

KEYWORD: Guideline G

DIGEST: The Appeal Board has no authority over delays in the processing of a case. The Appeal Board has no supervisory authority over adjudicators or DOHA personnel involved in processing security clearances. Adverse decision affirmed.

CASENO: 17-04097.a1

DATE: 04/30/2019

DATE: April 30, 2019

In Re:)	
)	
-----)	ISCR Case No. 17-04097
)	
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 February 13, 2018, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline G (Alcohol Consumption) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a decision on the written record. On February 27, 2019, after considering the record, Administrative Judge Marc E. Curry denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant’s appeal brief raises no allegation of harmful error on the part of the Judge. Rather, it contains complaints about the processing of his case. He contends that his case took too long to process, that the “case worker” changed at some point and did not have all of the facts from his personal interview, and that he could not get a response from DOHA when he called to check on the status of his case. The Board has no jurisdiction to rule on the complaints he has raised. *See, e.g.*, ISCR Case No.11-12730 at 2 (App. Bd. Sep. 4, 2013) (the Appeal Board has no authority over delays in the processing of a case) and ISCR Case No. 99-0481 at 4 (App. Bd. Nov. 29, 2000)(the Appeal Board has no supervisory authority over adjudicators or DOHA personnel involved in processing security clearances). Applicant also indicates that denial of his security clearance may place his job in jeopardy. The Directive, however, does not permit us to consider the impact of an unfavorable decision. *See, e.g.*, ISCR Case No. 14-02619 at 3 (App. Bd. Apr. 7, 2016). Applicant requests a complete review of his file and findings. We do not review cases *de novo*.

The Appeal 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 **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