

KEYWORD: Guideline F; Guideline H; Guideline E

DIGEST: Applicant’s appeal brief contains no assertion of harmful error on the part of the Judge. Adverse decision affirmed.

CASE NO: 15-01845.a1

DATE: 02/12/2018

DATE: February 12, 2018

In Re:  -----  Applicant for Security Clearance	) ) ) ) ) ) )	ISCR Case No. 15-01845
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**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 December 7, 2016, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline F (Financial Considerations), Guideline H (Drug Involvement), 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 November 17, 2017, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Robert Robinson Gales denied Applicant’s request for a security clearance. Applicant appealed pursuant to the Directive ¶¶ E3.1.28 and E3.1.30.

Applicant requested that his case be decided on the written record and then did not respond to the government's File of Relevant Material (FORM). His appeal brief contains no assertion of harmful error on the part of the Judge. Rather, he argues that "the judge was unable to take many things into consideration based on the information that was provided . . ." and provides new evidence in the form of a narrative statement discussing his past and present circumstances as they relate to the allegations in the SOR.

The Board cannot consider Applicant's new evidence on appeal. See Directive ¶ E3.1.29. The Board does not review a case *de novo*. Its 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 Ra'anan  
Michael 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