



**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: September 19, 2024

\_\_\_\_\_ )  
 In the matter of: )  
 )  
 )  
 ----- )  
 )  
 Applicant for Security Clearance )  
 \_\_\_\_\_ )

ISCR Case No. 23-02487

**APPEAL BOARD DECISION**

**APPEARANCES**

**FOR GOVERNMENT**

Julie R. Mendez, Esq., Chief Department Counsel

**FOR APPLICANT**

*Pro se*

The Department of Defense (DoD) declined to grant Applicant a security clearance. On December 1, 2023, DoD issued a Statement of Reasons (SOR) advising Applicant of the basis of that decision – security concerns raised under Guidelines E (Personal Conduct) and F (Financial Concerns) 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 based on the written record, without a hearing. The Government provided Applicant with the File of Relevant Material (FORM) containing the entire record and the Government’s argument. Applicant did not file a response to the FORM and on July 25, 2024, Defense Office of Hearings and Appeals Administrative Judge Carol G. Ricciardello denied Applicant’s security clearance eligibility. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

On appeal, Applicant correctly asserts that the Judge erred when she found that his age was 48, rather than 46. This error was harmless, as it did not likely affect the outcome of the case. *See, e.g.*, ISCR Case No. 95-0495 at 4 (App. Bd. Mar. 22, 1996) (remand or reversal required only where there is a significant chance that, but for the error, a different result might have been reached). Applicant makes no other assertion of harmful error other than suggesting that, because the Judge erred as to his age, there might be other errors. However, he did not identify any other

specific facts that he believed were erroneous. His general conjecture does not raise an allegation of error. The Board's authority to review a case is limited to cases in which the appealing party has alleged the judge committed harmful error and we do not review cases *de novo*. Directive ¶ E3.1.29. Because Applicant has not made an allegation of harmful error, the decision of the Judge denying Applicant security clearance eligibility is sustainable.

### **ORDER**

The decision in ISCR Case No. 23-02487 is **AFFIRMED**.

Signed: Moira Modzelewski

Moira Modzelewski  
Administrative Judge  
Chair, Appeal Board

Signed: Allison Marie

Allison Marie  
Administrative Judge  
Member, Appeal Board

Signed: James B. Norman

James B. Norman  
Administrative Judge  
Member, Appeal Board