

DATE: March 3, 2006

In Re:

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SSN: -----

Applicant for Security Clearance

ISCR Case No. 02-28915

**APPEAL BOARD DECISION**

**APPEARANCES**

**FOR GOVERNMENT**

Peregrine D. Russell-Hunter, Esq., Chief Department Counsel

**FOR APPLICANT**

*Pro Se*

The Defense Office of Hearings and Appeals (DOHA) declined to grant Applicant a security clearance. On August 17, 2004, DOHA issued a statement of reasons 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 a hearing. On November 23, 2005, after the hearing, Administrative Judge Kathryn Moen Braeman denied Applicant's request for a security clearance. Applicant timely appealed pursuant to the Directive ¶¶ E3.1.28 and E3.1.30.

Applicant raised the following issues on appeal: whether the Administrative Judge assured Applicant that if he complied with certain conditions she would conclude he should be granted a clearance; whether the Administrative Judge had a basis to conclude that Applicant's description of his financial situation in his security clearance application constituted a deliberate falsification; and whether Applicant had demonstrated sufficient mitigation of his financial problems that the Judge was required to conclude that Applicant's financial history was mitigated .

Before addressing any of the issues raised by Applicant, the Board must address a threshold issue. On page 2 of the Administrative Judge's decision in the case record there is red ink across certain words in the Judge's findings of fact. The red ink leads the Board to doubt whether it knows with confidence what the Judge found with respect to Applicant's description of his financial situation on his security clearance application. In light of the ambiguity, the Board remands the case for the Judge to issue a clean decision which is unambiguous in its findings.

Given the remand it is premature for the Board to address issues raised by Applicant on appeal.

**IV. Order**

The decision of the Administrative Judge denying Applicant a clearance is REMANDED.

Signed: Michael Y. Ra'anan

Michael Y. Ra'anan

Administrative Judge

Member, Appeal Board

Signed: Jeffrey D. Billett

Jeffrey D. Billett

Administrative Judge

Member, Appeal Board

Signed: Jean E. Smallin

Jean E. Smallin

Administrative Judge

Member, Appeal Board