

KEYWORD: Guideline F

DIGEST: The Board cannot receive or consider any new evidence on appeal. Applicant has not made an allegation of harmful error on the part of the Judge. Adverse decision affirmed.

CASENO: 16-00316.a1

DATE: 09/22/2017

DATE: September 22, 2017

In Re:	)	
	)	
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	)	
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 May 27, 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 that the case be decided on the written record. On June 29, 2017, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Robert Tuidier denied Applicant’s request for a security clearance. Applicant appealed pursuant to the 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 a narrative statement in which Applicant states that he has received another letter from the U.S. Department of Education stating that his garnishment will be temporarily suspended. Additionally, he states that he is actively working to implement a voluntary repayment plan and is willing to forward the Board a copy of the repayment plan once it is established.

The Board cannot receive or consider any new evidence on appeal. *See* Directive ¶ E3.1.29. Additionally, 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 F. Duffy  
James F. Duffy  
Administrative Judge  
Member, Appeal Board

Signed: William S. Fields  
William S. Fields  
Administrative Judge  
Member, Appeal Board