

KEYWORD: Guideline F

DIGEST: In her appeal brief, Applicant noted that she could no longer afford the accountant that she had been using for years, that it took time to call the IRS and use its system to get the help she needed to file her back tax returns, and that she owed no back taxes after filing her delinquent returns. These assertions constitute new evidence that the Appeal Board cannot consider. Adverse decision affirmed.

CASE NO: 19-00230.a1

DATE: 12/13/2019

DATE: December 13, 2019

In Re:  -----  Applicant for Security Clearance	) ) ) ) ) ) ) )	ISCR Case No. 19-00230
---	--------------------------------------	------------------------

**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 12, 2019, 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 hearing. On September 20, 2019, after the hearing, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Shari Dam 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 failed to file her Federal and state income tax returns for 2011 and 2012 as required and that she was delinquent on seven debts totaling about \$9,700. In responding to the SOR, Applicant admitted all of the allegations with the exception of one debt less than \$500. The Judge found against Applicant on all of the SOR allegations.

In her appeal brief, Applicant noted that she could no longer afford the accountant that she had been using for years, that it took time to call the IRS and use its system to get the help she needed to file her back tax returns, and that she owed no back taxes after filing her delinquent returns. These assertions constitute new evidence that the Appeal Board cannot consider. Directive ¶ E3.1.29. Applicant further contends an error occurred because her circumstances had changed, and she felt that she did not have sufficient time to take action before the decision was issued. This claim fails for lack of specificity. *See, e.g.*, ISCR Case No. 17-01807 at 3 (App. Bd. Mar. 7, 2018). Applicant has neither identified the error she is referencing nor explained how any change in circumstances merits relief on appeal. Moreover, there is no reason to conclude the Judge abused her discretion in leaving the record open for 17 days after the hearing to provide Applicant the opportunity to submit post-hearing matters. Applicant’s brief also mentions that she encountered difficulties in handling a repayment request for student loans; however, those loans were not alleged in the SOR.

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