

KEYWORD: Guideline B

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

CASE NO: 15-04736.a1

DATE: 02/12/2018

DATE: February 12, 2018

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| In Re: ----- Applicant for Security Clearance |))))))) | ISCR Case No. 15-04736 |
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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 30, 2015, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline B (Foreign Influence) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a decision on the written record. On October 24, 2017, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Francisco Mendez 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). Applicant's appeal brief contains no assertion of harmful error on the part of the Judge. Rather, it contains new evidence in the form of a narrative statement by the Applicant detailing his service with the U.S. military as a translator in Iraq and explaining his continuing contacts with family members in Iraq, along with copies of multiple certificates of appreciation and commendation letters.

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. *See, e.g.*, ISCR Case No. 14-06419 (App. Bd. Sep. 15, 2016). 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: Charles Hale
Charles Hale
Administrative Judge
Member, Appeal Board

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