

KEYWORD: Guideline F

DIGEST: The Appeal Board can not consider new evidence on appeal. Adverse decision affirmed.

CASENO: 15-00318.a1

DATE: 05/06/2016

DATE: May 6, 2016

In Re:)
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)
 -----) ISCR Case No. 15-00318
)
)
 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

June 19, 2015, 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 that the case be decided on the written record. On February 29, 2016, after the close of the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Juan J. Rivera 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 makes no assertion of harmful error on the part of the Judge. He makes assertions about the current state of his finances and attached numerous documents to his appeal brief. He stated, “[b]ased on the enclosed documentary evidence, please consider my appeal favorably and reinstate my security clearance.” Most of Applicant’s assertions and all of the documents in his appeal were not included in the record below.

The Board may not consider new evidence on appeal. *See* Directive ¶ E3.1.29. Additionally, 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. *See* Directive ¶ E3.1.32. The Board does not review cases *de novo*. Therefore, the decision of the Judge denying Applicant a security clearance is AFFIRMED.

Signed: Jeffrey D. Billett
Jeffrey D. Billett
Administrative Judge
Member, Appeal Board

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

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