



**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: August 11, 2022

In the matter of:)	
)	
-----)	ISCR Case No. 21-00874
)	
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 June 14, 2021, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline F (Financial Considerations) of DoD Directive 5220.6 (January 2, 1992, as amended) (Directive). In responding to the SOR, Applicant did not request a hearing. On June 9, 2022, after considering the written record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Mark Harvey denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

The SOR alleged that Applicant had 15 delinquent debts. These consist of 12 Federal student loans placed for collection, two delinquent consumer debts, and a charged-off private educational loan. In responding to the SOR, Applicant admitted or denied each of the allegations and also provided a personal letter addressing the debts and a credit report. He did not submit a response to Department Counsel’s File of Relevant Material. The Judge found in favor of Applicant on one consumer debt and against him on the remaining allegations, noting “[h]e did

not provide documentary evidence showing a track record of consistent payments to several SOR creditors.” Decision at 9.

Applicant’s brief makes no assertion that the Judge committed harmful error. Rather, it contains documents and assertions that were not previously presented to the Judge for consideration. The Appeal Board is prohibited from considering new evidence on appeal. Directive ¶ E3.1.29. Applicant further notes that the adverse decision will have a negative impact on him and his family, but a decision’s impact is not a relevant consideration in assessing an individual’s security clearance eligibility. *See, e.g.*, ISCR Case No. 19-02397 at 1-2 (App. Bd. May 6, 2020).

The Board does not review cases *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. Because Applicant has not alleged any harmful error, the decision of the Judge denying Applicant security clearance eligibility is sustainable.

Order

The decision is **AFFIRMED**.

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

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

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