

KEYWORD: Guideline E; Guideline F

DIGEST: Applicant’s appeal brief raises no allegation of error on the part of the Judge. Rather, it merely states the decision is in error without identifying any specific error. Adverse decision affirmed.

CASENO: 17-00853.a1

DATE: 12/10/2018

DATE: December 10, 2018

In Re: ----- Applicant for Security Clearance)))))))	ISCR Case No. 17-00853
---	---------------------------------	------------------------

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 April 19, 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 hearing. On October 25, 2018, after the hearing, Administrative Richard A. Cefola 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 error on the part of the Judge. Rather, it merely states the decision is in error without identifying any specific error. There is no presumption of error below and an appealing party has the burden of raising and demonstrating factual or legal error by the Judge with specificity. *See, e.g.*, ISCR Case No. 00-0050 at 2 (App. Bd. Jul. 23, 2001). His brief also asserts that he has been an honorable employee for 25 years and is making an effort to pay his creditors.

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

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