KEYWORD: Guideline: F

DIGEST: Applicant's brief, viewed in its totality, does not make an assertion of harmful error by the Judge. Our jurisdiction is limited to those cases in which the appealing party alleges such an error. Adverse decision affirmed.

CASENO: 16-00556.a1

DATE: 09/18/2017

DATE: September 18, 2017

In Re:

ISCR Case No. 16-00556

Applicant for Security Clearance

APPEAL BOARD SUMMARY DISPOSITION

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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 23, 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 30, 2017, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Erin C. Hogan denied Applicant's request for a security clearance. Applicant appealed pursuant to Directive ¶ E3.1.28 and E3.1.30.

Applicant acknowledges at the outset that he failed in "owning up" to his financial

responsibilities. He forthrightly states that "the Judge was correct with [her] decision[.]" Appeal Brief at 1. He goes on to describe circumstances that affected his dilatory tax return filings and pastdue tax payments. He cites to record evidence that his returns have by now been filed and that he has attempted to secure payments plans with the IRS.¹ In addition to these things, Applicant's brief includes a substantial amount of new evidence, which the Directive does not permit us to consider.² Directive ¶ E3.1.29.

Applicant's brief, viewed in its totality, does not make an assertion of harmful error by the Judge. Our jurisdiction is limited to those cases in which the appealing party alleges such an error. Directive ¶ E3.1.32. Accordingly, the Judge's decision 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: James F. Duffy James F. Duffy Administrative Judge Member, Appeal Board

¹Applicant does not argue that the Judge failed to consider this evidence or that she mis-weighed it. However, to the extent that such an argument is implicit in his reference to it, he has not rebutted the presumption that the Judge considered all of the evidence in the record, nor has he shown that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. *See, e.g.*, ISCR Case No. 13-00502 at 3 (App. Bd. Mar. 7, 2017).

²Even so, we conclude that, had this information been included in the record evidence, it would not have led to a different result.