

KEYWORD: Guideline F

DIGEST: Applicant submitted new evidence on appeal, which the Board cannot consider. Applicant has not made an allegation of harmful error by the Judge. Adverse decision affirmed.

CASE NO: 09-08244.a1

DATE: 04/21/2011

DATE: April 21, 2011

In Re:	)	
	)	
-----	)	ISCR Case No. 09-08244
	)	
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 May 21, 2010, 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 February 3, 2011, after the hearing, Administrative Judge Darlene D. Lokey Anderson denied Applicant’s request for a security clearance. Applicant appealed pursuant to the 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 of a statement by the Applicant and supporting documentation, which indicates that subsequent to the close of the record in this case: 1) his

application for loan modification was accepted and he expects to sign documentation to that effect any day, 2) he has listed one of his rental properties for sale and will eventually use the expected proceeds to pay of all existing debts, and 3) all of his debts continue to be handled and/or paid off by a law firm he hired to work with his creditors.

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. 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: Jeffrey D. Billett  
Jeffrey D. Billett  
Administrative Judge  
Member, Appeal Board

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

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