DIGEST: Applicant made no assertion of harmful error. She did submit additional evidence not

KEYWORD: Guideline F

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 December 3, 2009, 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 April 30, 2010, after reviewing the record, Administrative Judge Roger C. Wesley denied Applicant's request for a security clearance. Applicant timely appealed pursuant to the Directive ¶ E3.1.28 and E3.1.30.

Applicant's appeal brief makes no assertion of harmful error on the part of the Judge.¹ Applicant does offer additional written materials which she asserts support a reversal of the Judge's adverse security clearance decision. However, the Board may not consider 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. *See* Directive ¶ E3.1.32. The Board does not review cases *de novo*. Therefore, the decision of the Judge denying Applicant a security clearance is AFFIRMED.

Signed: Jeffrey D. Billett
Jeffrey D. Billett
Administrative Judge
Member, 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

¹Without claiming that the Judge erred, Applicant makes a factual statement on appeal that she has never lost her home to foreclosure. A review of the Judge's decision reveals that the Judge made a finding of fact that Applicant lost her home to foreclosure. To the extent that Applicant's factual statement can be construed as a claim of error, it fails to establish error on the part of the Judge. Applicant submitted a document entitled "Forbearance Agreement/Stipulation" as part of her submission to the File of Relevant Material. The document purports to be an agreement between Applicant and her lender to cure her mortgage loan default and reinstate her mortgage to good standing. The Judge specifically mentioned the document in his decision and noted that it was an unexecuted document. The document contains Applicant's signature but not the signature of the mortgagee.