



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: October 14, 2022

In the matter of:)	
)	
-----)	ISCR Case No. 21-02414
)	
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 January 5, 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 Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a decision on the written record. On July 18, 2022, after the record closed, Administrative Judge Matthew E. Malone 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 six delinquent debts. In answering the SOR, Applicant admitted the allegations with explanation. She did not submit a response to Department Counsel’s File of Relevant Material. The Judge found against Applicant on all six delinquencies, which totaled about \$34,000.

On appeal, Applicant make no assertion of harmful error on the part of the Judge. Instead, she provides additional information about the circumstances that led to her financial issues. The Appeal Board is prohibited from considering new evidence on appeal. Directive E3.1.29. Applicant also asserts that loss of her security clearance would cause her financial hardship and notes that she does not have access to classified information. Those matters, however, are not relevant considerations in evaluating clearance eligibility. *See, e.g.*, ISCR Case No. 19-01098 at 1-2 (App. Bd. May 11, 2020).

The Board does not review a case *de novo*. The Appeal Board's authority to review a case is limited to cases in which the appealing party has alleged that the Judge committed harmful error. Because Applicant has not made an allegation of error, the decision of the Judge 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 Modzelewski
Moira Modzelewski
Administrative Judge
Member, Appeal Board