KEYWORD: Guideline E

DIGEST: We have no authority to address the length of time involved in the processing of Applicant's case. We cannot consider new evidence on appeal. Our jurisdiction is limited to cases in which the appealing party has raised an issue of harmful error. Adverse decision affirmed.

CASE NO: 15-02919.a1		
DATE: 04/18/2017	DA	TE: April 18, 2017
In Re:)	
) ISC	CR Case No. 15-02919
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 November 23, 2015, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline E (Personal Conduct) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a hearing. On January 26, 2017, after the hearing, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Robert J. Tuider denied Applicant's request for a security clearance.

Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

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In her brief, Applicant requests that the Judge's final decision be "reconsidered" because the processing of her case took too long. She states that she was advised that a decision would be made by the Judge sooner that it actually was¹ and she feels that because of the delay, "[her] case and appearance at the hearing was . . . forgotten and not given a fair ruling." Appeal Brief at 1. Other than the aforesaid assertion, Applicant does not point to any specific error in the Judge's decision or the hearing process. Included with her brief is new evidence in the form of two character references which post-date the Judge's decision.

The Board has no jurisdiction to rule on Applicant's contention that the processing of her case took too long. *See* ISCR Case No.11-12730 at 2 (App. Bd. Sep. 4, 2013). Additionally, it cannot receive and consider any new evidence on appeal. *See* Directive ¶E3.1.29. 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 made an allegation of harmful error on the part of the Judge. Therefore, the decision of the Judge 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: William S. Fields
William S. Fields
Administrative Judge
Member, Appeal Board

¹It is unclear from the brief who advised Applicant as to when she could expect to receive a decision, and the copy of the Directive and pre-hearing guidance that was provided to the Applicant do not specify any time limits in that regard.