

KEYWORD: Guideline F

DIGEST: Applicant asserts that the Judge did not receive all the documents she submitted. Her response to the FORM includes six and a fraction pages. The Judge cites to her documentation. Adverse decision affirmed.

CASENO: 15-00821.a1

DATE: 06/08/2016

DATE: June 8, 2016

In Re:)
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-----) ISCR Case No. 15-00821
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)
Applicant for Security Clearance)
)
)

APPEAL BOARD DECISION

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 September 18, 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 a decision on the written record. On March 9, 2016, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Shari Dam denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30

As a preliminary matter, Applicant has raised an issue of due process. In her appeal brief, she includes matters from outside the record, which we are generally precluded from considering. Directive ¶ E3.1.29. However, we will consider new evidence insofar as it bears upon threshold questions such as jurisdiction or due process. *See, e.g.*, ISCR Case No. 14-00812 at 2 (App. Bd. Jul. 8, 2015).

In her appeal brief, Applicant states, “I think the Judge did not get all the information I had originally sent. . . .” She notes that she was in a hurry when she received the documents and did not have an opportunity to make copies of them. She requested new copies of the documents that she believes were missing and received copies marked with later dates. She attached to her appeal brief a cumulative billing statement, documents showing payments to creditors, and a credit report. The additional documents total about 60 pages.

We have examined Applicant’s argument in light of the record as a whole. On November 18, 2015, she was sent a copy of the File of Relevant Material (FORM) and advised of her right to submit objections and additional information within 30 days of its receipt. On December 14, 2015, Applicant submitted a response to the FORM that consisted of a narrative explanation and proof of payments to creditors. Her response in the record is six and a fraction pages. In her decision, the Judge referenced Applicant’s response to the FORM and the attached proof of payments.

Under the facts of this case, we conclude that Applicant has not made a *prima facie* showing that she submitted more documents than those contained in the record. In other words, she failed to provide a reasonable basis for concluding that the Judge did not receive all of the documents forwarded in her response to the FORM. Accordingly, we conclude that Applicant was not denied her right to due process.

Applicant states that her continued employment is contingent upon her maintaining a clearance. However, the Directive does not permit us to consider the impact of an unfavorable decision. *See, e.g.*, ISCR Case No. 14-04959 at 2 (App. Bd. Apr. 6, 2016). Beyond this, Applicant’s brief does not make an assertion of harmful error.

Order

The case is **AFFIRMED**.

Signed: Michael R'an
Michael Ra'an
Administrative Judge
Chairperson, 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