-11903
)	
Applicant for Security Clearance)	

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 July 10, 2007, DOHA 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 December 11, 2007, after the hearing, Administrative Judge Elizabeth M. Matchinski denied Applicant's request for a security clearance. Applicant filed a timely appeal pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant raised the following issue on appeal: whether the Judge erred in her application of the relevant Guideline F mitigating factors. Finding no error, we affirm.

The Judge found that Applicant has over \$15,000 worth of delinquent consumer debt, most of it incurred during or before 2003. Although Applicant's problems were affected by a marital separation, and although she has made efforts to pay off some of her debts, the Judge concluded that Applicant has difficulty living within her means. The Judge stated that Applicant's financial problems appear to be ongoing and that her recent efforts to resolve her debts are not sufficient to outweigh the security concerns arising therefrom. The Judge noted that even if Applicant succeeded in reducing monthly expenditures by \$250, "she would still need to rely on financial help from friends and/or family that has yet to materialize." Decision at 8.

The Judge's has drawn "a rational connection between the facts found" and her ultimate adverse security clearance decision. See ISCR Case No. 03-22861 at 2-3 (App. Bd. Jun. 2, 2006). See also *Motor Vehicle Mfrs. Ass'n of the United States v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)(quoting *Burlington Truck Lines, Inc. v. United States*, 371 U.S. 156, 168 (1962)). The Judge's decision that "it is not clearly consistent with the national interest to grant or continue a security clearance for Applicant" is sustainable on this record. See *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988).

Order

The Judge's adverse security clearance decision is AFFIRMED.

Signed: Jeffrey 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