KEYWORD: Guideline F

DIGEST: Applicant made no assertion of harmful error. Rather, he submitted new evidence, which the Board cannot consider. Adverse decision affirmed.

CASE NO: 09-01960.a1

DATE: 08/31/2010

DATE: August 31, 2010

In Re:	)
	)
	)
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	)
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 October 1, 2009, 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 June 22, 2010, after the hearing, Administrative Judge Michael H. Leonard denied Applicant's request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant's appeal brief makes no assertion of harmful error on the part of the Judge. Applicant does offer additional written materials which he asserts support a reversal of the Judge's adverse security clearance decision. For example, he supplies information about a bankruptcy petition filed after the close of the record. However, the Board may not consider new evidence on appeal. *See* Directive ¶ E3.1.29. The 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. The Board does not review a case *de novo*. Therefore, the decision of the Judge denying Applicant a security clearance is AFFIRMED.

Signed: Michael Y. Ra'anan
Michael Y. Ra'anan
Administrative Judge
Chairperson, Appeal Board

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

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