

DEPARTMENT OF DEFENSE

DEFENSE LEGAL SERVICES AGENCY DEFENSE OFFICE OF HEARINGS AND APPEALS APPEAL BOARD POST OFFICE BOX 3656 ARLINGTON, VIRGINIA 22203 (703) 696-4759

		Date: January 24, 2022
In the matter of:)	
)	ISCR Case No. 20-00989
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 July 6, 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 July 6, 2021, after considering the record, Administrative Judge Roger C. Wesley 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. She does, however, aver that her status as the Facility Security Officer (FSO) for her employer adversely affected her in two ways: first, she did not have anyone to whom she could report her financial issues; and, second, she was not served with notice of the revocation of her clearance.

Additionally, she states that she has made efforts to re-establish a solid credit history and requests further consideration of the credit report she submitted to the Administrative Judge.

Turning first to her status as FSO, the SOR did not allege a failure-to-report, and a review of the record confirms that no evidence or argument referenced any such failure on her part. Nor does the Judge's decision. Moreover, although the record does not establish how Applicant received her notice of denial of her security clearance, the record does confirm that she filed a Notice of Appeal, was duly provided with instructions on how to appeal, and subsequently filed her appeal, after one extension was granted. A review of the entire record discloses no basis to conclude that Applicant was denied the rights due her under the Directive or that she had not been adequately advised of those rights. *See*, *e.g.*, ISCR Case No 15-04472 at 3 (App. Bd. Feb. 9, 2017).

Turning next to Applicant's request for further consideration of a previously-submitted credit report, the Appeal Board does not review cases *de novo*. Our authority to review is limited to cases in which the appealing party has raised a claim of harmful error. *See*, *e.g.*, ISCR Case No. 18-01962 at 2 (App. Bd. Aug. 29, 2019). Applicant has made no such allegation. The decision of the Judge denying Applicant a security clearance is affirmed.

Order

The decision is **AFFIRMED**.

Signed: James F. Duffy
James F. Duffy
Administrative Judge
Chairperson, Appeal Board

Signed: James E. Moody James E. Moody Administrative Judge Member, Appeal Board

Signed: Moira Modzelewski Moira Modzelewski Administrative Judge Member, Appeal Board