



**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: February 6, 2023

In the matter of:	)	
	)	
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	)	
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 April 15, 2021, DoD issued a statement of reasons (SOR) advising Applicant of the basis of that decision—security concerns raised under Guideline E (Personal Conduct), Guideline B (Foreign Influence), and Guideline F (Financial Considerations) of DoD Directive 5220.6 (January 2, 1992, as amended) (Directive). Applicant requested a decision on the written record. In June 2022, Department Counsel submitted the Government’s file of relevant material (FORM) to Applicant, who provided material in a timely response. On December 15, 2022, after consideration of the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Ross D. Hyams denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

The Judge found favorably for Applicant on the Guideline B allegations and adversely to Applicant on the Guideline E and Guideline F allegations. Under Guideline E, the SOR alleged that Applicant was investigated by his employer in 2016 for using his company email to correspond

with foreign women whom he met on online dating sites; that he took out personal loans to wire funds to a woman living abroad whom he met on a dating website; that he was fired by his employer in 2018 for mischarging time; and that he falsified material facts regarding being terminated during his background interview in 2019. Under Guideline F, the SOR alleges eight delinquent debts totaling approximately \$72,000.

To the extent that we understand Applicant's argument on appeal, he contends that the Administrative Judge was incorrect on some of his findings of fact because no one had talked to Applicant since his background interview in early 2019 to "confirm the supposed facts." Appeal Brief at 1. We note first that Applicant was provided the opportunity in May 2020 to review the summaries of his multiple interviews with background investigators and that he adopted those summaries as accurate. GE 4 at 16. Second, we note that Applicant was provided an opportunity to respond to the FORM and availed himself of that opportunity. Finally, we note that the only error that Applicant highlights is that he has held a security clearance since 1997 vice 2001. Appeal Brief at 1. This was a harmless error as it did not likely have an impact on the outcome of the case. *See, e.g.*, ISCR Case No. 19-01220 at 3 (App. Bd. Jun. 1, 2020).

Besides that error, Applicant's appeal brief makes no other assertion of harmful error on the part of the Judge. Instead, Applicant re-states information regarding the alleged online relationships, his 2018 termination, and his debts that was previously provided to the Judge in Applicant's answer to the SOR and his response to the FORM. The Appeal Board does not review cases *de novo*. Our authority to review a case is limited to cases in which the appealing party has alleged the Judge committed harmful error. *See, e.g.*, ISCR Case No. 18-01962 at 2 (App. Bd. Aug. 29, 2019). Because Applicant has not alleged any harmful error, the decision of the Judge denying Applicant a security clearance is sustainable.

**Order**

The decision is **AFFIRMED**.

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

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

Signed: Gregg A. Cervi  
Gregg A. Cervi  
Administrative Judge  
Member, Appeal Board