

KEYWORD: Guideline F

DIGEST: Applicant's appeal brief contains a document and assertions that are not included in the record. The Appeal Board is prohibited from considering new evidence on appeal. Directive ¶ E3.1.29. Adverse decision affirmed.

CASENO: 18-00330.a1

DATE: 03/15/2019

DATE: March 15, 2019

In Re: ----- Applicant for Security Clearance)))))))	ISCR Case No. 18-00330
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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 February 20, 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 27, 2018, after considering the record, Administrative Judge Caroline E. Heintzelman 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 had 15 delinquent debts totaling over \$23,000. In responding to the SOR, he claimed several debts were resolved, should have been resolved, or were not his responsibility. He failed to provide supporting documentation for some of his assertions. The Judge found for Applicant on two student loans totaling about \$11,000 and against him on the other debts.

Applicant's appeal brief contains a document and assertions that are not included in the record. The Appeal Board is prohibited from considering new evidence on appeal.¹ Directive ¶ E3.1.29. His brief raises no allegation of harmful error on the part of the Judge, but it does request a delay in the processing of his appeal so that he is able to present matters about a pending bankruptcy. The Board, however, does not have authority to grant such a request. *See, e.g.*, ISCR Case No. 10-00983 at 1-2 (App. Bd. May 17, 2011).

The Board does 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

¹ In his brief, for example, Applicant challenges one of the Judge's finding (that he never met with the Command Financial Specialist). His explanation on appeal is different than the one he gave the OPM investigator (Government Exhibit 3) and is thus new evidence which the Board cannot consider.