



**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: January 22, 2024

In the matter of:	)	
	)	
-----	)	ISCR Case No. 23-00612
	)	
Applicant for Security Clearance	)	
	)	

**APPEAL BOARD DECISION**

**APPEARANCES**

**FOR GOVERNMENT**

Julie R. Mendez, Esq., Deputy Chief Department Counsel

**FOR APPLICANT**

*Pro se*

The Department of Defense (DoD) declined to grant Applicant a security clearance. On May 2, 2023, DoD issued a statement of reasons (SOR) advising Applicant of the basis of that decision—security concerns raised under Guideline F (Financial Considerations), Guideline J (Criminal Conduct), and Guideline E (Personal Conduct) of the National Security Adjudicative Guidelines (AG) in Appendix A of Security Executive Agent Directive 4 (effective June 8, 2017) and DoD Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a decision on the written record. On December 1, 2023, Defense Office of Hearings and Appeals Administrative Judge Eric C. Price denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Under Guideline F, the SOR alleges that Applicant fraudulently withdrew about \$9,700 from the bank account of a youth activities club between 2017 and 2019 and that she gambled in an effort to pay back the funds. Under Guideline J, this conduct was cross-alleged, and the SOR also alleged that Applicant was charged in about 2021 with two counts of Felony Theft and ordered

by a court to pay restitution in the amount of \$20,000. All Guideline F and Guideline J allegations were cross-alleged under Guideline E. In responding to the SOR, Applicant admitted the allegations but stated that the restitution was by agreement rather than court-ordered.

On appeal, Applicant makes no assertion of harmful error on the part of the Judge. Instead, she reiterates remorse for her actions and highlights that she was “open, honest and cooperative through this whole process.” Appeal Brief (AB) at 1. Applicants are required to provide full, frank, and truthful answers to relevant questions needed to reach a clearance decision. Applicant’s honesty during the adjudication process does not negate or diminish the negative security implications of her history. *See, e.g.*, ISCR Case No. 99-0119 at 3 (App. Bd. Sep. 13, 1999) (“An applicant’s honesty and candor with the government do not preclude the government from considering the security significance of the applicant’s admitted conduct.”).

Applicant also notes that she does not have access to classified information in her job and that “[t]here is no risk of me being a threat to National Security.” AB at 1. The issue of access, however, is not a relevant matter for our consideration. Our jurisdiction is limited to those issues set forth in the Directive, and we have no authority to consider the extent to which an applicant may or may not actually have access to classified information in the course of her job. *See, e.g.*, ISCR Case No. 14-00508 at 2–3 (App. Bd. Jan. 23, 2015) (citing Directive ¶ E3.1.32).

The Board does not review a case *de novo*. The Appeal Board’s authority to review a case is limited to those in which the appealing party has alleged that the judge committed harmful error. Because Applicant has not made an allegation of error, the decision of the Judge is sustainable on this record. “The general standard is that a clearance may be granted only when ‘clearly consistent with the interests of the national security.’” *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). “Any doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security.” AG ¶ 2(b).

**ORDER**

The decision is **AFFIRMED**.

Signed: Moira Modzelewski  
Moira Modzelewski  
Administrative Judge  
Chair, Appeal Board

Signed: James B. Norman  
James B. Norman  
Administrative Judge  
Member, Appeal Board

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