

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 and a document that post-dates the Judge’s decision. Adverse decision affirmed.

CASENO: 15-08409.a1

DATE: 09/18/2017

DATE: September 18, 2017

In Re: ----- Applicant for Security Clearance)))))))	ISCR Case No. 15-08409
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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 4, 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 decision on the written record. On June 29, 2017, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Robert Tuider denied Applicant’s request for a security clearance. Applicant appealed pursuant to the Directive ¶¶ E3.1.28 and E3.1.30.

Applicant admitted to 17 of the 19 allegations in the SOR, and did not respond to the remaining two allegations. He requested that his case be decided on the written record and then did not respond to the government's File of Relevant Material (FORM). The Judge based his adverse decision in the case in large measure on the fact that: ". . . the file lacks sufficient evidence that Applicant paid, arranged to pay, settled, compromised, disputed, or otherwise resolved any of the delinquent SOR accounts. He did not describe financial counseling or present a budget. The record lacks corroborating or substantiating documentation and detailed explanations of the causes for his financial problems and other mitigating information." Decision at 3.

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 and a document that post-dates the Judge's decision. This evidence indicates that Applicant has been enrolled for some time in a debt repayment program and has resolved or settled over 90% of his outstanding debts. 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