

KEYWORD: Guideline F

DIGEST: Applicant submitted an e-mail from his company's security specialist. The e-mail appears to contain some confusion. It asserts that because Applicant did not reply to DOHA correspondence from January 2019, he was denied a clearance in February 2020. He denies having received the correspondence. In fact the cited correspondence predates the SOR and hearing. It was not referred to in the SOR, nor in the Judge's decision, both of which were about financial issues including, tax problems, bankruptcy and gambling. Applicant has not demonstrated that he was denied due process. Adverse decision is affirmed.

CASE NO: 18-02822.a1

DATE: 06/03/2020

DATE: June 3, 2020

In Re:)	
)	
-----)	ISCR Case No. 18-02822
)	
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 April 8, 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 February 7, 2020, after the hearing, Administrative Judge Mark Harvey denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

As best as we can discern, Applicant asserts he was denied due process. Applicant also requests a pardon.

Applicant’s assertion regarding due process relies on a document from outside the record, which we normally cannot consider. Directive ¶ E3.1.29. However, we will consider new evidence insofar as it bears on the threshold issues of jurisdiction and due process. Applicant submitted an e-mail from his company’s security specialist. The e-mail appears to contain some confusion. It asserts that because Applicant did not reply to DOHA correspondence from January 2019, he was denied a clearance in February 2020. He denies having received the correspondence. In fact the cited correspondence predates the SOR and hearing. It was not referred to in the SOR, nor in the Judge’s decision, both of which were about financial issues including, tax problems, bankruptcy and gambling. Applicant has not demonstrated that he was denied due process.

Applicant does not challenge the Judge’s adverse findings and conclusion regarding his financial situation. He does ask for a pardon. The Appeal Board has no authority to issue the requested remedy. *See, e.g.* ISCR Case No. 05-00951 at 3 (App. Bd. May 19, 2006) and ISCR 00-0051 at 3 (App. Bd. Jul. 23 2001). Our authority extends to cases in which the appealing party has raised a claim of harmful error. Directive ¶E3.1.32. Because Applicant has not made an allegation of error regarding the Judge’s finding and conclusions, 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