

KEYWORD: Guideline M; Guideline E

DIGEST: In his appeal brief, Applicant makes no assertion of harmful error on the part of the Judge. Rather, he apologizes for what he has done, accepts responsibility for his misconduct, and asks for a second chance to show he is worthy of the Government’s trust. He also asks that he may be given “the benefit of the doubt.” Appeal Brief at 3. However, “[a]ny doubt concerning personnel being considered for national security eligibility will be resolved in favor of national security.” Directive, Encl. 2, App. A ¶ 2(b). Adverse decision is affirmed.

CASE NO: 19-01084.a1

DATE: 08/26/2020

DATE: August 26, 2020

)	
In Re:)	
-----)	ISCR Case No. 19-01084
)	
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 May 17, 2019, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline M (Use of Information Technology) and Guideline E (Personal Conduct) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a hearing. On May 26, 2020, after the hearing, Administrative Judge Matthew E. Malone denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

In his appeal brief, Applicant makes no assertion of harmful error on the part of the Judge. Rather, he apologizes for what he has done, accepts responsibility for his misconduct, and asks for a second chance to show he is worthy of the Government’s trust. He also asks that he may be given “the benefit of the doubt.” Appeal Brief at 3. However, “[a]ny doubt concerning personnel being considered for national security eligibility will be resolved in favor of national security.” Directive, Encl. 2, App. A ¶ 2(b). To the extent that he is requesting an exception under Appendix C of the Adjudicative Guidelines, he has not established that the granting of such an exception is merited. *See* Directive, Encl. 2, App. C.

The Board does not review a case *de novo*. The Appeal Board’s scope of review is limited to addressing allegations that the Judge failed to comply with Executive Order 10865 and the Directive. *See* Directive ¶ E3.1.32. In this case, the Judge’s decision is sustainable because Applicant has not alleged that the Judge committed any harmful error.

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