

KEYWORD: Guideline F

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

CASENO: 11-13724.a1

DATE: 02/14/2014

DATE: February 14, 2014

In Re:)	
)	
-----)	ISCR Case No. 11-13724
)	
Applicant for Security Clearance)	
)	

APPEAL BOARD DECISION

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 May 8, 2013, 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 a decision

on the written record. On November 15, 2013, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Mark Harvey denied Applicant's request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant disputes the Judge's assertion that he did not submit documentation regarding five of the largest delinquent debts cited in the SOR. Applicant is correct that the record contains a document on one of these five debts. However, there is nothing in the record evidence concerning the other four. Applicant's brief refers to a letter that he mailed that purportedly contained information about the other four debts. There is no information provided about this letter, when it was sent, or to whom it was sent, or what relationship it had, if any, to the materials Applicant submitted in response to the Government's File of Relevant Material. There is no presumption of error below. *See, e.g.*, ISCR Case No. 04-08312 at 4 (App. Bd. Jul. 14, 2005). Without more, the Board cannot conclude that Applicant has demonstrated harmful error. There is no evidence in the record to support Applicant's claims regarding a phone conversation between his wife and (apparently) a DoD employee, wherein submission of documents was discussed. Department Counsel's reply does not address the issue. Additionally, Applicant's brief contains a request to submit new evidence concerning the disposition of certain of his debts. We cannot consider new evidence on appeal. Directive ¶ E3.1.29.

Order

The Decision is **AFFIRMED**.

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

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

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