

KEYWORD: Guideline F

DIGEST: Applicant failed to identify the debt he claims he paid that resulted in an unfavorable finding. This assignment of error fails for lack of specificity. His other contentions are neither enough to rebut the presumption that the Judge considered all of the evidence in the record nor sufficient to show that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. He has failed to establish that the Judge committed any harmful error.
Adverse decision affirmed.

CASENO: 17-00824.a1

DATE: 08/02/2019

DATE: August 2, 2019

In Re:)
-----) ISCR Case No. 17-00824
)
Applicant for Security Clearance)

APPEAL BOARD DECISION

APPEARANCES

FOR GOVERNMENT

James B. Norman, Esq., Chief Department Counsel

FOR APPLICANT

Pro se

The Department of Defense (DoD) declined to grant Applicant a security clearance. On July 5, 2017, DoD 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 May 28, 2019, after the hearing, Chief Administrative Judge Erin Hogan denied Applicant's request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

The SOR alleged that Applicant failed to file his Federal and state income tax returns for 2012 through 2015 as required, had delinquent Federal and state tax debts totaling over \$8,000, and had five other delinquent debts totaling over \$21,000. The Judge found in favor of Applicant on three of the alleged debts and against him on the remaining allegations.

Applicant's appeal brief consists of the following assignments of error:

This letter to you is a submittal for an appeal brief. The Judge in my case did make a few errors that I feel would have made for a different outcome. During my trial I provide[d] evidence to show that I paid an outstanding debt, but the judge concluded that I did not pay that particular debt. I don't believe the judge took into account my mitigating steps and all the life changing things I went through to get to this point. Seeing that the Judge made this one error [there] maybe more.

Applicant failed to identify the debt he claims he paid that resulted in an unfavorable finding. This assignment of error fails for lack of specificity. *See, e.g.*, ISCR Case No. 17-00599 at 3 (App. Bd. Apr. 24, 2018). His other contentions are neither enough to rebut the presumption that the Judge considered all of the evidence in the record nor sufficient to show that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. *Id.* He has failed to establish that the Judge committed any harmful error.

The Judge examined the relevant evidence and articulated a satisfactory explanation for the decision. The 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). *See also* Directive, Encl. 2, App. A ¶ 2(b): "Any doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security."

Order

The Decision is **AFFIRMED**.

Signed: Michael Ra'anan

Michael Ra'anan
Administrative Judge
Chairperson, Appeal Board

Signed: James E. Moody

James E. Moody
Administrative Judge
Member, Appeal Board

James F. Duffy

James F. Duffy
Administrative Judge
Member, Appeal Board