

KEYWORD: Guideline F; Guideline E

DIGEST: Notwithstanding Applicant's characterization to the contrary, the Board cannot consider Applicant's new evidence on appeal. See Directive ¶ E3.1.29. Adverse decision affirmed.

CASENO: 14-05330.a1

DATE: 05/24/2016

DATE: May 24, 2016

In Re:)
)
)
 -----) ISCR Case No. 14-05330
)
)
 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

January 29, 2015, DoD 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 April 11, 2016, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Noreen A. Lynch 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 contains no assertion of harmful error on the part of the Judge. Rather, it contains a narrative statement by the Applicant that he “didn’t supply any supporting evidence that [he] was in fact carrying out with [his] financial plans” because his debts and assets had not yet been divided during a divorce proceeding that was in process. He goes on to state that his debts and assets have now been divided and he has an attorney who will soon begin the process of filing for bankruptcy. Applicant characterizes his assertions on appeal as “not new evidence, only supporting information that was just recently obtained.”

Notwithstanding Applicant’s characterization to the contrary, the Board cannot consider Applicant’s new evidence on appeal. *See* Directive ¶ E3.1.29. The Board does not review a case *de novo*. 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. Applicant has not made an allegation of harmful error on the part of the Judge. Therefore, the decision of the Judge is AFFIRMED.

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

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

Signed: William S. Fields
William S. Fields
Administrative Judge
Member, Appeal Board