

KEYWORD: Guideline F; Guideline B; Guideline E

DIGEST: Applicant makes no assertion that the Judge erred in his findings, analysis, or conclusions. He stated that his children’s illnesses, which the Judge discussed in the decision, have improved and that he is taking self-help credit tutorial classes. These assertions are not sufficient to establish that the Judge’s adverse decision was arbitrary, capricious, or contrary to law. Adverse decision affirmed.

CASENO: 15-06390.a1

DATE: 06/14/2017

DATE: June 14, 2017

_____))
In Re:))
))
-----) ISCR Case No.15-06390
))
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 April 12, 2016, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline F (Financial Considerations), Guideline B (Foreign Influence), and Guideline E (Personal Conduct) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a hearing. On April 11, 2017, after the hearing, Administrative Judge Michael H. Leonard, denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

In the appeal brief, Applicant stated that he surrendered his foreign passport when he became a U.S. citizen and that he settled a charged-off bank debt. The Guideline E allegation asserted that Applicant failed to disclose in a security clearance application that he previously had a foreign passport. Prior to the hearing, the Government withdrew the Foreign Influence and Personal Conduct allegations. The Judge also found in favor of Applicant on that charged-off bank debt. Because the allegation involving the foreign passport was withdrawn and the charged-off bank debt was resolved in his favor, we need not address Applicant's assertions about those matters on appeal.

In the appeal brief, Applicant also indicated that he was presenting "new documentation that was not available during my hearing." Appeal Brief at 1. Since this document was not previously presented to the Judge for consideration, it constitutes new evidence that the Appeal Board cannot consider. *See* Directive ¶ E3.1.29.

Applicant makes no assertion that the Judge erred in his findings, analysis, or conclusions. He stated that his children's illnesses, which the Judge discussed in the decision, have improved and that he is taking self-help credit tutorial classes. These assertions are not sufficient to establish that the Judge's adverse decision was arbitrary, capricious, or contrary to law. *See* Directive ¶ E3.1.32. In short, Applicant has made no assertion that the Judge committed harmful error.

The Board does not review cases *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. Because Applicant has not made an such an allegation, the decision of the Judge denying Applicant a security clearance is **AFFIRMED**.

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