



**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: February 10, 2022

In the matter of:)	
)	
-----)	ISCR Case No. 20-02567
)	
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 December 2, 2020, DoD issued a statement of reasons (SOR) advising Applicant of the basis of that decision—security concerns raised under Guideline F (Financial Considerations) of DoD Directive 5220.6 (January 2, 1992, as amended) (Directive). Applicant requested a hearing. On September 21, 2021, after the record closed, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Edward W. Loughran denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

The SOR alleged nine financial concerns under Guideline F—six consumer debts, an unsatisfied judgment, and two dismissed Chapter 7 bankruptcy filings. The Judge found for Applicant on the two bankruptcy allegations and against Applicant on the remaining seven delinquent debts. Applicant notes that the Judge erred in finding that he had been sued in the amount of \$25,000 over the purchase of a failed business, when in fact he had been sued in the amount of \$365,000. The lawsuit is not alleged in the SOR, nor is any related debt. This was a harmless error as it did not likely have an impact on the outcome of the case. *See, e.g.*, ISCR Case No. 19-01220 at 3 (App. Bd. Jun. 1, 2020).

Besides that error, Applicant's appeal brief makes no other assertion of harmful error on the part of the Judge. Instead, Applicant re-states information regarding his debts that was previously provided to the Judge, both in documents submitted by Applicant and in his testimony at the hearing. A mere disagreement with the Judge's weighing of the evidence is insufficient to establish the decision is arbitrary, capricious, or contrary to law. The Appeal Board does not review cases *de novo*. Our authority to review a case is limited to cases in which the appealing party has alleged the Judge committed harmful error. *See, e.g.*, ISCR Case No. 18-01962 at 2 (App. Bd. Aug. 29, 2019). Because Applicant has not alleged any harmful error, the decision of the Judge denying Applicant a security clearance is sustainable.

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