



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: May 16, 2025

In the matter of:)	
)	
)	
-----)	ISCR Case No. 23-02872
)	
Applicant for Security Clearance)	
)	

APPEAL BOARD DECISION

APPEARANCES

FOR GOVERNMENT

Andrea M. Corrales, Esq., Deputy Chief Department Counsel

FOR APPLICANT

Pro se

The Department of Defense (DoD) declined to grant Applicant a security clearance. On January 24, 2024, DoD issued a Statement of Reasons (SOR) advising Applicant of the basis of that decision – security concerns raised under Guideline H (Drug Involvement and Substance Misuse), Guideline E (Personal Conduct), and Guideline J (Criminal 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). On March 14, 2025, Defense Office of Hearings and Appeals Administrative Judge Charles C. Hale denied Applicant national security eligibility. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Discussion

Under Guideline H, the SOR alleged that Applicant used marijuana from 2015 to about November 2022, and further alleged under Guideline E that he deliberately failed to disclose his marijuana use on his 2017 and 2023 security clearance applications (SCA). Additionally, under Guideline E and Guideline J, the SOR alleged that Applicant had amassed over a dozen charges

and citations for a variety of traffic violations between 2015 and mid-2023, including for having expired tags, speeding, failing to display license plates, failing to have vehicle inspected, driving without a license, and related failures to appear. The Judge found in Applicant's favor regarding the alleged falsification of his 2023 SCA and adversely regarding all other allegations.

There is no presumption of error below and the appealing party has the burden of raising claims of error with specificity. Directive ¶ E3.1.30. On appeal, Applicant makes no assertion of error on the part of the Judge, but rather requests reconsideration and the opportunity to continue on his career path. The Appeal Board does not review cases *de novo* and our authority to review a case is limited to matters in which the appealing party has raised a claim of harmful error. Applicant has not alleged any such error, and the adverse impact of an unfavorable eligibility determination on an applicant's career is not relevant in evaluating his security suitability. *See* DISCR OSD Case No. 91-0322, 1993 WL 99569 at *3 (App. Bd. Mar. 9, 1993). Accordingly, the Judge's decision is affirmed.

Order

The decision in ISCR Case No. 23-02872 is **AFFIRMED**.

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

Signed: Jennifer I. Goldstein
Jennifer I. Goldstein
Administrative Judge
Member, Appeal Board

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