

KEYWORD: Guideline F

DIGEST: The fact that a debt no longer appears on a credit report does not establish any meaningful, independent evidence as to the disposition of the debt. Debts may fall off credit reports for various reasons, including the passage of time. Adverse decision affirmed.

CASENO: 18-01250.a1

DATE: 02/13/2019

DATE: February 13, 2019

In Re:

Applicant for Security Clearance

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) ISCR Case No. 18-01250
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)

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 May 21, 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 decision on the written record. On November 30, 2018, after considering the record, Administrative Judge Robert J. Kilmartin 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 decision was arbitrary, capricious, or contrary to law. Consistent with the following, we affirm.

The Judge’s Findings of Fact and Analysis

Applicant admitted all of the delinquent debts in the SOR and two bankruptcy discharges. She experienced a period of unemployment in 2014 after being laid off from her job. She provided a chart reflecting that certain debts were in a payment plan, but provided no proof of those payments. She enrolled other identified debts in a debt relief program, but provided no evidence of a continuous stream of payments under that program because it was just recently established. She provided documentary evidence of payments towards some debts, had a debt cancelled, and settled a debt.

Applicant has done little to resolve her financial problems. She failed to provide sufficient documentation to mitigate the security concerns arising from the alleged debts. She has not meet her burden of showing that she acted responsibly under the circumstances, that her financial problems are under control, or that those problems are unlikely to recur.

Discussion

Applicant’s brief includes extensive explanations and documentation that are not contained in the record. We cannot consider new evidence on appeal. Directive ¶ E3.1.29.

Applicant contends that the Judge did not properly weigh and consider all of the relevant evidence. For example, she argues that the Judge “appears to have used [a more recent credit report] to identify new debts not captured in [an earlier] credit report, but not highlight debts that no longer appear on my credit report or that I am no longer financially responsible due to the age or validity of the accounts.” Appeal Brief at 1. However, the fact that a debt no longer appears on a credit report does not establish any meaningful, independent evidence as to the disposition of the debt. *See, e.g.*, ISCR Case No. 15-03907 at 2 (App. Bd. Aug. 2, 2018). Debts may fall off credit reports for various reasons, including the passage of time. *Id.* Applicant’s arguments 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. *See, e.g.*, ISCR Case No. 15-04856 at 2-3 (App. Bd. Mar. 9, 2017).

Applicant’s appeal brief fails to establish 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