

KEYWORD: Guideline F

DIGEST: There is a rebuttable presumption that a Judge is impartial and unbiased, and a party seeking to overcome that presumption has a heavy burden of persuasion. Adverse decision affirmed.

CASENO: 15-03981.a1

DATE: 08/14/2018

DATE: August 14, 2018

In Re:

Applicant for Security Clearance

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) ISCR Case No. 15-03981
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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 11, 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 May 2, 2018, after considering the record, Administrative Judge Paul Mason denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant stated that she disagreed with the Judge’s ruling and indicated that she gave him all the information he had requested but was not sure what she gave him.¹ She requested that her case be evaluated by someone else and stated, “I was uncomfortable with the judge. I felt looked down on and it was probably just me but it was not a good feeling.” Appeal Brief at 1. To the extent that she may be arguing the Judge was biased against her, we do not find that argument persuasive. There is a rebuttable presumption that a Judge is impartial and unbiased, and a party seeking to overcome that presumption has a heavy burden of persuasion. *See, e.g.*, ISCR Case No. 12-10122 at 3 (App. Bd. Apr. 22, 2016). Applicant has failed to establish any error that warrants remand of her case. *See* Directive ¶ E3.1.33.2.

Applicant’s appeal brief raises no other allegation of error on the part of the Judge. The Board does not review cases *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. Because Applicant has not made such an allegation of error, the decision of the Judge denying Applicant a security clearance is sustainable.

¹ In her appeal brief, Applicant actually stated, “I am not sure what I did not give him.”

Order

The Decision is **AFFIRMED**.

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