

KEYWORD: Guideline F; Guideline E

DIGEST: On appeal, Applicant makes no assertion of harmful error on the part of the Judge. The Board cannot consider Applicant’s new evidence on appeal. Adverse decision affirmed.

CASENO: 15-08474.a1

DATE: 08/01/2017

DATE: August 1, 2017

In Re: ----- Applicant for Security Clearance)))))))	ISCR Case No. 15-08474
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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 9, 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 hearing. On May 22, 2017, after the hearing, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Martin H. Mogul denied Applicant’s request

for a security clearance. Applicant appealed pursuant to the Directive ¶¶ E3.1.28 and E3.1.30.¹

On appeal Applicant makes no assertion of harmful error on the part of the Judge. Rather, he argues that he was unable to address his financial problems because he was unemployed and attending school online at the same time. His brief presents new evidence in the form of multiple documents that were not part of the hearing record and a statement that he has recently obtained employment. He requests “a delay in the final decision regarding [his] security clearance application” so that he can “arrange a payment plan, or demonstrate [his] willing[ness] to fulfill all [his] debts.”

The Board cannot consider Applicant’s new evidence on appeal and has no authority to grant Applicant an extension for the purpose of obtaining more evidence. *See* Directive ¶ E3.1.29; ISCR Case No. 15-03249 at 2 (App. Bd. Jul. 6, 2017). 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

¹The Judge’s favorable finding under Guideline E is not at issue on appeal.