

KEYWORD: Guideline F

DIGEST: In his brief, Applicant notes that steps taken to upgrade his security clearance to the Top Secret level were unnecessary, and he could have performed his duties with his prior Secret clearance. The Appeal Board, however, has no authority to adjudicate whether a particular applicant needs a security clearance or what level of clearance a particular applicant needs. Adverse decision affirmed.

CASE NO: 18-02963.a1

DATE: 12/12/2019

DATE: December 12, 2019

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| In Re: |) | |
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| ----- |) | ISCR Case No. 18-02963 |
| |) | |
| 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 December 31, 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 September 12, 2019, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Gina L. Marine denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant’s appeal brief contains assertions that were not previously submitted to the Judge for consideration. The Appeal Board is prohibited from considering new evidence. Directive ¶ E3.1.29.

In his brief, Applicant notes that steps taken to upgrade his security clearance to the Top Secret level were unnecessary, and he could have performed his duties with his prior Secret clearance. The Appeal Board, however, has no authority to adjudicate whether a particular applicant needs a security clearance or what level of clearance a particular applicant needs. *See, e.g.*, ISCR Case No. 97-0016 at 4 (App. Bd. Dec. 31, 1997). Applicant further indicates the Judge’s adverse decision has had a negative impact on him. The Directive, however, does not permit us to consider the impact of an unfavorable decision. *See, e.g.*, ISCR Case No. 14-04202 at 4 (App. Bd. Dec. 24, 2015).

Applicant’s appeal brief raises no allegation of error on the part of the Judge. 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.

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