

KEYWORD: Guideline F

DIGEST: Applicant has not made an allegation of harmful error on the part of the Judge.
Adverse decision affirmed

CASENO: 10-03757.a1

DATE: 09/13/2011

DATE: September 13, 2011

In Re:)	
)	
-----)	ISCR Case No. 10-03757
)	
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 September 1, 2010, 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 hearing. On July 5, 2011, after the hearing, Administrative Judge Arthur E. Marshall, Jr., denied Applicant’s request for a security clearance. Applicant appealed pursuant to the Directive ¶¶ E3.1.28 and E3.1.30.

Applicant devotes most of his brief to arguing that he is not responsible for the \$12,386 unpaid debt alleged in SOR paragraph 1.n. He states that he has thoroughly investigated the matter, and the company in question has no record of him owing them any money. He surmises that the debt may actually be owed by a different individual with a similar name. Some of Applicant’s assertions in this regard constitute new evidence which the Board cannot consider on appeal. *See* Directive ¶ E3.1.29. However, the thrust of his argument corresponds to his representations at the hearing, and in his decision the Judge found in Applicant’s favor with respect to that factual allegation. Accordingly, Applicant’s representations on this issue do not constitute an assertion of harmful error on the part of the Judge.

In the balance of his brief, Applicant states that if he does not receive a clearance, he will not be able to start his job and pay off the remainder of his debts. The Board has previously noted that the adverse impact an unfavorable decision may have on an applicant is not deemed a relevant consideration in evaluating his clearance eligibility. *See, e.g.*, ISCR Case No. 08-11222 at 2 (App. Bd. Sep. 9, 2009). Applicant also states that his company has not paid him for services which he has already rendered, and requests the Board’s assistance in securing his back wages. The Board has no jurisdiction with respect to such matters.

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 on the part of the Judge. Therefore, the decision of the Judge denying Applicant a security clearance is AFFIRMED.

Signed: Jeffrey D. Billett
Jeffrey D. Billett
Administrative Judge
Member, Appeal Board

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

Signed: William S. Fields _____

William S. Fields

Administrative Judge

Member, Appeal Board