

KEYWORD: Guideline F

DIGEST: In her appeal brief, Applicant stated she “asked the Assistant to the Judge if there was anything else they needed from me but received no response.” Appeal Brief at 1. It is unknown whom she is referring to by using the term “Assistant to the Judge” or what means she used to make that purported communication. No documentation was provided corroborating her claim. Nor did she explain why she did not attempt again to receive a response if her first inquiry went unanswered. Applicant’s assertion falls short of a prima facie showing that she was denied any due process rights afforded her under the Directive. Adverse decision affirmed.

CASE NO: 20-00334.a1

DATE: 04/14/2021

DATE: April 14, 2021

)	
In Re:)	
-----)	ISCR Case No. 20-00334
)	
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 13, 2020, 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 decision on the written record. On February 5, 2021, after considering the record, Administrative Judge Noreen A. Lynch 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 acknowledges that Applicant made a mistake by not responding to Department Counsel’s File of Relevant Material and contends the Judge based the decision on outdated information. In an attempt to rectify her earlier mistake, Applicant’s brief makes assertions and forwards documents that were not presented to the Judge for consideration. These include a credit report and an email from a credit service agency that post-date the Judge’s decision. Such assertions and documents constitute new evidence that the Appeal Board is prohibited from considering. Directive ¶ E3.1.29.

In her appeal brief, Applicant stated she “asked the Assistant to the Judge if there was anything else they needed from me but received no response.” Appeal Brief at 1. It is unknown whom she is referring to by using the term “Assistant to the Judge” or what means she used to make that purported communication. No documentation was provided corroborating her claim. Nor did she explain why she did not attempt again to receive a response if her first inquiry went unanswered. Applicant’s assertion falls short of a *prima facie* showing that she was denied any due process rights afforded her under the Directive.

Applicant also notes that her security clearance is important for her to stay in her current job. The Directive, however, does not permit us to consider the impact of an unfavorable decision. *See, e.g.*, ISCR Case No. 19-01206 at 2 (App. Bd. May 13, 2020).

Applicant asks for a “fresh look” at her case. Appeal Brief at 1. 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