

Applicant's appeal brief contains no assertion of error on the part of the Judge.¹ Rather, it contains new evidence in the form of a statement from Applicant and four character reference letters. 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. The Judge based his decision, in part, on the fact that Applicant provided no character evidence, evidence of financial counseling, or evidence to corroborate his assertions that he was paying off his creditors.² In his brief, Applicant states “. . . I did not know that information had to be supplied for his decision. No one told me that I had to have character letters or documentation of bills.”³ 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 (FORM). Applicant received the FORM on January 22, 2009. The FORM spelled out at Section VIII that Applicant had the opportunity “. . . to submit documentary information in rebuttal or to explain adverse information in the FORM” and Applicant submitted a written response to it within the required 30-day time period. His response was admitted into the record without objection by the Government.⁴ 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). Applicant's argument does not persuade the Board that the case should be reversed or remanded. *See, e.g.*, ISCR Case No. 05-03307 at 2 (App. Bd. May 7, 2007).

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

¹In his brief, Applicant states: “. . . the Judge did not do any thing wrong. “ Appellant's Brief at 1.

²Decision at 4.

³Applicant's Appeal Brief at 1.

⁴Decision at 2.

Signed: William S. Fields

William S. Fields

Administrative Judge

Member, Appeal Board