

KEYWORD: Guideline F

DIGEST: The Board's authority to review a case is limited. Adverse decision affirmed.

CASENO: 09-02496.a1

DATE: 08/11/2010

DATE: August 11, 2010

_____)	
In Re:)	
)	
-----)	ISCR Case No. 09-02496
)	
)	
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 November 30, 2009, DOHA issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline F (Financial Considerations), Guideline E (Personal Conduct), and Guideline J (Criminal Conduct) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested that the case be decided on the written record. On May 17, 2010, after reviewing the record, Administrative Judge Mary E. Henry denied Applicant’s request for a security clearance. Applicant timely appealed pursuant to the 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 make reference to additional written materials which he asserts support a granting of his security clearance.¹ However, the Board may not consider 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 Judge committed harmful error. *See* Directive ¶ E3.1.32. The Board does not review cases *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: Jeffrey D. Billett
Jeffrey D. Billett
Administrative Judge
Member, Appeal Board

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

¹In his brief, Applicant states, “I have sent my new credit reports and some documentation showing that they were paid.” However, the only document submitted with the brief was a written character reference. Applicant submitted a credit report in response to the File of Relevant Material. The Judge considered the report and cited it several times in her decision.