

#### 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 17, 2023
	)	
In the matter of:	)	
	)	ISCR Case No. 22-00874
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, 2022, 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 December 19, 2022, after considering the written record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Carol G. Ricciardello denied Applicant's request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

The SOR contains nine allegations. With minor modifications, the Judge found against Applicant on five of those allegations, *i.e.*, that Applicant had a Chapter 7 bankruptcy discharged in 2021; that he owed over \$21,000 in past due Federal income taxes for 2016-2018; and that he failed to file his Federal income tax returns for 2019-2020 in a timely manner. In general, the

Judge concluded that Applicant does not have a reliable financial record of filing and paying his Federal income taxes.

Applicant's appeal brief does not assert that the Judge committed any harmful error. The Appeal Board does not review cases *de novo*. The 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 such a 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: Moira Modzelewski Moira Modzelewski Administrative Judge Member, Appeal Board

Signed: Allison Marie Allison Marie Administrative Judge Member, Appeal Board