

KEYWORD: Guideline F

DIGEST: The Hearing Office should verify whether Applicant received a complete and accurate copy of the hearing transcript and, if such action did not occur, take appropriate corrective action. Furthermore, the Judge should issue a new decision that clarifies whether Applicant received a complete and accurate copy of the transcript and ensures the faulty transcript was not considered in rendering his decision. Adverse decision remanded.

CASENO: 16-01209.a1

DATE: 08/16/2017

DATE: August 16, 2017

In Re:	)	
	)	
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	)	
Applicant for Security Clearance	)	
	)	

**APPEAL BOARD DECISION**

**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 July 8, 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 hearing. On June 2, 2017, after the hearing, Defense Office of Hearings and Appeals (DOHA) Administrative Judge LeRoy F. Foreman denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant asserts that the hearing transcript that he received contains errors. In his appeal brief, he provided a copy of the hearing transcript he received. It shows the cover sheet and next page are for his hearing, but the remainder of the transcript are pages from another person's hearing.

Applicant has demonstrated error that warrants remand. The Hearing Office should verify whether Applicant received a complete and accurate copy of the hearing transcript and, if such action did not occur, take appropriate corrective action. Furthermore, the Judge should issue a new decision that clarifies whether Applicant received a complete and accurate copy of the transcript and ensures the faulty transcript was not considered in rendering his decision.

### **Order**

The Decision is **REMANDED**.

Signed: Michael Ra'anan  
Michael 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