



Administrative Judge Jennifer I. Goldstein denied Applicant's request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

In his appeal, Applicant essentially requests that his case be remanded due to circumstances that did not allow him to present information in the time allotted. As best we can discern from his appeal, he was on a work assignment three time zones away from his home and was not permitted to contact people and companies (presumably creditors or character witnesses) while at work. He apparently is claiming those circumstances precluded him from being able to obtain documentary evidence. He does not allege the Judge committed any error.

The SOR alleged 21 delinquent debts totaling about \$66,000. At the hearing on May 11, 2016, Applicant testified, but did not present any witnesses or documentary evidence. The Judge left the record open until July 11, 2016 (approximately 60 days) for Applicant to present documentation. He did not present any documentation before the record closed. There is no indication in the appeal, decision, or record that Applicant requested an extension of time for submitting post-hearing documentation. A *prima facie* case has not been established that a due process violation or any error occurred. To the extent that a party fails to present evidence for consideration by the Judge, the party waives the opportunity to have such evidence considered. ISCR Case No. 00-0250 at 3 (App. Bd. Feb. 13, 2001).

Applicant is asking for a remedy not available to him. The Appeal Board is only authorized to remand a case to correct an identified error. Directive ¶ E3.1.33.2. A request for a remand so Applicant can present new evidence does not constitute the correction of an identified error. "It is well settled that 'absent a showing that an applicant was denied a reasonable opportunity to prepare for the hearing or was denied a reasonable opportunity to present evidence on his or her behalf, an applicant is not entitled to receive a new hearing just so the applicant can have another chance to present his or her case.'" ISCR Case No. 14-03347 at 3 (App. Bd. May 27, 2016). *Compare* ISCR Case 00-0250 at 4 (App. Bd. Feb. 13, 2001) ("If the Board were to grant Applicant's request for a new hearing or allow her to submit new evidence in this case, then the Board would be giving her special treatment and denying other, similarly-situated applicants of their right to receive the fair, impartial, and even-handed application of Executive Order 10865 and the Directive.")

The Appeal Board does not review cases *de novo*. Our 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. Therefore, the decision of the Judge denying Applicant a security clearance is affirmed.

**Order**

The Decision is **AFFIRMED**.

Signed: Michael Ra'anan  
Michael Ra'anan  
Administrative Judge  
Chairperson, Appeal Board

Signed: James E. Moody  
James E. Moody  
Administrative Judge  
Member, Appeal Board

Signed: James F. Duffy  
James F. Duffy  
Administrative Judge  
Member, Appeal Board