

KEYWORD: Guideline H; Guideline E

DIGEST: In his appeal brief, Applicant stated he disagreed with the Judge’s decision, but did not assert the Judge committed any specific error. His appeal brief contains new evidence in the form of narrative explanation that Appeal Board cannot consider. Directive ¶ E3.1.29. The Board does not review cases de novo. Our authority to review a case is limited to cases in which the appealing party has alleged the Judge committed harmful error. Adverse decision affirmed.

CASENO: 16-00812.a1

DATE: 12/29/2017

DATE: December 29, 2017

In Re:	)	
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Applicant for Security Clearance	)	ISCR Case No. 16-00812

**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 August 18, 2016, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline H (Drug Involvement and Substance Misuse) 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 October 6, 2017, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Jennifer I. Goldstein denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

In 2015, Applicant was arrested for possession of marijuana after having been granted a security clearance. He self-reported the arrest to his security officer. In 2016, a court placed him under its supervision for a period, required him to remain drug-free, and imposed a \$150 fine. The court later issued an expungement order. In this case, the Administrative Judge concluded Applicant failed to present evidence to support the mitigating conditions.

In his appeal brief, Applicant stated he disagreed with the Judge’s decision, but did not assert the Judge committed any specific error. His appeal brief contains new evidence in the form of narrative explanation that Appeal Board cannot consider. Directive ¶ E3.1.29.

The Board does not review cases *de novo*. Our authority to review a case is limited to cases in which the appealing party has alleged the Judge committed harmful error. Because Applicant has not made such an allegation, the decision of the Judge denying Applicant a security clearance is **AFFIRMED**.

Signed: Michael Ra’anan  
Michael Ra’anan  
Administrative Judge  
Chairperson, Appeal Board

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

Signed: James F. Duffy  
James F. Duffy  
Administrative Judge

Member, Appeal Board