

KEYWORD: Guideline F; Guideline E

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

CASE NO: 09-03253.a1

DATE: 09/15/2010

DATE: September 15, 2010

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| In Re: |) | |
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| ----- |) | ISCR Case No. 09-03253 |
| |) | |
| 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 8, 2009, DOHA issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline F (Financial Considerations) and Guideline E (Personal Conduct) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested the case be decided on the written record. On June 28, 2010, after considering the record, Administrative Judge Marc E. Curry denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant’s appeal brief contains no assertion of harmful error on the part of the Judge. Rather, it contains new evidence, in the form a statement from the Applicant, which indicates that (1) Applicant has contracted with a debt management company and is making payments on his financial obligations, and (2) he is hardworking, respected by his peers, and has received top-rated

performance reviews.

The Board cannot consider Applicant's 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. It does not review cases *de novo*. Applicant has not made an allegation of harmful error. 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: William S. Fields
William S. Fields
Administrative Judge
Member, Appeal Board