

KEYWORD: Guideline F

DIGEST: Applicant’s appeal brief contains no assertion of harmful error on the part of the Judge. The Board cannot consider new evidence on appeal. Adverse decision affirmed.

CASENO: 12-09539.a1

DATE: 05/08/2017

DATE: May 8, 2017

In Re:)	
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Applicant for Security Clearance)	ISCR Case No. 12-09539
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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 December 2, 2015, 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 February 16, 2017, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Martin H. Mogul denied Applicant’s request for a security clearance. Applicant appealed pursuant to the Directive ¶¶ E3.1.28 and E3.1.30.

Applicant requested that her case be decided on the written record and then did not respond 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 independent evidence about Applicant's current financial stability and the extent to which individual debts had been resolved or reduced. Applicant's appeal brief contains no assertion of harmful error on the part of the Judge. Rather, it contains a detailed narrative statement by the Applicant explaining her current financial situation as well as her previous and ongoing efforts to resolve individual SOR debts. As part of her submission she includes documents relating to her debts that 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: James F. Duffy
James F. Duffy
Administrative Judge
Member, Appeal Board

Signed: James E. Moody
James E. Moody
Administrative Judge
Member, Appeal Board

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