

KEYWORD: Guideline F

DIGEST: In the decision, the Judge indicated that Applicant submitted no post-hearing matters. In her appeal brief, Applicant provided an email that she sent to Department Counsel on April 7, 2017. The email had a file attached that apparently contained a number of documents. Given these circumstances, we conclude the best resolution of this appeal is to remand the case to the Judge for further processing consistent with the Directive. Adverse decision remanded.

CASENO: 15-05691.a1

DATE: 12/4/2017

DATE: December 4, 2017

In Re: ----- Applicant for Security Clearance)))))))	ISCR Case No. 15-05691
---	---------------------------------	------------------------

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 April 20, 2016, 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 September 13, 2017, after the hearing, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Gregg A. Cervi denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant states that she submitted documentary evidence to the Judge that did not make it into the record. Although her assertion constitutes new evidence, which we are generally not permitted to consider, we will consider such evidence on threshold issues such as due process. *See, e.g.,* ISCR Case No.14-00812 at 2 (App. Bd. Jul. 8, 2015).

At the hearing, the Judge left the record open until February 28, 2017, for Applicant to submit additional matters. Tr. at 123. The deadline for submitting matters was later extended to April 10, 2017. In the decision, the Judge indicated that Applicant submitted no post-hearing matters. In her appeal brief, Applicant provided an email that she sent to Department Counsel on April 7, 2017. The email had a file attached that apparently contained a number of documents. Given these circumstances, we conclude the best resolution of this appeal is to remand the case to the Judge for further processing consistent with the Directive.

Order

The Decision is **REMANDED**.

Signed: Michael Ra'anan
Michael Ra'anan
Administrative Judge
Chairperson, Appeal Board

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

Signed: James F. Duffy
James F. Duffy
Administrative Judge
Member, Appeal Board