

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 administrative record. On February 28, 2019, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Juan J. Rivera denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant contends that she submitted evidence to the Judge that did not make it into the record. Although this is new evidence, we will consider it on the limited issue of due process. *See, e.g.,* ISCR Case No. 14-05302 at 2 (App. Bd. Sep. 29, 2017). Considering the record as a whole, we conclude that Applicant has made a *prima facie* showing that she submitted some evidence that the Judge did not include in the record.

Accordingly, we conclude that the best resolution of this case is to remand it to the Judge for a new decision. Chief Department Counsel states that he has no objection to a remand under the facts of this case. Accordingly, we remand the case to the Judge to consider the evidence that Applicant attempted to submit prior to the close of the record. Other issues raised by Applicant in her brief are not ripe for consideration at this time.

Order

The Decision is **REMANDED**.

Signed: Michael Y. Ra’anan
Michael Y. 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