

KEYWORD: Guideline E

DIGEST: The Appeal Board's authority is limited. Adverse decision affirmed.

CASENO: 10-05756.a1

DATE: 04/26/2012

DATE: April 26, 2012

In Re:)	
)	
-----)	ISCR Case No. 10-05756
)	
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 August 16, 2011, DOHA issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline E (Personal Conduct) of

Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a hearing. On January 9, 2012, after the hearing, Administrative Judge LeRoy F. Foreman 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. Our authority to review a case is limited to those in which the appealing party has alleged that the Judge committed harmful error based upon the record that was before him. Directive ¶ E3.1.21. *See, e.g.*, ISCR Case No.09-06672 (App. Bd. Mar. 18, 2011).¹ 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: James E. Moody
James E. Moody
Administrative Judge
Member, Appeal Board

¹To the extent that Applicant is seeking a new hearing, he has not demonstrated a justification for such a remedy. New hearings are only granted when there has been a showing that a party was prejudiced by a significant defect in the prior proceeding, such as a denial of a fundamental right. *See, e.g.*, ISCR Case No. 06-15508 at 2 (App. Bd. Sep. 21, 2007).