

KEYWORD: Guideline F

DIGEST: The Appeal Board does not review a case *de novo*. Adverse decision affirmed.

CASENO: 10-02766.a1

DATE: 01/12/2012

DATE: January 12, 2012

In Re:)	
)	
-----)	ISCR Case No. 10-02766
)	
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 4, 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 October 21, 2011, after the hearing, Administrative Judge Robert E. Coacher 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 makes no assertion of harmful error on the part of the Judge. The brief contains a recitation as to why Applicant's case should be adjudicated favorably. Applicant states in some detail why he believes the Government's security concerns regarding his financial troubles have been mitigated.

Some of Applicant's representations contain facts not considered below. By explicit mandate, the Board may not consider new evidence on appeal. *See* Directive ¶ E3.1.29. The Board does not review a case *de novo*.¹ Rather, 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. 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: Jean E. Smallin
Jean E. Smallin
Administrative Judge
Member, Appeal Board

¹To the extent Applicant's brief can be construed as arguing that the record would support a favorable decision, such an argument is not sufficient to demonstrate error. *See, e.g.*, ISCR Case No. 10-09072 at 2 (App. Bd. Dec. 8, 2011).