

KEYWORD: Guideline E; Guideline F

DIGEST: Applicant’s appeal brief raises no allegation of error on the part of the Judge. In responding the SOR, Applicant admitted the alleged debts. On appeal, he contends Department Counsel neglected to investigate his claims about them. However, once Applicant admitted the debts, he was responsible for presenting evidence to mitigate them. Directive ¶ E3.1.15. In his appeal brief, he now provides creditor contact information so that the status of the debts can be verified. The Board has no authority to interview witnesses, conduct investigations, or make findings of fact. Furthermore, the Board is prohibited from considering new evidence on appeal. Directive ¶ E3.1.29. Adverse decision affirmed.

CASENO: 18-01962.a1

DATE: 08/29/2019

DATE: August 29, 2019

)	
In Re:)	
-----)	ISCR Case No. 18-01962
)	
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 15, 2018, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline F (Financial Considerations) and Guideline E (Personal Conduct) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a decision on the written record. On June 26, 2019, after considering the record, Administrative Judge Robert Tuider denied Applicant’s request for a security clearance. The Judge found in favor of Applicant on the Guideline E allegation and against him on the Guideline F allegations. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant’s appeal brief raises no allegation of error on the part of the Judge. In responding to the SOR, Applicant admitted the alleged debts. On appeal, he contends Department Counsel neglected to investigate his claims about them. However, once Applicant admitted the debts, he was responsible for presenting evidence to mitigate them. Directive ¶ E3.1.15. In his appeal brief, he now provides creditor contact information so that the status of the debts can be verified. The Board has no authority to interview witnesses, conduct investigations, or make findings of fact. *See, e.g.*, ISCR Case No. 16-03072 at 2 (App. Bd. Mar. 7, 2018). Furthermore, the Board is prohibited from considering new evidence on appeal. Directive ¶ E3.1.29.

The Board does not review cases *de novo*. Our 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.

Order

The Decision is **AFFIRMED**.

Signed: Michael Ra'anan

Michael Ra'anan
Administrative Judge
Chairperson, Appeal Board

Signed: James E. Moody

James E. Moody
Administrative Judge
Member, Appeal Board

Signed: James F. Duffy

James F. Duffy
Administrative Judge
Member, Appeal Board