

KEYWORD: Guideline F

DIGEST: Applicant's arguments fail for lack of specificity. Adverse decision affirmed.

CASENO: 09-06067.a1

DATE: 10/22/2010

DATE: October 22, 2010

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In Re: )  
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 ----- ) ISCR Case No. 09-06067  
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 Applicant for Security Clearance )  
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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 February 26, 2010, 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 August 10, 2010, after the hearing, Administrative Judge Carol G. Ricciardello denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant raised the following issue on appeal: whether the Judge’s adverse security clearance decision is arbitrary, capricious, or contrary to law. Consistent with the following discussion, we affirm the decision of the Judge.

The Judge made the following pertinent findings of fact: Applicant is an administrative assistant for a federal contractor. Applicant has numerous delinquent debts, totaling approximately \$33,000. These debts are for medical treatment, personal loans, utilities, credit cards, etc. The bulk of these debts originated during 2007 and 2008, when Applicant was not employed. Later in 2008, while she was employed, Applicant was in a car accident, caused by her own fault. She did not pay the resulting medical bills.

She has moved in with her mother to save money, and she is looking for a second job. She has sought assistance from a financial counselor, although the budget that was prepared for her was not completely accurate, in that it failed to take into account certain recurring expenses. Her monthly after-tax income is \$2,200.

In deciding the case adversely to Applicant, the Judge noted her unemployment as a circumstance beyond her control that affected her financial condition. However, the Judge concluded that Applicant had failed to demonstrate a good-faith effort to repay her debts and that there is no indication that her financial problems are being resolved or are under control. Applicant has stated that she intends to pay her debts off within a year, but the Judge expressed scepticism as to the feasibility of that plan. *See, e.g.*, ISCR Case No. 07-13041 at 4 (App. Bd. Sep. 19, 2008), for the proposition that promises to repay debt in the future are not a substitute for a track record of financial responsibility.

Applicant contends that the Judge did not have a full understanding of the case, as a consequence of which the decision was in error. Applicant requests that the case be remanded to another Judge for a new decision, which would give Applicant an opportunity to present evidence not available to her at the previous hearing. Applicant’s contention fails for lack of specificity. For a discussion of the requirement for specificity, see ISCR Case No. 00-0429 at 2-3 (App. Bd. Jul. 9, 2001). In this case, the Board can not discern from the brief which evidence is alleged to have been misunderstood, nor what the nature of the misunderstanding was. Furthermore, there is nothing in the transcript or elsewhere in the record to establish or imply that Applicant wanted to present additional evidence.

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 and the choice made.’” *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 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. 518, 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