

KEYWORD: Guideline F

DIGEST: The Board cannot consider Applicant’s new evidence on appeal and has no authority to grant Applicant an extension for the purpose of obtaining more evidence. Adverse decision affirmed.

CASENO: 15-03249.a1

DATE: 07/06/2017

DATE: July 6, 2017

In Re:)	
)	
-----)	ISCR Case No. 15-03249
)	
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 18, 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 hearing. On March 24, 2017, after the hearing, Defense Office of Hearings and Appeals (DOHA)

Administrative Judge Arthur E. Marshall, Jr., denied Applicant's request for a security clearance. Applicant appealed pursuant to the Directive ¶¶ E3.1.28 and E3.1.30.

In this case, the hearing was held on August 17, 2016 and the record was held open for Applicant to provide additional evidence. Between August 31, 2016 and October 3, 2016 Applicant provided two documents in a series of e-mails which were accepted without objection, and the record was closed on October 17, 2016. On appeal Applicant makes no assertion of harmful error on the part of the Judge. Rather, he presents new evidence indicating that two garnishments have now been removed, one in January 2017 and the other in March 2017. He also requests a four week extension so he can present evidence showing that his debt resolution process with the government has been completed.

The Board cannot consider Applicant's new evidence on appeal and has no authority to grant Applicant an extension for the purpose of obtaining more evidence. *See* Directive ¶ E3.1.29; ISCR Case No. 14-00151 at 3 (App. Bd. Sep. 12, 2014). 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 Ra'anan

Michael 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