

KEYWORD: Guideline H

DIGEST: 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. Adverse decision affirmed.

CASE NO: 20-00428.a1

DATE: 06/07/2021

DATE: June 7, 2021

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In Re:)	
)	
-----)	ISCR Case No. 20-00428
)	
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 21, 2020, 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) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant

requested a decision on the written record. On February 17, 2021, 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.

In his appeal brief, Applicant makes no assertion of harmful error on the part of the Judge. Rather, he states that he is sorry for having used illegal substances and promises not to make that mistake again.

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