

KEYWORD: Guideline F; Guideline E

DIGEST: Applicant’s appeal brief makes no assertion of harmful error on the part of the Judge. Rather, it contains assertions that were not presented to the Judge for consideration. Such assertions constitute new evidence that the Appeal Board is prohibited from considering. Directive ¶ E3.1.29. Adverse decision affirmed.

CASE NO: 19-01949.a1

DATE: 04/14/2021

DATE: April 14, 2021

In Re:	)	
	)	
-----	)	ISCR Case No. 19-01949
	)	
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 28, 2020, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline F (Financial Considerations) and Guideline E (Personal Conduct) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant initially requested a decision on the written record but later requested a hearing. On January 13, 2021, after the hearing, Administrative Judge Elizabeth M. Matchinski denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant’s appeal brief makes no assertion of harmful error on the part of the Judge. Rather, it contains assertions that were not presented to the Judge for consideration. Such assertions constitute new evidence that the Appeal Board is prohibited from considering. Directive ¶ E3.1.29.

Applicant notes that she has held a security clearance for 37 years and would never compromise classified information or engage in illegal activity. An applicant’s prior security history does not preclude a Judge from concluding the SOR allegations raise security concerns that remain unmitigated. The Government does not have to wait until an applicant has compromised or mishandled classified information before it can deny the applicant a clearance. Even those with good prior records can encounter circumstances in which their judgment and reliability might be compromised. *See, e.g.*, ISCR Case No. 16-01131 at 2-3 (App. Bd. Apr. 19, 2018).

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 failed to make such an allegation of error. 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