

KEYWORD: Guideline F

DIGEST: The Applicant's purported response to the FORM includes (and her cover letter discusses) three attachments that post-date the June 22, 2015, cover letter and one of which actually post-dates the Judge's decision. Applicant has failed to demonstrate that she actually sent a response to the FORM within the time allotted. Adverse decision affirmed.

CASENO: 14-04130.a1

DATE: 12/11/2015

DATE: December 11, 2015

In Re:)
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)
 -----) ISCR Case No. 14-04130
)
)
 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 October 24, 2014, 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 October 30, 2015, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Robert E. Coacher denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

As a preliminary matter, Applicant claims that she submitted a response to the File of Relevant Material (FORM) that was not incorporated into the record. Her brief is accompanied by an apparent cover letter, dated June 22, 2015, addressing each debt, along with documents that are intended to corroborate her claims of debt resolution. The essence of Applicant’s appeal is that the letter and documents constitute her response to the FORM that was not examined by the Judge.

Applicant’s submission constitutes new evidence, which we are generally precluded from considering. Directive ¶ E3.1.29. However, we will consider new evidence insofar as it bears upon questions of due process or jurisdiction. *See, e.g.*, ISCR Case No.14-00812 at 2 (App. Bd. Jul. 8, 2015). The Applicant’s purported response to the FORM includes (and her cover letter discusses) three attachments that post-date the June 22, 2015, cover letter and one of which actually post-dates the Judge’s decision. Applicant has failed to demonstrate that she actually sent a response to the FORM within the time allotted. Applicant has not raised any other issue of harmful error by the Judge. Our jurisdiction is limited to cases in which the appealing party has alleged harmful error. Directive ¶ E3.1.32. Accordingly, the decision is **AFFIRMED**.

Signed: Michael Ra’anan
Michael Ra’anan
Administrative Judge
Chairperson, Appeal Board

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

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