



**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: June 9, 2023

In the matter of:)	
)	
-----)	ISCR Case No. 21-00052
)	
Applicant for Security Clearance)	

APPEAL BOARD DECISION

APPEARANCES

FOR GOVERNMENT

James B. Norman, Esq., Chief Department Counsel

FOR APPLICANT

Pro se

On June 28, 2022, Department of Defense (DoD) issued a statement of reasons (SOR) advising Applicant that his conduct raised security concerns raised under Guideline F (Financial Considerations) of the National Security Adjudicative Guidelines in Appendix A of Security Executive Agent Directive 4 (effective June 8, 2017) (AG) and DoD Directive 5220.6 (January 2, 1992, as amended) (Directive). Applicant requested a hearing. On March 16, 2023, after the hearing, Defense Office of Hearings and Appeal Administrative Judge Benjamin R. Dorsey concluded that it is not consistent with the national interest to grant Applicant eligibility for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant’s appeal brief merely asserts that “I feel like I did not get a fair decision from the Administrative Judge.” He provides no explanation of his basis for that assertion. There is no presumption of error below. Directive ¶ E3.1.30 provides that an appeal brief must state the specific issue or issues being raised and cite specific portions of the case record supporting any

alleged error. Applicant's brief fails for lack of specificity. More specifically, it does not establish a *prima facie* case of a due process violation or any other error.

The Appeal Board does not review cases *de novo*. Our scope of review is limited to addressing material issues raised by the parties to determine whether harmful error occurred. Directive ¶ E3.1.32. The decision of the Judge denying Applicant security clearance eligibility is sustainable because Applicant's brief fails to raise sufficiently a material issue of harmful error.

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