

KEYWORD: Guideline F

DIGEST: 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. Adverse decision affirmed.

CASENO: 18-01802.a1

DATE: 04/15/2019

DATE: April 15, 2019

In Re:)	
)	
-----)	ISCR Case No. 18-01802
)	
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 July 3, 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 March 5, 2019, after considering the record, Administrative Judge Braden M. Murphy 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, but it does contain a document post-dating the Judge’s decision and assertions that are not in the record.¹ The Appeal Board is prohibited from considering new evidence. Directive ¶ E3.1.29.

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 Applicant states that he does not believe the information in his appeal brief constitutes new evidence. Information not previously submitted to the Judge for consideration is “new evidence” that the Appeal Board cannot consider. *See, e.g.*, ISCR Case No. 18-00287 at 2, n.1 (App. Bd. Apr. 3, 2019).