

KEYWORD: Guideline F

DIGEST: Applicant’s brief contains no assertion of harmful error. It consists, in large part, of a compilation of matters from outside the record, including documents that post-date the Judge’s decision. We cannot consider new evidence on appeal. Our scope of review is limited to cases in which the appealing party has alleged that the Judge committed harmful error. Adverse decision affirmed.

CASENO: 14-05094.a1

DATE: 11/22/2016

DATE: November 22, 2016

)	
In Re:)	
-----)	ISCR Case No. 14-05094
)	
Applicant for Security Clearance)	
)	

APPEAL BOARD SUMMARY DISPOSITION

APPEARANCES

FOR GOVERNMENT

James B. Norman, Esq., Chief Department Counsel

FOR APPLICANT

Pro se

The Department of Defense (DoD) declined to grant Applicant a security clearance. On December 9, 2014, DoD 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 decision on the written record. On September 19, 2016 after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Wilford H. Ross denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant’s brief contains no assertion of harmful error.¹ It consists, in large part, of a compilation of matters from outside the record, including documents that post-date the Judge’s decision. We cannot consider new evidence on appeal. Directive ¶ E3.1.29. Our scope of review is limited to cases in which the appealing party has alleged that the Judge committed harmful error. Because Applicant has not raised such an allegation, the decision is **AFFIRMED**.

Signed: Michael Y. Ra’anan
Michael Y. Ra’anan
Administrative Judge
Chairperson, Appeal Board

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

Signed: William S. Fields
William S. Fields
Administrative Judge

¹Applicant did not provide a response to the File of Relevant Material (FORM). His brief states that documents he submitted in September 2015, which was the date of his Answer to the SOR, did not contain sufficient information about his financial status. He states that this was due to a misunderstanding. However, in November 2015, Applicant received a copy of the FORM, accompanied by a DOHA cover letter. These documents advised Applicant of his right to make a documentary response to the FORM within 30 days of receipt. The cover letter in particular stated that Applicant could submit “any material you wish the Administrative Judge to consider[.]” Cover Letter, dated November 16, 2015, at 1. The FORM itself advised Applicant that his response could set forth “objections, rebuttal, extenuation, mitigation, or explanation as appropriate.” Applicant’s failure to make a response to the FORM cannot fairly be attributed to inadequate notice of his right to do so.

Member, Appeal Board