

KEYWORD: Guideline F

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

CASENO: 12-00914.a1

DATE: 07/19/2013

DATE: July 19, 2013

In Re:	)	
	)	
-----	)	ISCR Case No. 12-00914
	)	
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 16, 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 elected to have his case decided on the written record. On March 26, 2013, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Richard A. Cefola denied Applicant's request for a security clearance. Applicant appealed pursuant to the Directive ¶¶ E3.1.28 and E3.1.30.

Applicant's appeal brief makes no explicit assertion of harmful error on the part of the Judge. She makes a statement, however, wherein she asserted that she is an American citizen and it was her duty and honor to serve with the United States Army as a linguist. She stated that she stood by the side of soldiers and made sure to do her job as a linguist to keep everyone safe. These assertions made by Applicant on appeal go beyond the evidence in the record below, although they do serve to point out that Applicant is working as a linguist in Afghanistan, which is included in the record, and is a fact that the Judge's decision does not contain. The Judge's failure to mention Applicant's service as a linguist is not harmful on this record, even if the Board construes it as error.

The Board may not consider new evidence on appeal. *See* Directive ¶ E3.1.29. Additionally, 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. *See* Directive ¶ E3.1.32. The Board does not review cases *de novo*. Therefore, the decision of the Judge denying Applicant a security clearance 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