

KEYWORD: Guideline F; Guideline E

DIGEST: Applicant does say it is wrong for the Judge to have looked at her past credit. In a Guideline F case it is necessary and appropriate for the Judge to review an applicant's financial history. Adverse decision affirmed.

CASENO: 16-02367.a1

DATE: 07/17/2017

DATE: July 17, 2017

In Re: ----- Applicant for Security Clearance)))))))	ISCR Case No. 16-02367
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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 September 30, 2016, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline F (Financial Considerations) 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 April 24, 2017, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Braden M. Murphy denied Applicant's request for a security clearance. Applicant appealed

pursuant to the Directive ¶¶ E3.1.28 and E3.1.30.¹

Applicant requested that her case be decided on the written record and then filed only a narrative statement in response to the government's File of Relevant Material (FORM). The Judge based his adverse decision in the case in large measure on the lack of corroborating documentation to support Applicant's statements. Decision at 3. Applicant's appeal brief contains no assertion of harmful error on the part of the Judge.² Rather, it contains a detailed submission that includes a narrative statement by the Applicant explaining her current financial situation as well as documentary exhibits corroborating the extent to which her debts have been paid off or paid down. Most of these documents post-date the submission of her case for decision.

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

¹The Judge found in favor of Applicant under Guideline E. That favorable finding is not at issue on appeal.

²Applicant does say it was wrong for the Judge to have looked at her past credit. In a Guideline F case it is necessary and appropriate for the Judge to review an applicant's financial history.