

KEYWORD: Guideline F

DIGEST: Impact of an adverse decision is not relevant in a DOHA proceeding. Appeal Board authority is limited to cases in which the appealing party alleges harmful error. The presence of some mitigating evidence is not enough to show that a Judge’s adverse decision is erroneous. Adverse decision affirmed.

CASE NO: 11-08747.a1

DATE: 06/20/2013

DATE: June 20, 2013

In Re:	)	
	)	
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	)	
Applicant for Security Clearance	)	

**APPEAL BOARD SUMMARY DISPOSITION**

**APPEARANCES**

**FOR GOVERNMENT**

James B. Norman, Esq., Chief Department Counsel

**FOR APPLICANT**

*Pro se*

The Department of Defense (DoD) declined to grant Applicant a security clearance. On August 31, 2012, DoD 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 that the case be decided on the written record. On March 21, 2013, after considering the record, Defense Office of Hearings and Appeals Administrative Judge Thomas M. Crean denied Applicant’s request for a security clearance. Applicant appealed pursuant to the Directive ¶¶ E3.1.28 and E3.1.30.

In her appeal brief, Applicant states that she “. . . cannot substantiate any legal or factual error made by the administrative judge.” She then summarizes the favorable evidence in her case and notes that loss of her clearance could adversely impact her employment situation.

The adverse impact that an unfavorable decision may have on an applicant is not deemed a relevant consideration in evaluating clearance eligibility. *See, e.g.*, ISCR Case No. 09-07563 at 2 (App. Bd. Dec. 13, 2011). 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 a case *de novo*. Applicant has not made an allegation of harmful error on the part of the Judge.

To the extent that Applicant’s brief could be construed as arguing that the record evidence would support a favorable application of the mitigating conditions, such an argument is insufficient to demonstrate that the Judge erred. The presence of some mitigating evidence does not alone compel the Judge to make a favorable security clearance decision. *See, e.g.*, ISCR Case No. 10-03646 at 2 (App. Bd. Dec. 28, 2011). Therefore, the decision of the Judge is AFFIRMED.

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

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

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