

KEYWORD: Guideline F

DIGEST: The Board cannot consider any new evidence on appeal and has no authority to grant an applicant an extension. The Board does not review a case *de novo*. The 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. Adverse decision AFFIRMED.

CASENO: 15-01778.a1

DATE: 01/31/2017

DATE: January 31, 2017

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In Re:

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Applicant for Security Clearance

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) ISCR Case No. 15-01778  
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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 15, 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 hearing. On November 22, 2016, after the hearing, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Paul J. Mason denied Applicant’s request for a security clearance. Applicant appealed pursuant to the Directive ¶¶ E3.1.28 and E3.1.30.

Applicant’s appeal brief contains no assertion of harmful error on the part of the Judge. Rather, it contains a copy of the Judge’s decision, and a statement from the Applicant requesting that a 90 day “remand/hold” be placed on the decision to allow Applicant an opportunity to obtain the removal of certain items from his credit report and provide documentary evidence of the changes.<sup>1</sup>

The Board cannot consider any new evidence on appeal. *See* Directive ¶ E3.1.29. Additionally, it has no authority to grant an applicant an extension for the purpose of obtaining more evidence. *See, e.g.*, ISCR Case No. 14-00151 at 3 (App. Bd. Sep. 12, 2014). The Board does not review a case *de novo*. The 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 E. Moody  
James E. Moody  
Administrative Judge  
Member, Appeal Board

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<sup>1</sup>Applicant alleges that bankruptcy law protects him from owing certain debts he previously admitted. The record does not support his claim.

Signed: William S. Fields

William S. Fields

Administrative Judge

Member, Appeal Board