

KEYWORD: Guideline F; Guideline G; Guideline J

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

CASENO: 16-02617.a1

DATE: 03/26/2018

DATE: March 26, 2018

In Re:)	
)	
-----)	ISCR Case No. 16-02617
)	
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 15, 2016, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that

decision—security concerns raised under Guideline J (Criminal Conduct), Guideline G (Alcohol Consumption), and Guideline F (Financial Considerations) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a hearing. On December 7, 2017, after the hearing, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Shari Dam denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30. The Judge’s favorable findings under Guideline G and Guideline F have not been raised as an issue on appeal.

Applicant’s appeal brief contains no assertion of harmful error on the part of the Judge. Rather, it contains a narrative statement in which Applicant stated he found the Judge’s decision “overwhelmingly positive in my favor” and noted that he will be off probation this year for his 2010 felony conviction for driving under the influence with a child under 15 years of age. Appeal Brief at 1. He also stated that loss of his security clearance will have a detrimental effect on him and his family. However, the adverse impact that an unfavorable decision may have on an applicant is not a relevant or material consideration in evaluating his security eligibility. *See, e.g.*, ISCR Case No. 14-04202 at 4 (App. Bd. Dec. 24, 2015).

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. Because Applicant has not made an allegation of harmful error on the part of the Judge, the decision of the Judge is AFFIRMED.

Signed: Michael Ra’anan
Michael Ra’anan
Administrative Judge
Chairperson, Appeal Board

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

Signed: James F. Duffy
James F. Duffy
Administrative Judge
Member, Appeal Board