

KEYWORD: Guideline H; Guideline B

DIGEST: Applicant’s appeal brief contains no assertion of harmful error on the part of the Judge. His brief does contain assertions that were not presented to the Judge for consideration. The Appeal Board cannot consider new evidence. Directive ¶ E3.1.29. Adverse decision is affirmed.

CASE NO: 19-01098.a1

DATE: 05/11/2020

DATE: May 11, 2020

)	
In Re:)	
-----)	ISCR Case No. 19-01098
)	
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 June 20, 2019, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that

decision—security concerns raised under Guideline H (Drug Involvement and Substance Misuse) and Guideline B (Foreign Influence) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a decision on the written record. Department Counsel later withdrew the Guideline B allegations. On February 7, 2020, after considering the record, Administrative Judge LeRoy F. Foreman 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 no assertion of harmful error on the part of the Judge. His brief does contain assertions that were not presented to the Judge for consideration. The Appeal Board cannot consider new evidence. Directive ¶ E3.1.29. Applicant also asserts that loss of his security clearance would cause him financial hardship and notes he does not have access to classified information. Those matters, however, are not relevant considerations in evaluating clearance eligibility. *See, e.g.*, ISCR Case No. 11-10758 at 2 (App. Bd. May 21, 2013)(addressing the adverse impact of a decision) and ISCR Case No. 18-02728 at 2 (App. Bd. Nov. 12, 2019)(addressing the lack of access to classified information).

The Board does not review a case *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. Applicant has not made an allegation of harmful error on the part of the Judge. Therefore, the decision of the Judge is sustainable.

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