

KEYWORD: Guideline F

DIGEST: The Board does not review cases *de novo*. Adverse decision affirmed.

CASENO: 14-01969.a1

DATE: 04/06/2016

DATE: April 6, 2016

In Re:)	
)	
-----)	ISCR Case No. 14-01969
)	
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 November 3, 2014, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline F (Financial Considerations) and Guideline E (Personal Conduct) 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 January 28,

2016, after the close of the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Philip S. Howe 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 assertion of harmful error on the part of the Judge. He asserts that in his judgment "[there] were a few issues that raised some questions," but he does not reference any actions on the part of the Judge. The only "issue" mentioned specifically by Applicant was an irregularity with regard to "the last four digits attached" to his paperwork. He states that these numbers were incorrect without specifically identifying the nature and location of the error, or asserting any connection between any error and the actions of the Judge. Applicant also references the Judge's statement that he had not provided any proof of payment of his debts.¹ Applicant states that he had given all of his information, including character references, to the case investigator who Applicant states left his position and apparently took Applicant's information with him. Applicant's only other assertion is that he is requesting an appeal because having his clearance was his "way of providing for my family."

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 Ra'anan
Michael 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

¹The Judge noted that Applicant did not submit a written response to the Government's File of Relevant Material.

Member, Appeal Board