

KEYWORD: Guideline F

DIGEST: Applicant contends that he submitted documents in response to a File of Relevant Material that were not included in the record. No evidence corroborates his claim that he mailed the documents. Applicant failed to make a prima facie showing that he submitted the documents. Adverse decision affirmed.

CASENO: 15-01753.a1

DATE: 04/26/2016

DATE: April 26, 2016

In Re:	)	
	)	
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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 October 16, 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 February 22, 2016, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Robert E. Coacher denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant has raised an issue of due process. In doing so, he makes assertions from outside the record, which we generally cannot consider. Directive ¶ E3.1.29. However, we will consider new evidence insofar as it bears upon threshold issues such as due process. *See, e.g.*, ISCR Case No. 14-00812 at 2 (App. Bd. Jul. 8, 2015). Specifically, Applicant contends that he submitted documents in response to the File of Relevant Material that were not included in the record and, therefore, were not considered by the Judge. He has attached to his brief copies of the documents that he claims to have submitted. Department Counsel’s Reply Brief states that Applicant has provided no postal receipt or other evidence that would corroborate his claim to have mailed the documents in question. We cannot conclude that Applicant has made a *prima facie* showing that he submitted the documents. In any event, having reviewed the Judge’s decision, it is not likely that their inclusion in the record would have produced a different result. Other than this, Applicant has made no assertion of harmful error by the Judge. Our jurisdiction is limited to cases in which the appealing party has alleged that the Judge committed harmful error. *See, e.g.*, ISCR Case No. 14-01969 at 2 (App. Bd. Apr. 6, 2016). Therefore, the Judge’s decision is AFFIRMED.

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

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

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