

KEYWORD: Guideline F

DIGEST: Applicant asserts the Judge erred by finding his home equity loan was for instillation of a pool. The Judge’s finding is based on Applicant’s personal subject interview. Adverse decision affirmed.

CASENO: 14-05009.a1

DATE: 05/24/2017

DATE: May 24, 2017

In Re:  -----  Applicant for Security Clearance	) ) ) ) ) ) )	ISCR Case No. 14-05009
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**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 January 15, 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 10, 2017, after considering the record, Defense Office of Hearings and Appeals Administrative Judge LeRoy F. Foreman denied Applicant’s request for a security clearance. Applicant appealed pursuant to the Directive ¶¶ E3.1.28 and E3.1.30.

In this case, Applicant did not file a response to the Government's File of Relevant Material. His brief contains new evidence, in the form of character reference letters and account statements that post-date the Judge's decision, which the Board cannot consider on appeal. *See Directive ¶ E3.1.29.*

Applicant asserts the Judge erred by finding his home equity loan was for installation of a pool. The Judge's finding is based on Applicant's personal subject interview. Applicant also states it would make no sense to use his IRA to pay debts because of the penalties. The Judge's finding and conclusions in this regard arose because Applicant had proposed to take that action.

The Board does not review a case *de novo*. The 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 demonstrated any harmful error on the part of the Judge. Therefore, the decision of the Judge denying Applicant a security clearance is AFFIRMED.

Signed: Michael Y. Ra'anan  
Michael Y. Ra'anan  
Administrative Judge  
Chairperson, 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