

and E3.1.30.

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: March 9, 2022

In the matter of:	)
	)
	)
Applicant for Security Clearance	)

ISCR Case No. 20-03200

# **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 20, 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 requested a decision on the written record. On January 25, 2022, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Philip J. Katauskas denied Applicant's request for a security clearance. Applicant appealed pursuant to Directive ¶ E3.1.28

On appeal, Applicant makes no assertion of harmful error on the part of the Judge. Instead, he requests reconsideration of the Judge's decision and provides additional information about the circumstances that led to his financial issues. The Appeal Board does not review cases *de novo* and is prohibited from considering new evidence on appeal. Directive E3.1.29. The Board's authority to review a case is limited to cases in which the appealing party has alleged the Judge

committed harmful error. Because Applicant has not made such an allegation of error, the decision of the Judge denying Applicant a security clearance is sustainable.

# Order

The decision is **AFFIRMED**.

<u>Signed: James F. Duffy</u> James F. Duffy Administrative Judge Chairperson, Appeal Board

Signed: Jennifer I. Goldstein Jennifer I. Goldstein Administrative Judge Member, Appeal Board

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