

KEYWORD: Guideline F

DIGEST: The Judge's description of Item 7 of the File of Relevant Material (FORM) is ambiguous and may be in error and the error may well have affected his evaluation of the case. The financial statement shows that Applicant, after paying her monthly expenses (but prior to paying down her debts) actually has a monthly remainder of \$536.10 (not \$263, as the Judge found). According to the financial statement she then uses one half of that (\$263) to pay down her debts and is left with a net remainder of \$263.10. Additionally, the Judge correctly notes the lack of corroboration for Applicant's statements regarding her payments on her debts. The FORM, at Section VII, contains language which may not reasonably have advised Applicant of the nature of her opportunity to submit evidence (e.g., documents which would corroborate her claims) under the Directive. Adverse decision remanded.

CASENO: 08-05259.a1

DATE: 05/19/2009

DATE: May 19, 2009

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In Re:	)	
	)	
-----	)	ISCR Case No. 08-05259
	)	
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 October 14, 2008, 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 decision on the written record. On March 17, 2009, after considering the record, Administrative Judge Matthew E. Malone denied Applicant’s request for a security clearance. Applicant filed a timely appeal pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

The Judge found that “Applicant submitted a personal financial statement that showed she has about \$263 remaining each month after expenses. That figure includes payment on the debts listed in SOR ¶¶ 1.e 1.f.” (Decision at 3.) The Judge’s description of Item 7 of the File of Relevant Material (FORM) is ambiguous and may be in error and the error may well have affected his evaluation of the case. The financial statement shows that Applicant, after paying her monthly expenses (but prior to paying down her debts) actually has a monthly remainder of \$536.10 (not \$263, as the Judge found). According to the financial statement she then uses one half of that (\$263) to pay down her debts and is left with a net remainder of \$263.10. Additionally, the Judge correctly notes the lack of corroboration for Applicant’s statements regarding her payments on her debts. (Decision at p. 4.)<sup>1</sup> The FORM, at Section VII, contains language which may not reasonably have advised Applicant of the nature of her opportunity to submit evidence (*e.g.*, documents which would corroborate her claims) under the Directive. Accordingly, in the interest of administrative economy, the case is hereby remanded to the Judge for further processing and the Judge is instructed to reopen the record to allow the parties to submit relevant evidence. Nothing about this action shall prejudice the appeal rights of the parties.

**ORDER**

The case is REMANDED to the Administrative Judge for further processing in accordance with this decision.

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

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<sup>1</sup>Applicant also cites to record evidence that two debts (a telephone debt and a bank debt) named in SOR paragraphs 1.e and 1.i. are resolved.

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

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