

KEYWORD: Guideline F

DIGEST: Applicant’s appeal brief does not raise an issue of harmful error by the Judge. Rather, she states that she will not allow this situation to arise in the future, that she has not had serious financial problems, and that she has held a security clearance throughout her military enlistment. Applicant notes that she has lost her job due to her not having a security clearance. On this last point, the Directive does not permit us to consider the impact of an unfavorable decision. Adverse decision affirmed.

CASE NO: 19-01765.a1

DATE: 10/21/2020

DATE: October 21, 2020

_____)	
In Re:)	
)	
-----)	ISCR Case No. 19-01765
)	
)	
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 August 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 July 8, 2020, after the hearing, Defense Office of Hearings and Appeals (DOHA) 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.

Applicant’s SOR alleged that she had failed to file her Federal and state income tax returns for tax years 2011 through 2018. She attributed this failure to forgetfulness and the effects of post-traumatic stress disorder. Applicant eventually filed all of her delinquent returns in 2019. The Judge entered adverse findings for both allegations.

Applicant’s appeal brief does not raise an issue of harmful error by the Judge. Rather, she states that she will not allow this situation to arise in the future, that she has not had serious financial problems, and that she has held a security clearance throughout her military enlistment. Applicant notes that she has lost her job due to her not having a security clearance. On this last point, the Directive does not permit us to consider the impact of an unfavorable decision. *See, e.g.*, ISCR Case No. 17-03024 at 3 (App. Bd. Jan. 9, 2020).

We do not review cases *de novo*. Our jurisdiction extends only to those cases in which the appealing party has raised an issue of harmful error. Directive ¶ E3.1.32. Insofar as Applicant has not raised an issue of harmful error, the Judge’s decision is affirmed.

Order

The Decision is **AFFIRMED**.

Signed: Michael Y. Ra'anan
Michael Y. 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