

KEYWORD: Guideline F

DIGEST: Applicant did not raise an issue of harmful error. His new evidence cannot be considered upon appeal. Adverse decision affirmed.

CASE NO: 09-00955a.red

DATE: 02/10/2011

DATE: February 10, 2011

In Re:)	
)	
-----)	ISCR Case No. 09-00955
)	
Applicant for Security Clearance)	
)	

APPEAL BOARD SUMMARY DISPOSITION

APPEARANCES

FOR GOVERNMENT

James B. Norman, Esq., Chief Department Counsel

FOR APPLICANT

Pro se

The Defense Office of Hearings and Appeals (DOHA) declined to grant Applicant a security clearance. On June 9, 2010, DOHA issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline F (Financial Considerations) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested that the case be decided on the written record. On November 30, 2010, after considering the record, Administrative Judge Paul J. Mason denied Applicant’s request for a security clearance. Applicant appealed pursuant to the Directive ¶¶ E3.1.28 and E3.1.30.

In this case, Applicant did not file a response to the Government’s file of relevant material. His appeal brief contains no assertion of harmful error on the part of the Judge. Rather, it contains

new evidence, in the form of documents relating to Applicant's participation in a debt repayment plan in 2008, his receipt of unemployment compensation, his negotiation of a payment plan for one of his debts in January 2011, and an unexplained IRS notice for the year 2007.

The Board cannot consider Applicant's new evidence on appeal. *See* Directive ¶ E3.1.29. The Appeal Board's authority to review a case is limited to cases in which the appealing party has alleged the Judge committed harmful error. Applicant has not made an allegation of harmful error on the part of the Judge. Therefore, the decision of the Judge denying Applicant a security clearance is AFFIRMED.

Signed: Michael Y. Ra'anan
Michael Y. Ra'anan
Administrative Judge
Chairperson, Appeal Board

Signed: Jean E. Smallin
Jean E. Smallin
Administrative Judge
Member, Appeal Board

Signed: William S. Fields
William S. Fields
Administrative Judge
Member, Appeal Board