KEYWORD: Guideline E; Guideline J

DIGEST: The Board's authority is limited. Adverse decision affirmed.

CASENO: 06-11901.a1

DATE: 02/20/2009

DATE: February 20, 2009

| In Re: |) |
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| |) |
| |) |
| Applicant for Security Clearance |) |

ISCR Case No. 06-11901

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 March 6, 2008, DOHA issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline F (Financial Considerations), Guideline E (Personal Conduct) and Guideline J (Criminal Conduct) of Department of Defense

Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a hearing. On December 10, 2008, after the hearing, Administrative Judge Arthur E. Marshall, Jr. denied Applicant's request for a security clearance. Applicant appealed pursuant to the Directive \P E3.1.28 and E3.1.30.

Applicant's appeal brief contains no assertion of harmful error on the part of the Judge. 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 \P E3.1.32. It does not review cases *de novo*. Applicant has not made an allegation of harmful error. Therefore, the decision of the Judge denying Applicant a security clearance is AFFIRMED.

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

Signed: Michael D. Hipple Michael D. Hipple Administrative Judge Member, Appeal Board

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