KEYWORD: Guideline F

DIGEST: Remand to the Administrative Judge for further processing in light in light of Applicant's motion regarding his "original response' to the File of Relevant Material. Adverse decision remanded.

CASENO: 07-17920.a1

DATE: 10/03/2008

DATE: October 3, 2008

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

APPEAL BOARD DECISION

APPEARANCES

FOR GOVERNMENT
James B. Norman, Esq., Chief Department Counsel

FOR APPLICANT
Fred Grafstein, Esq.

The Defense Office of Hearings and Appeals (DOHA) declined to grant Applicant a security clearance. On March 16, 2008, 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 a decision on the written record. On July 28, 2008, after considering the record, Administrative Judge Carol G. Ricciardello denied Applicant's request for a security clearance. Applicant filed a timely appeal pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

On August 27, 2008, Applicant filed a motion for expedited remand for the Judge to consider Applicant's "original response [to the File of Relevant Material] which apparently had not been taken into account." On September 4, 2008, Department Counsel filed a response to Applicant's motion stating that he had no objection to the "expedited remand." Accordingly, in the interest of administrative economy, the case is hereby remanded to the Judge for further processing. Nothing about this action shall prejudice the appeal rights of the parties.

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

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

Signed: James E. Moody
James E. Moody
Administrative Judge
Member, Appeal Board