

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 3, 2022
In the matter of:)	
in the matter of.))	
)	ISCR Case No. 21-02327
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 October 28, 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). Applicant requested a decision on the written record. On August 2, 2022, after considering the written record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Darlene D. Lokey Anderson 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 11 delinquent debts totaling over \$37,000. In responding to the SOR, Applicant admitted each of the allegations. The Judge found against Applicant on ten of the alleged debts.

Applicant's brief asserts that the debt in SOR ¶ 1.d "may be" and "appears" to be a duplicate of the debt in SOR ¶ 1.k. Appeal Brief at 1 and 5. He does not explain the basis for that supposition. While both allegations list the same collection agency as the creditor, we see no other reason to conclude these allegations are duplicates. Of note, Item 4 of the File of Relevant Material (FORM) reflects that a judgment was entered against Applicant in September 2018 for

the debt in SOR ¶ 1.k, while a credit report dated August 26, 2021 (FORM Item 6 at 2) lists the debt in SOR ¶ 1.d as a collection account. The amounts of the two debts are close but not exact. In responding to the SOR, Applicant admitted both debts, indicated he was making payments on both debts, noted he did not have a copy of the payment agreement for one of them, and did not assert they were duplicate debts. In short, Applicant has failed to demonstrate these two allegations are duplicates. Moreover, even if these two allegations were duplicates, it is unlikely such an error would have had changed the outcome of this case.

The remainder of Applicant's brief is an update on the status of the alleged debts. In providing this update, Applicant makes assertions and submits documents embedded in the brief that were not presented to the Judge for consideration. The Appeal Board is prohibited from receiving or considering new evidence on appeal. Directive ¶ E3.1.29.

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: James E. Moody James E. Moody Administrative Judge Member, Appeal Board

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