

DEPARTMENT OF DEFENSE

DEFENSE LEGAL SERVICES AGENCY DEFENSE OFFICE OF HEARINGS AND APPEALS APPEAL BOARD POST OFFICE BOX 3656 ARLINGTON, VIRGINIA 22203 (703) 696-4759

		Date: February 13, 2023
In the matter of:)	
)))	ISCR Case No. 22-01187
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 August 1, 2022, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline F (Financial Considerations) of DoD Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a decision on the written record. On August 26, 2022, Department Counsel sent the Government's file of relevant material (FORM) to Applicant. Having acknowledged receipt of the FORM on September 1, 2022, Applicant did not submit any materials to rebut, extenuate, or mitigate the SOR allegations. On January 3, 2023, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Gina L. Marine denied Applicant's request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

On appeal, Applicant makes no assertion of harmful error on the part of the Judge. Instead, she resubmits documents previously provided. To the extent that Applicant is alleging that she submitted documents that were not considered by the Judge, our review confirms that all documents submitted on appeal were in the record that was presented to the Judge. Additionally,

Applicant requests reconsideration of the Judge's decision and provides updated information about her financial issues. The Appeal Board does not review cases *de novo* and is prohibited from considering new evidence on appeal. Directive E3.1.29. The Board's authority to review a case is limited to cases in which the appealing party has alleged the Judge committed harmful error. Because Applicant has not made such an allegation of error, the decision of the Judge denying Applicant a security clearance is sustainable.

Order

The decision is **AFFIRMED**.

Signed: James F. Duffy
James F. Duffy
Administrative Judge
Chairperson, Appeal Board

Signed: Moira Modzelewski Moira Modzelewski Administrative Judge Member, Appeal Board

Signed: Allison Marie Allison Marie Administrative Judge Member, Appeal Board