



**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: November 13, 2023

In the matter of:)	
)	
)	
----)	ISCR Case No. 22-00147
)	
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 July 20, 2022, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline F (Financial Considerations) 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 hearing. On September 21, 2023, after the record closed, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Carol G. Ricciardello denied Applicant’s security clearance eligibility. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

The SOR alleged that Applicant had 11 delinquent student loans and a consumer debt, and falsified two security clearance applications. In responding to the SOR, Applicant admitted each allegation. The Judge found in favor of Applicant on the falsification allegations and against him on all of the debts. In summarizing the decision, the Judge stated that Applicant was unable to pay

a proposed student loan payment plan and assumed the accounts were closed. He became aware of his debts during his security investigation and made one payment before and one after his hearing. He did not take any other action to address his debts and believed that his security clearance hearing process would provide him guidance on how to resolve his financial difficulties. Decision at 6.

Applicant's appeal brief does not assert that the Judge committed any harmful error. Rather, it states that he was unaware of the importance of addressing his student loans, has grown and learned throughout the process, and began monthly payments the day after his hearing. Appeal Brief at 1.

The Appeal Board is prohibited from considering new evidence on appeal and 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 ¶¶ E3.1.29 and 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: Moira Modzelewski
Moira Modzelewski
Administrative Judge
Member, Appeal Board

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