

KEYWORD: Guideline F

DIGEST: The adverse impact on applicant of a decision is not relevant consideration in determining clearance eligibility. Adverse decision affirmed.

CASENO: 09-07563.a1

DATE: 12/13/2011

DATE: December 13, 2011

In Re:)
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-----) ISCR Case No. 09-07563
)
)
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 5, 2011, 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 29, 2011, after the hearing, Administrative Judge James F. Duffy denied Applicant’s request for a security clearance. Applicant appealed pursuant to the Directive ¶¶ E3.1.28 and E3.1.30.

On appeal, Applicant argues that if he does not receive a clearance, he will lose his job, and probably not be able to find another one. Such a circumstance would adversely impact not only him, but also his sick mother who is dependent of him for her care. Accordingly, Applicant asks that the Appeal Board allow him to keep his clearance based on the totality of his situation.

The Appeal Board has previously noted that the adverse impact an unfavorable decision may have on an applicant is not deemed a relevant consideration in evaluating his clearance eligibility. *See, e.g.*, ISCR Case No. 10-03757 at 2 (App. Bd. Sep. 13, 2011). Moreover, it does not review a case *de novo*.

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 on the part of the Judge. 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 S. Smallin
Jean E. Smallin
Administrative Judge
Member, Appeal Board

Signed: William S. Fields
William S. Fields
Administrative Judge
Member, Appeal Board