

DATE: December 14, 2006

In Re:

SSN: -----

Applicant for Security Clearance

ISCR Case No. 05-01211

APPEAL BOARD SUMMARY DISPOSITION

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 September 12, 2005, DOHA 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 the case be decided on the written record. On May 26, 2006, after considering the record, Administrative Judge Philip S. Howe denied Applicant's request for a security clearance. [\(1\)](#) Applicant appealed the Judge's unfavorable clearance decision.

Applicant's appeal brief contains no assertion of harmful error on the part of the Administrative Judge. [\(2\)](#) Rather, it contains new evidence which explains the circumstances relating to Applicant's indebtedness, and establishes that Applicant has now paid off most of his remaining debts, or is making arrangements to pay them. The Board cannot consider this new evidence on appeal. *See* Directive ¶ E3.1.29.

The Appeal Board's authority to review a case is limited to cases in which the appealing party has alleged the Administrative Judge committed harmful error. It does not review cases *de novo*. Applicant has not made an allegation of harmful error. Therefore, the decision of the Administrative Judge denying Applicant a security clearance is AFFIRMED.

Signed: Michael Y. Ra'anan

Michael Y. Ra'anan

Administrative Judge

Chairman, Appeal Board

Signed: William S. Fields

William S. Fields

Administrative Judge

Member, Appeal Board

Signed: David M. White

David M. White

Administrative Judge

Member, Appeal Board

1. The Administrative Judge found in favor of Applicant with respect to SOR paragraphs 1.a, 1.f, 1.h, 1.i, 1.j, and 1.k. Those favorable findings are not at issue on appeal.

2. The Administrative Judge erred in finding Applicant had not submitted documentation as to his resolution of the \$307 debt set forth in paragraph 1.e. However, even if the Judge had found in favor of Applicant as to that debt, the remainder of the Judge's findings are sufficient to support his overall unfavorable clearance decision. Accordingly, the error with respect to the debt in paragraph 1.e is harmless.