KEYWORD: Guideline F		
DIGEST: The Board cannot consider new eviden	ce on app	eal. Adverse decision affirmed
CASENO: 06-17520.a1		
DATE: 09/20/2007		
		DATE: September 20, 2007
In Re:)	
))	ISCR Case No. 06-17520
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 August 17, 2006, 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 the case be decided on the written record. On March 19, 2007, after considering the record, Administrative Judge Joan Caton Anthony 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 contains no assertion of error on the part of the Judge. Rather, it contains new evidence in the form of a statement from Applicant which summarizes his recent efforts to pay off the debts listed in the SOR. The Board cannot consider this new evidence on appeal. *See* Directive ¶ E3.1.29.

In this case, Applicant elected to have a decision based upon the written record, and then did not respond to the government's file of relevant material (FORM). The Judge based her decision, in part, on the fact that: "Applicant provided no persuasive evidence to rebut the financial concerns specified in the SOR..." The Board has previously noted that it is reasonable for a Judge to expect applicants to present documentation about the satisfaction of specific debts. *See* ISCR Case No. 04-10671 at 3 (App. Bd. May 1, 2006). In his brief, Applicant states "... I was unaware I needed to send proof." A review of the record indicates Applicant was provided with the procedural rights set forth in Executive Order 10865 and the Directive, including an opportunity to respond to the government's file of relevant material. Although *pro se* applicants cannot be expected to act like lawyers, they are expected to take timely, reasonable steps to protect their rights under the Directive. *See, e.g.,* ISCR Case No. 00-0593 at 4 (App. Bd. May 14, 2001). If they fail to take timely, reasonable steps to protect their rights, that failure to act does not constitute a denial of their rights. *See, e.g.,* ISCR Case No. 02-19896 at 6 (App. Bd. Dec. 29, 2003).

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. The Board does not review a case *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: William S. Fields
William S. Fields
Administrative Judge
Member, Appeal Board

Signed: James E. Moody James E. Moody

¹Decision at 5.

²Applicant's Appeal Brief at 1.

Administrative Judge Member, Appeal Board