

KEYWORD: Guideline F; Guideline E

DIGEST: Applicant did not allege harmful error by the Judge. The Appeal Board cannot consider new evidence on appeal. Adverse decision affirmed.

CASE NO: 10-02819.a1

DATE: 02/04/2013

DATE: February 4, 2013

In Re:)	
)	
-----)	ISCR Case No. 10-02819
)	
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 July 3, 2012, 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 a decision on the written record. On December 6, 2012, after considering the record, Administrative Judge Martin H. Mogul 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 by the Judge. Rather, it contains new evidence concerning Applicant’s bankruptcy filing. We cannot consider new evidence on appeal. Directive ¶ E3.1.29. Our authority to review cases is limited to those in which the

appealing party has raised an issue of harmful error by the Judge. Accordingly, 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