KEYWORD: Guideline F

DIGEST: The Board cannot consider Applicant's new evidence on appeal. Adverse decision affirmed.

CASENO: 06-24750.a1

DATE: 11/23/2007

DATE: November 23, 2007

In Re:

Applicant for Security Clearance

ISCR Case No. 06-24750

APPEAL BOARD SUMMARY DISPOSITION

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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 30, 2007, DOHA issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline F (Financial Considerations)

FOR OFFICIAL USE ONLY When unredacted this document contains information EXEMPT FROM MANDATORY DISCLOSURE under the FOIA Exemption 6 applies of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a hearing. On July 30, 2007, after the hearing, Administrative Judge Jacqueline T. Williams denied Applicant's request for a security clearance. Applicant appealed pursuant to the Directive ¶¶ E3.1.28 and E3.1.30.

Applicant's appeal brief contains no assertion of harmful error on the part of the Judge. Rather, it contains new evidence in the form of a statement from Applicant and attachments that indicate Applicant has received a pay raise, has paid off one of her outstanding debts, and has contacted her creditors to make arrangements to pay off the remaining ones.¹ The Board cannot consider this 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. 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: Jeffrey D. Billett Jeffrey D. Billett Administrative Judge Member, Appeal Board

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

¹Applicant also states that if she loses her clearance, she will be forced to go on unemployment again and will not be able to afford her daily medications. The adverse impact of a clearance decision on an applicant is not relevant or material to an applicant's security eligibility. *See* ISCR Case No. 03-21012 at 4 (App. Bd. Aug. 31, 2005).