

KEYWORD: Guideline F

DIGEST: The Board cannot consider Applicant’s new evidence on appeal. Adverse decision affirmed.

CASENO: 15-03098.a1

DATE: 07/26/2017

DATE: July 26, 2017

In Re:	)	
	)	
-----	)	ISCR Case No. 15-03098
	)	
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 December 11, 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 May 26, 2017, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Thomas M. Crean denied Applicant’s request for a security clearance. Applicant appealed pursuant to the Directive ¶¶ E3.1.28 and E3.1.30.

Applicant requested that his case be decided on the written record and then did not respond to the government's File of Relevant Material (FORM). The Judge based his adverse decision on the record that was before him which contained credit reports and other financial information dating from 2015. Applicant's appeal brief contains no specific assertion of harmful error on the part of the Judge. Rather, it contains a detailed narrative statement by the Applicant explaining his current financial situation. As part of his submission he includes documents that post-date the submission of his case for decision, including Federal and State tax returns for 2016 and a Chapter 13 Trustee Interim Statement from 2017. His presentation indicates that his Federal and State taxes are now current, and his bankruptcy plan is being paid on time with no missing payments and is now over 50% complete.

The Board cannot consider Applicant's new evidence on appeal. *See* Directive ¶ E3.1.29. Additionally, the Board does not review a case *de novo*. The Appeal 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 F. Duffy  
James F. Duffy  
Administrative Judge  
Member, Appeal Board

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