

KEYWORD: Guideline F

DIGEST: Applicant asserts that she mailed in documents which the Judge never considered. One document the Judge addressed. On document is dated after the close of the record. One document refers to events that occurred after the Judge's decision. Adverse decision affirmed.

CASENO: 15-02933.a1

DATE: 09/23/2016

DATE: September 23, 2016

In Re:	)	
	)	
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	)	ISCR Case No. 15-02933
	)	
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 December 2, 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 July 21, 2016, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Erin C. Hogan denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant raises an issue of due process. In doing so, she makes assertions from outside the record, which we normally cannot consider. However, we will consider new evidence insofar as it bears upon threshold issues of due process or jurisdiction. *See, e.g.*, ISCR Case No. 14-00812 at 2 (App. Bd. Jul. 8, 2015). She states that, in February 2016, she sent documentary evidence to DOHA in response to the File of Relevant Material (FORM) that did not make it into the record. She has attached to her brief what she claims to be this evidence, though she states that she does not have the postal receipt verifying that it was mailed.

The record shows that DOHA sent the FORM to Applicant in January 2016, advising her of her right to provide a documentary response. The letter stated that she had 30 days from receipt to do so. Letter to Applicant, dated January 28, 2016. Applicant received the letter on February 3, 2016, as evidenced by her signed receipt acknowledgment. DOHA received nothing from Applicant within the 30 days allotted. Memorandum For Administrative Judge, dated April 5, 2016. Applicant’s brief does not assert that she asked for additional time, and there is nothing in the record to suggest that she did so. The attachments to Applicant’s brief include her Answer to the SOR, which is part of the record and which the Judge addressed. Decision at 2. The attachments include two other documents, one of which is a credit report dated July 13, 2016, well after the close of the record. The other document shows that certain items were removed from Applicant’s credit reports, with a removal date of August 2016, after the Judge issued her decision. Applicant’s brief alludes to nothing else that she claims to have submitted. Applicant has not made a *prima facie* showing that she had actually made a documentary response to the FORM. Therefore, there is no reason to believe that she was denied due process. Beyond this, Applicant has not made an assertion of harmful error. Accordingly, 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: James F. Duffy  
James F. Duffy  
Administrative Judge  
Member, Appeal Board