

KEYWORD: Guideline F; Guideline E

DIGEST: Applicant’s appeal brief contains no assertion of harmful error on the part of the Judge. Rather, it contains new evidence. Adverse decision affirmed.

CASENO: 15-08349.a1

DATE: 12/4/2017

DATE: December 4, 2017

In Re:)	
)	
-----)	ISCR Case No. 15-08349
)	
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 June 13, 2016, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline F (Financial Considerations) and Guideline E (Personal Conduct) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a decision on the written record. On Aug. 4, 2017, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Juan J. Rivera denied Applicant’s request for a security clearance. Applicant appealed pursuant to the Directive ¶¶ E3.1.28 and E3.1.30.

Applicant requested that his case be decided on the written record and then did not respond to the government’s File of Relevant Material (FORM). 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 by the Applicant that he has paid off all but one of the old debts prior to the date of the decision and he is marking payments on that remaining debt. Applicant does not challenge the Judge's adverse decision as to the Guideline E allegation.

The Board cannot consider new evidence on appeal. *See* Directive ¶ E3.1.29. Additionally, 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