

KEYWORD: Guideline E; Guideline F

DIGEST: Applicant makes various assertions about his debts and the filing of his tax returns. However, he raises no assertion that the Judge committed any error in her unfavorable findings and conclusions pertaining to the falsification allegations under Guideline E. Because the unfavorable falsification findings and conclusions are sufficient independently to support the Judge’s overall adverse decision, we need not address Applicant’s assignments of error regarding the Guideline F allegations. Adverse decision affirmed.

CASENO: 16-03393.a1

DATE: 08/06/2018

DATE: August 6, 2018

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| In Re:<br><br>-----<br><br>Applicant for Security Clearance | )<br>)<br>)<br>)<br>)<br>)<br>)<br>) | ISCR Case No.16-03393 |
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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 January 30, 2017, 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 March 29, 2018, after considering the record, Administrative Judge Darlene D. Lokey Anderson denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

The SOR alleged that Applicant failed to file, as required, his Federal and state income tax returns for 2005 through 2011, 2013, and 2014; that he had 11 delinquent debts totaling about \$77,300; and that he falsified his 2015 security clearance application by failing to disclose his tax filing delinquencies and by failing to disclose that he had Federal tax liens and other Federal tax delinquencies. The Judge found against him on all of the SOR allegations.

In his appeal brief, Applicant makes various assertions about his debts and the filing of his tax returns. However, he raises no assertion that the Judge committed any error in her unfavorable findings and conclusions pertaining to the falsification allegations under Guideline E. Because the unfavorable falsification findings and conclusions are sufficient independently to support the Judge’s overall adverse decision, we need not address Applicant’s assignments of error regarding the Guideline F allegations.

In his appeal brief, Applicant also requests the opportunity to submit an additional brief so that he could submit evidence supporting his claims and indicates that he would like the option to retain counsel to produce a more detailed appeal brief, if his finances allow it. We do not have the authority to grant Applicant’s requests. The Appeal Board cannot consider new evidence on appeal. Directive ¶ E3.1.29. Consequently, we do not have authority to grant Applicant a continuance to develop additional favorable evidence. *See, e.g.*, ISCR Case No. 14-00151 at 3 (App. Bd. Sep. 12, 2014). Additionally, the Directive authorizes only one brief for each party. *See, e.g.*, ISCR Case No. 12-09389 at 3, n.1 (App. Bd. Sep. 18, 2015).

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. The adverse decision is sustainable on the unchallenged findings and conclusions under Guideline E.

**Order**

The Decision is **Affirmed**.

Signed: James E. Moody  
James E. Moody  
Administrative Judge  
Member, Appeal Board

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

Signed: Charles C. Hale  
Charles C. Hale  
Administrative Judge  
Member, Appeal Board