

Applicant requested that his case be decided on the written record and then filed only a narrative statement in response to the government's File of Relevant Material (FORM). His response did not object to any items submitted by the government in the FORM. The Judge based his adverse decision in the case on the items in the FORM, noting that Applicant had presented "no evidence that he made any payments to his SOR creditors." Decision at 3. On appeal, Applicant argues that it was error for the Judge to base his adverse decision on "old credit information." In support of his assertion, he offer new evidence in the form of multiple documents that were not part of the record before the Judge. Most of those documents post-date the submission of his case for decision.

Applicant's presentation on appeal does not establish any harmful error on the part of the Judge. The Board cannot consider Applicant's new evidence on appeal. *See* Directive ¶ E3.1.29. Moreover, once the government presents evidence raising security concerns, the burden shifts to the applicant to establish mitigation. Directive ¶ E3.1.15. Applicant did not object to the information in the FORM and did not avail himself of the opportunity to present more recent credit information.

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