

KEYWORD: Guideline F; Guideline J

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

CASENO: 06-05524.a1

DATE: 04/27/2007

DATE: April 27, 2007

In Re:)	
)	
)	
-----)	ISCR Case No. 06-05524
SSN: -----)	
)	
Applicant for Security Clearance)	

APPEAL BOARD SUMMARY DISPOSITION

APPEARANCES

FOR GOVERNMENT

James B. Norman, Esq., Chief Department Counsel

FOR APPLICANT

Pro Se

The Defense Office of Hearings and Appeals (DOHA) declined to grant Applicant a security clearance due to security concerns raised under Guideline F (Financial Considerations) and Guideline J (Criminal Conduct) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a hearing. On September 27, 2006, after the hearing, Administrative Judge Erin C. Hogan denied Applicant's request for a security clearance. Applicant submitted a timely appeal pursuant to the Directive ¶¶ E3.1.28 and E3.1.30.

Applicant requests that the Board consider evidence not admitted at the hearing, consisting of statements by physicians describing Applicant's medical condition. Medical bills underlie some of the allegations in the Statement of Reasons. Applicant's appeal submission does not make an allegation of harmful error.

The Board may not consider Applicant's new evidence on appeal. Directive ¶ E3.1.29. *See, e.g.*, ISCR Case No. 05-03143 at 2 (App. Bd. Dec. 20, 2006). Moreover, the Appeal Board's authority to review a case is limited to cases in which the appealing party has alleged that the Judge committed harmful error. *See* Directive ¶ E3.1.32.

Order

The decision of the Judge denying Applicant a security clearance is AFFIRMED.

Signed: Jean E. Smallin
Jean E. Smallin
Administrative Judge
Member, 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