

KEYWORD: Guideline B

DIGEST: In his appeal brief, Applicant notes that his mother passed away shortly before the decision was issued. This information constitutes new evidence that Appeal Board cannot consider. Directive ¶ E3.1.29. Applicant does not challenge any of the Judge’s unfavorable findings and conclusions regarding his siblings. Adverse decision affirmed.

CASE NO: 19-03917.a1

DATE: 11/04/2020

DATE: November 4, 2020

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In Re:)	
-----)	ISCR Case No. 19-03917
)	
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 March 17, 2020, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under 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. On August 26, 2020, after considering the record, 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.

The SOR alleged that Applicant’s mother and three siblings were citizens and residents of Venezuela. The Judge concluded that Applicant failed to mitigate the Guideline B security concerns and found against him on the SOR allegations.

In his appeal brief, Applicant notes that his mother passed away shortly before the decision was issued. This information constitutes new evidence that Appeal Board cannot consider. Directive ¶ E3.1.29. Applicant does not challenge any of the Judge’s unfavorable findings and conclusions regarding his siblings.

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