

KEYWORD: Guideline F

DIGEST: The Board cannot consider new evidence on appeal. 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. Adverse decision affirmed.

CASENO: 16-02152.a1

DATE: 01/29/2018

DATE: January 29, 2018

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In Re:)	
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))	
))	ISCR Case No. 16-02152
))	
))	
Applicant for Security Clearance)	
_____)	

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 October 11, 2016, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline F (Financial Considerations) 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 1, 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 his case be decided on the written record and then filed a short narrative response to the government’s File of Relevant Material (FORM), stating the he was working with a bankruptcy attorney to help alleviate his past debts. 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 that he has signed his final bankruptcy paperwork and that it is in the process of being filed. He estimates that he should have a court date between mid-January and the end of February in 2018. He does not challenge the Judge’s adverse decision as to the Guideline E allegation.

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: 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