



**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: August 30, 2023

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In the matter of:)	
)	
)	
-----)	ISCR Case No. 22-01207
)	
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 September 6, 2022, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline F (Financial Considerations), Guideline B (Foreign Influence), and Guideline E (Personal Conduct) of the National Security Adjudicative Guidelines (AG) in Appendix A of Security Executive Agent Directive 4 (effective Jun. 8, 2017) and DoD Directive 5220.6 (January 2, 1992, as amended) (Directive). Applicant requested a decision on the written record. On June 30, 2023, after considering the record, Defense Office of Hearings and Appeals Administrative Judge Philip J. Katauskas denied Applicant’s security clearance eligibility. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

The SOR alleged that Applicant had seven delinquent debts, that his spouse was a dual citizen of the United States and a foreign country and owned property in that country, that he had in-laws who were citizens and residents of that foreign country, and that he received written reprimands from an employer in 2017 and twice in 2019. The Judge found against Applicant on the Guideline F allegations and in favor of him on the Guideline B and E allegations.

Applicant's appeal brief does not assert that the Judge committed any harmful error. Rather, it asserts that Applicant has made strides to resolve his delinquent debts, and notes that he needs a security clearance to do his job. On this last point, the impact that an unfavorable security clearance decision has on an applicant is not a relevant consideration in evaluating clearance eligibility. *See, e.g.*, ISCR Case No. 22-01232 at 1-2 (App. Bd. Apr. 13, 2023). His appeal brief also contains new evidence that the Appeal Board is prohibited from considering. Directive ¶ E3.1.29.

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. Directive ¶ E3.1.32. 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: Gregg A. Cervi
Gregg A. Cervi
Administrative Judge
Member, Appeal Board

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