



basis for that decision—security concerns raised under Guideline F (Financial Considerations) of Department of Defense Directive 5520.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a hearing. On May 7, 2010, after the hearing, Administrative Judge Robert Robinson Gales denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant raised the following issues on appeal: whether the Judge failed to consider record evidence favorable to Applicant; whether the Judge failed to link Applicant’s financial situation to the likelihood of coercion; whether the Judge erred in his application of the pertinent mitigating conditions; and whether the Judge’s whole-person analysis is erroneous. Consistent with the following discussion, we affirm the Judge’s decision.

The Judge made the following pertinent findings of fact: Applicant is an employee of a Defense contractor. He served in a state Air National Guard (ANG) from 1996 to 2006, during which time he held a security clearance. He holds an associate’s degree.

Applicant has numerous delinquent debts, for medical expenses, mortgage payments, cell phone services, etc. Applicant experienced some employment difficulties when he was discharged from the ANG due to his being too old for pilot training and to his not having a bachelor’s degree.

In evaluating Applicant’s case, the Judge noted his period of underemployment following his discharge from the ANG. However, the Judge also concluded that Applicant’s decision not to seek full time employment after his discharge, in hopes of securing another ANG position, was a circumstance within his control and, accordingly, of little mitigating force.<sup>1</sup> He also concluded that some of Applicant’s claims to have paid off debts were not true, that Applicant presented no reasonable basis to dispute any of his debts, and that Applicant had not demonstrated a reasonable plan to address delinquent debts.

Applicant contends that the Judge failed to consider record evidence favorable to his case for mitigation, for example that his financial condition is currently stable, that he had to relinquish his hopes of becoming an ANG pilot, and his contention that he did not purposely ignore his creditors’ claims for payment. However, a Judge is presumed to have considered the entire record. *See, e.g.*, ISCR Case No. 08-06873 at 2 (App. Bd. Dec. 18, 2009). Applicant’s contentions on appeal are not enough to rebut that presumption.

Applicant contends that the Judge failed to identify a link between his financial situation and his potential to be coerced into committing security violations. To the extent that Applicant is raising a nexus issue, the Directive presumes that there is a nexus or rational connection between proven circumstances under any of its Guidelines and an applicant’s security eligibility. *See, e.g.*,

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<sup>1</sup>*See* Directive, Enclosure 2 ¶ 20(b), which mitigates security concerns when “the conditions that resulted in the financial problem were largely beyond the person’s control . . . and the individual acted responsibly under the circumstances[.]”

ISCR Case No. 03-22643 at 7 (App. Bd. Jun. 24, 2005). Direct or objective evidence of nexus is not required. *See, e.g.*, ISCR Case No. 03-18218 at 3 (App. Bd. Oct. 7, 2005).

Applicant notes that the Judge discusses the other factors delineated in Enclosure 2, ¶ 2(a) but not the potential for coercion. Applicant's assertion is only partly accurate. The Judge did cite to Enclosure 2, ¶ 2(a)(8) at the top of page 16 but failed to recite it again on a similar list on page 17. The Board does not read sentences in isolation. A fair reading of the Judge's decision suggests that he gave adequate consideration to the facts and circumstances of Applicant's case.

After reviewing the record, we conclude that the Judge examined the relevant data and articulated a satisfactory explanation for the decision, "including a 'rational connection between the facts found that the choice made,'" both as to the mitigating conditions and the whole-person factors. *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 adverse security clearance decision is sustainable on this record. "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. 581, 528 (1988).

### Order

The Judge's adverse security clearance decision is AFFIRMED.

Signed: Michael Y. Ra'anan  
Michael Y. Ra'anan  
Administrative Judge  
Chairperson, 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