

On March 2, 2023, after holding a hearing, 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 alleged that a Joint Personal Adjudication System Incident Report of May 29, 2020, disclosed that Applicant was arrested on or about May 24, 2020, for the felony charge of Torture/Willful Abuse of a Child-Family. The Judge found:

On December 1, 2022, Applicant voluntarily accepted a plea agreement to have the felony charge reduced to the misdemeanor of harassment. He was represented by his criminal defense attorney. His plea of guilty was accepted and the court adjudicated his guilt. He was given a three-month jail sentence that was suspended for two years and was placed on probation for two years. He was also given a fine and required to pay court costs. (GE 5)

On December 23, 2022, Applicant filed a motion to set aside his guilty plea. The motion was granted on February 9, 2023, and the plea agreement was set aside. The plea to harassment was removed and the original case has been reinstated, which means the pending charge of child abuse is a felony. As of February 13, 2023, a trial by jury date had not been scheduled. [Decision at 5.]

In her analysis, the Judge concluded there was substantial evidence to prove that Applicant intentionally struck his child with a belt on the buttocks and bare legs, which left welts. The Judge further concluded that Applicant's conduct casts doubt on his good judgment, trustworthiness, and reliability, and that he presented insufficient evidence to mitigate the security concerns arising from such conduct.

Applicant's appeal brief contains new evidence that the Appeal Board is prohibited from considering. Directive ¶ E3.1.29. His 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