

KEYWORD: Guideline F

DIGEST: Applicant has not rebutted the presumption that the Judge considered all of the evidence in the record, nor has he shown that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. Adverse decision affirmed.

CASE NO: 16-03678.a1

DATE: 01/30/2018

DATE: January 30, 2018

In Re: ----- Applicant for Security Clearance)))))))	ISCR Case No. 16-03678
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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 23, 2016, 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 decision on the written record. On October 13, 2017, after considering the record, Defense Office of

Hearings and Appeals (DOHA) Administrative Judge Philip J. Katauskas denied Applicant's request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant includes in his brief a substantial amount of information from outside the record, which we cannot consider. Directive ¶ E3.1.29.

Applicant states that he did not see Department Counsel's notice in the File of Relevant Material that the interview summary was lacking authentication and, in any event, he states that he was not qualified to authenticate it. It is not clear whether Applicant is arguing that the Judge should have considered the interview or should not have considered it. In this case, the Judge stated that he did not consider this document precisely because he was not satisfied that Applicant understood the meaning of authentication. Decision at 2. The Judge's conclusion in this case not to consider the document is sustainable.

Applicant argues that he has satisfied the mitigating conditions. However, except as noted above, he has not rebutted the presumption that the Judge considered all of the evidence in the record, nor has he shown that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. *See, e.g.*, ISCR Case No. 17-00257 at 3 (App. Bd. Dec. 7, 2017). Beyond this, Applicant has not raised an issue of harmful error. Our authority to review a case is limited to those in which the Appellant has raised an issue of harmful error. *See, e.g.*, ISCR Case No. 15-08349 (App. Bd. Dec. 4, 2017).

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