

KEYWORD: Guideline F

DIGEST: The Judge's findings of security concern are supported by substantial record evidence. Adverse decision affirmed.

CASENO: 07-12543.a1

DATE: 10/03/2008

DATE: October 3, 2008

In Re: ----- Applicant for Security Clearance)))))))	ISCR Case No. 07-12543
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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 December 21, 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 July 3, 2008, after the hearing, Administrative Judge Michael H. Leonard 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 of fact are supported by substantial record evidence and whether the Judge’s adverse security clearance decision is arbitrary, capricious, and contrary to law. Applicant also requests that the Board reopen the record for the submission of additional documentation. Finding no error, we affirm.

The Judge made the following pertinent findings of fact: Applicant is a 43-year-old employee of a federal contractor. She has been married twice. The first marriage ended in divorce in 1999. She remarried in 2002. She has two adult sons from her first marriage and four adult stepsons from her second.

Applicant has about \$50,000 in delinquent debt, which includes collection accounts, charged-off accounts, and two unpaid judgements. In 2002 she changed employers, resulting in loss of pay and benefits. Her current salary is \$11.00 an hour. Her husband experienced a period of unemployment from March to September 2007. Applicant traces her financial problems to 1999, when she divorced. At that time she accepted several credit card offers. “Although she claimed to have paid some of the debts, she did not present any documentary evidence showing that she has paid in full, settled, or resolved any of the debts in the SOR.” Decision at 3.

We have examined the Judge’s decision in light of the record as a whole. The Judge’s material findings of security concern are supported by substantial record evidence. *See* Directive ¶ E3.1.32.1. (Substantial evidence is “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of all the contrary evidence in the same record.”)

The Judge has drawn a rational connection between the facts found and his 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 national interest to grant Applicant eligibility for a security clearance” is sustainable on this record. Decision at 6. *See Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988).

Order

The Judge's adverse security clearance decision is AFFIRMED.

Signed: Jean E. Smallin

Jean E. Smallin
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