

KEYWORD: Guideline E; Guideline F; Guideline H

DIGEST: The adverse impact that an unfavorable decision may have on an applicant is not a relevant consideration in evaluating his security eligibility. Adverse decision affirmed.

CASENO: 16-04036.a1

DATE: 09/13/2018

DATE: September 13, 2018

In Re:

Applicant for Security Clearance

)
)
)
) ISCR Case No. 16-04036
)
)
)
)

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 March 24, 2017, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline F (Financial Considerations), Guideline H (Drug Involvement and Substance Misuse), and Guideline E (Personal Conduct) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a hearing. On June 29, 2018, after the hearing, Administrative Judge Wilford H. Ross denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant’s appeal brief raises no allegation of harmful error on the part of the Judge. Rather, it contains a narrative statements about, among other matters, him completing a 90-day rehabilitation program in 2014, remaining sober ever since, and filing for bankruptcy in 2018. He also advises of the consequences of him losing his security clearance. However, the adverse impact that an unfavorable decision may have on an applicant is not a relevant consideration in evaluating his security eligibility. *See, e.g.,* ISCR Case No. 14-04202 at 4 (App. Bd. Dec. 24, 2015).¹

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. Because Applicant has not made such an allegation of error, the decision of the Judge denying Applicant a security clearance is **AFFIRMED**.

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

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

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

¹ Applicant’s brief includes character statements that constitute new evidence, which the Appeal Board cannot consider. *See* Directive ¶ E3.1.29.