

KEYWORD: Guideline F

DIGEST: The adverse impact of an unfavorable decision is not a relevant or material consideration in evaluating security eligibility. Adverse decision affirmed.

CASENO: 06-24458.a1

DATE: 01/14/2008

DATE: January 14, 2008

In Re:)	
)	
-----)	ISCR Case No. 06-24458
)	
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. On April 2, 2007, 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 a hearing. On September 6, 2007, after the hearing, Administrative Judge Michael H. Leonard denied Applicant's request for a security clearance. Applicant appealed pursuant to the Directive ¶¶ E3.1.28 and E3.1.30.¹

Applicant's appeal brief contains no assertion of harmful error on the part of the Judge. Rather, it contains new evidence, in the form of a statement from the Applicant, which updates his financial situation and indicates that since the hearing he has paid off "three of [his] biggest debts."² Applicant also requests that the Board grant him a clearance based upon the favorable evidence in the case including his 21 years of honorable service in the Navy. In the alternative he asks that the Board give him a year to pay off his debts. In support of his requests Applicant states that without his clearance he will be unable to work and get his debts paid off.

The Board cannot consider Applicant's new evidence on appeal. *See* Directive ¶ E3.1.29. It does not review cases *de novo*. Nor does it have authority to grant a clearance on a conditional or probationary basis. *See* ISCR Case No. 04-04302 at 5 (App. Bd. Jun. 30, 2005); ISCR Case No. 02-23805 at 3 (App. Bd. Mar. 9, 2005). Finally, the adverse impact an unfavorable decision may have on an applicant is not deemed a relevant or material consideration in evaluating his security eligibility. *See* ISCR Case No. 03-21012 at 4 (App. Bd. Aug. 31, 2005); ISCR Case No. 03-19002 at 4 (App. Bd. May 5, 2005).

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. Applicant has not made an allegation of harmful error. Therefore, the decision of the Judge denying Applicant a security clearance is AFFIRMED.

Signed: jeffrey D. Billett

Jeffrey D. Billett
Administrative Judge
Member, Appeal Board

Signed: William S. Fields

William S. Fields
Administrative Judge
Member, Appeal Board

¹The Judge entered Formal Findings in favor of Applicant as to Guideline F. However, it is clear from the text of the decision that the Judge found against Applicant.

²The SOR alleged that Applicant had 16 unpaid debts. His statement on appeal does not specifically identify which three of those debts he is referring to as having been subsequently paid off.

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