

KEYWORD: Guideline F

DIGEST: Applicant had delinquent debts in excess of \$152,000. The Judge's decision is not arbitrary , capricious, nor contrary to law. Adverse decision affirmed.

CASENO: 07-02417.a1

DATE: 02/05/2008

DATE: February 5, 2008

In Re: ----- Applicant for Security Clearance)))))))	ISCR Case No. 07-02417
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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 May 4, 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 September 27, 2007, after the hearing, Administrative Judge Roger C. Wesley 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 issues on appeal: whether certain of the Judge's findings were not based upon substantial record evidence; and whether the Judge's adverse security clearance decision was arbitrary, capricious, or contrary to law. Finding no error, we affirm.

The Judge made sustainable findings that Applicant had attempted to develop technology for the detection of explosive devices. He decided to finance this development through the use of his credit card. At the time of the decision, Applicant had delinquent debts in excess of \$152,000, most of which were for cash withdrawals on the credit card. Other debts, however, pertained to student loans taken out to finance his wife's education. The Judge noted that Applicant's few assets make a debt consolidation loan impracticable. In his Conclusions section, the Judge stated that Applicant had failed to mitigate the security concerns arising from his financial problems, "[t]aking into account all of the facts and circumstances surrounding Applicant's debt accumulations and lack of concrete steps taken to date to resolve them . . ." Decision at 8. Applicant challenges several of the Judge's findings of fact or descriptions of Applicant's circumstances. The bulk of Applicant's claims are not material to the issues to be adjudicated in the case.

Evaluating the Judge's decision in light of the record as a whole, we conclude that the Judge has drawn "a rational connection between the facts found" and his ultimate adverse 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)). (A Judge is required to "examine the relevant data and articulate a satisfactory explanation for" the decision, "including a 'rational connection between the facts found and the choices made'"). "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). Accordingly, we hold that this decision is neither arbitrary, capricious, nor contrary to law. See Directive ¶¶ E3.1.32.3 and E3.1.33.3.

Order

The Judge's adverse security clearance decision is AFFIRMED.

Signed: Michael Y. Ra'anan

Michael Y. Ra'anan
Administrative Judge
Chairman, 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