

KEYWORD: Guideline F

DIGEST: A review of the record indicates Applicant was provided with the procedural rights set forth in Executive Order 10865 and the DOD Directive 5220.6. Adverse decision affirmed.

CASE NO: 12-12192.a1

DATE: 07/13/2016

DATE: July 13, 2016

In Re: ----- Applicant for Security Clearance)))))))	ISCR Case No. 12-12192
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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 May 15, 2015, 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 May 4, 2016, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Edward W. Loughran 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 25 delinquent debts totaling about \$48,000. Seven of those debts were student loans totaling about \$37,000. The Judge found in favor of Applicant on five of the student loans and against him on the remaining debts.

In the decision, the Judge noted that Applicant claimed in his SOR response that debts were paid in 2012 and stated, “I would request more time to provide official settlement letter from creditor and to have my credit report updated to reflect status.” Decision at 3. Although it was unclear whether Applicant was provided additional time to respond to the SOR, the Judge pointed out that Applicant submitted his SOR response in June 2015 and received Department Counsel’s File of Relevant Material (FORM) in September 2015. Applicant was given 30 days from receipt of the FORM to review the file, submit objections, and provide additional information that he wished to be considered. He did not submit a response to the FORM. In his analysis, the Judge underscored that Applicant had more than three additional months after answering to the SOR to provide documents in response to the FORM, but did not do so. A review of the record indicates Applicant was provided with the procedural rights set forth in Executive Order 10865 and the Directive, including an opportunity to respond to the FORM.

In his appeal brief, Applicant presented documents from creditors showing various debts were resolved. These documents constitute new evidence that the Board can neither receive nor consider. *See* Directive ¶ E3.1.29. Applicant has not shown that the Judge committed any harmful error. The Judge’s decision is sustainable on the record.

Order

The Decision is **AFFIRMED**.

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

Signed: Jean E. Smallin
Jean E. Smallin
Administrative Judge
Member, Appeal Board

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