

KEYWORD: Guideline F

DIGEST: Applicant's appeal brief does not rebut the presumption that the Judge considered all of the evidence in the record. She also argues that, since obtaining her current job, she has become financially secure and continues to make every effort to resolve her debts and tax filings, but she has failed to establish that the Judge weighed the evidence in a manner that is arbitrary, capricious, or contrary to law. Adverse decision affirmed.

CASENO: 18-00360.a1

DATE: 04/04/2019

DATE: April 4, 2019

In Re: _____)
-----) ISCR Case No. 18-00360

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 March 23, 2018, 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 January 8, 2019, after the hearing, Administrative Judge Edward W. Loughran denied Applicant's request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

The Judge concluded that Applicant failed to mitigate security concerns arising from unfiled and unpaid Federal and state taxes. In her appeal brief, Applicant has not challenged any of the Judge's rulings or findings of fact. Instead, she asks that we look at the facts and reconsider her unfavorable clearance decision. The Board does not review cases *de novo*. She believes the Judge focused on her past financial problems and did not examine her current efforts to correct those problems. However, her appeal brief does not rebut the presumption that the Judge considered all of the evidence in the record. *See, e.g.*, ISCR Case No. 12-05959 at 2 (App. Bd. Apr. 6, 2016). She also argues that, since obtaining her current job, she has become financially secure and continues to make every effort to resolve her debts and tax filings, but she has failed to establish that the Judge weighed the evidence in a manner that is arbitrary, capricious, or contrary to law. *See, e.g.*, ISCR Case No. 15-00650 at 2 (App. Bd. Jun. 27, 2016).

Applicant has not established 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 F. Duffy

James F. Duffy
Administrative Judge
Member, Appeal Board

Signed: Charles C. Hale

Charles C. Hale
Administrative Judge
Member, Appeal Board