		Date: September 14, 2022
In the matter of:)	
)))	ISCR Case No. 21-00787
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 18, 2021, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline B (Foreign Influence) of DoD Directive 5220.6 (January 2, 1992, as amended) (Directive). Applicant requested a hearing. On July 19, 2022, after close of the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Pamela C. Benson denied Applicant's request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30. For reasons stated below, we affirm the decision.

The SOR alleged that Applicant has in-laws who are citizens and residents of Iraq. In responding to the SOR, Applicant admitted both SOR allegations. At the hearing, Applicant testified but offered no documentary evidence. In his appeal brief, he now provides a number of documents for the Appeal Board's consideration. The Board, however, is prohibited from considering new evidence on appeal. *See* Directive ¶E3.1.29 ("No new evidence shall be received or considered by the Appeal Board.").

Applicant's brief does not specifically assert the Judge committed any error in the decision. Rather, it asserts that he knows other individuals who apparently hold clearances and have relatives in Iraq. In this regard, the Directive provides that each case must be judged on its own merits. *See* Directive, Encl. 2, App. A \P 2(b). The fact that other individuals with relatives in Iraq may have been granted clearances does not establish the Judge erred in adjudicating Applicant's security clearance eligibility.

Applicant also contends that the fact he has in-laws living in Iraq is not a sufficient reason to deny him a security clearance. As the Appeal Board has previously stated, "[a]s a matter of common sense and human experience, there is a rebuttable presumption that a person has ties of affection for, or obligation to, the immediate family members of the persons' spouse." *See, e.g.*, ISCR Case No. 14-03112 at 3, n.1 (App. Bd. Nov. 3, 2015). It was not unreasonable for the Judge to conclude that security concerns arose from Applicant's in-laws Iraq. In short, none of Applicant's arguments are sufficient to show the Judge committed any harmful error in the decision.

The decision is sustainable on the record. "The general standard is that a clearance may be granted only when 'clearly consistent with national security." *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). *See also*, Directive, Encl. 2, App. A \P 2(b): "Any doubt concerning personnel being considered for national security eligibility will be resolved in favor of national security."

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 Modzelewski Moira Modzelewski Administrative Judge Member, Appeal Board