

Applicant's request for a trustworthiness designation. Applicant pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant raised the following issues on appeal: whether the Judge failed to consider all of the evidence in the record, rendering his overall decision arbitrary, capricious, or contrary to law. Consistent with the following, we affirm.

The Judge's Findings of Fact

Applicant's SOR lists several delinquent debts, for such things as utilities, television services, student loans, etc. Applicant admitted the debts that the Judge resolved against her, the largest being the three student loans. The Judge noted Applicant's evidence that she was making payments on some of the debts and that she disputed others. For many of the debts alleged, however, Applicant was not making payments until she had resolved others. Concerning the student loans, she stated that she had maxed out her Federal funding before she had completed a bachelor's degree. She stated that she had a payment plan for them.

Applicant's husband has been diagnosed with multiple severe illnesses. He is unable to work and requires continuing treatment. Her son has also been diagnosed with a disorder that requires treatment. Her wages were garnished last year, and during that time she and her family were almost evicted from their apartment and almost had their utilities shut off.

Applicant states that she is working with various creditors to resolve her problems. She acknowledges that some of her debts are very old. She states that she plans to dispute her debts, but she does not deny that she incurred them. She has explored bankruptcy, but her student loans are not dischargeable. Therefore, she has not filed for bankruptcy on the ground that it would not help her financial condition in a measurable way.

Applicant acknowledges that she has "made some very poor financial decisions." Decision at 5. She states that she takes "full responsibility" for her situation and is working to address her problems. She has taken on part-time jobs and has worked overtime.

The Judge's Analysis

The Judge resolved five of the SOR allegations in Applicant's favor. For the remainder, however, he entered adverse findings. He stated that many of her debts are old, and the only ones that had been resolved were those that were the subject of garnishment actions. He concluded that she had not initiated a good-faith effort to pay her debts, nor had she shown that her financial situation is stable.

Discussion

Applicant cites to evidence that she argues the Judge failed to consider. This includes her family's illnesses, her efforts at debt resolution, the circumstances underlying her student loan debts, etc. The Judge made findings about much of this evidence and discussed it in his analysis. Applicant has not rebutted the presumption that the Judge considered all of the evidence in the

record. Neither is it sufficient to show that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. *See, e.g.*, ISCR Case No. 14-05795 at 2 (App. Bd. Apr. 26, 2016). Applicant cites to the effect that an adverse decision will have on her finances. We are not permitted to consider the impact of an unfavorable decision upon an applicant. *See, e.g.*, ISCR Case No. 14-02619 at 3 (App. Bd. Apr. 7, 2016).

The Judge examined the relevant data and articulated a satisfactory explanation for the decision. The decision is sustainable on this record. The standard applicable to trustworthiness cases is that set forth in *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988) regarding security clearances: such a determination “may be granted only when ‘clearly consistent with the interests of the national security.’” *See, e.g.*, ADP Case No. 12-04343 at 3 (App. Bd. May 21, 2013). *See also Kaplan v. Conyers*, 733 F.3d 1148 (Fed. Cir. 2013), *cert. denied*.

Order

The Decision is **AFFIRMED**.

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

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

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