

KEYWORD: Guideline F

DIGEST: Applicant’s Appeal Brief contains no assertion of harmful error on the part of the Judge. Rather, it contains new evidence in the form of a narrative statement which includes clarifications or elaborations on the record evidence. The Board cannot consider any new evidence on appeal. Adverse decision affirmed.

CASE NO: 15-08013.a1

DATE: 04/12/2017

DATE: April 12, 2017

In Re:  -----  Applicant for Security Clearance	) ) ) ) ) ) )	ISCR Case No. 15-08013
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**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 May 22, 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 February 10, 2017, after the hearing, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Shari Dam denied Applicant's request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant's Appeal Brief contains no assertion of harmful error on the part of the Judge. Rather, it contains new evidence in the form of a narrative statement which includes clarifications or elaborations on the record evidence, as well as affirmative assertions that: Applicant now has a better job; the Federal and state taxes he owed for tax year 2015 now have a zero balance; he now has a payment plan in place for his 2014-2015 property taxes; he is still paying child support for his eldest son; and as of the date of his Appeal Brief he has paid-off 68% of the SOR debt.<sup>1</sup>

The Board cannot consider any new evidence on appeal. *See* Directive ¶ E3.1.29. The Board does not review a case *de novo*. The 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 E. Moody  
James E. Moody  
Administrative Judge  
Member, Appeal Board

Signed: Williams S. Fields  
William S. Fields

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<sup>1</sup>Applicant also states in his Appeal Brief that he has done everything he could to rectify his past financial mistakes. However, this general disagreement with the Judge's weighing of the evidence is not sufficient to demonstrate the Judge weighed the evidence or reached conclusions in a manner that is arbitrary, capricious, or contrary to law. *See, e.g.*, ISCR Case No. 15-00650 at 2 (App. Bd. Jun. 27, 2016).

Administrative Judge  
Member, Appeal Board