

Date: March 6, 2023

In the matter of:)

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Applicant for Security Clearance)
_____)

ISCR Case No. 22-01180

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 September 21, 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 Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a decision on the written record. The Defense Office of Hearings and Appeals (DOHA) provided Applicant a copy of the Government’s File of Relevant Material (FORM) on November 2, 2022, and Applicant responded to the FORM in a timely manner. On January 13, 2023, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Roger C. Wesley denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

The SOR alleged twelve financial concerns, including that Applicant carried delinquent debt totaling about \$78,800 and that he had failed to timely file both his Federal and state income tax returns for tax years 2016 and 2017. The Judge found against Applicant on all allegations.

On appeal, Applicant makes no assertion of error on the part of the Judge. Rather, he resubmits documents previously provided and reiterates much of the same explanation he submitted in response to the FORM – that some of the debts are the result of identity theft, that some of the debts are resolved, and that his tax returns have been filed, albeit late. Additionally,

he requests reconsideration of the Judge's decision and submits new evidence. The Appeal Board does not review cases *de novo* and is prohibited from considering new evidence on appeal. Directive ¶ E3.1.29. The Board's authority to review a case is limited to matters in which the appealing party has alleged that the Judge committed harmful error. Applicant has not alleged any such harmful error, and therefore the Judge's decision 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: Allison Marie
Allison Marie
Administrative Judge
Member, Appeal Board