



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

Applicant's appeal brief contains new evidence in the form of a narrative statement and court documents. The Appeal Board cannot consider new evidence on appeal. Directive ¶ E3.1.29.

Applicant contends that the Judge's decision "was not completed efficiently" and argues the Judge should have "followed through" to determine he was released from probation. Appeal Brief at 1. Having admitted the sole SOR allegation, the burden was on Applicant to present such evidence in mitigation. Directive ¶ E3.1.15. The Directive does not authorize a Judge to act as an investigator for either party. *See, e.g.*, ISCR Case No. 11-06659 at 5 (App. Bd. Oct 22, 2012).

Applicant has not identified any harmful error in the Judge's handling of the case or in her decision. The Judge examined the relevant evidence and articulated a satisfactory explanation for the decision. The decision is sustainable on this record. "The general standard is that a clearance may be granted only when 'clearly consistent with the interests of the national security.'" *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). *See also* Directive, Encl. 2, App. A ¶ 2(b): "Any doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security."

### Order

The Decision is **AFFIRMED**.

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

Signed: James E. Moody  
James E. Moody  
Administrative Judge  
Member, Appeal Board

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