

KEYWORD: Guideline F

DIGEST: Applicant states that she submitted documentary evidence to the Judge that did not make it into the record. At the hearing, the Judge left the record open for 14 days for either party to submit additional matters. In the decision, the Judge indicated that neither party submitted additional matters. In her appeal brief, Applicant states that she submitted additional matters before the deadline, which were received by Department Counsel and forwarded to the Judge. She also notes the decision does not refer to any of those additional matters. We are unable to identify any post-hearing matters in the record. Adverse decision remanded.

CASENO: 17-01387.a1

DATE: 04/24/2018

DATE: April 24, 2018

In Re:)	
)	
-----)	ISCR Case No. 17-01387
)	
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 May 26, 2017, 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 hearing. On February 1, 2018, after the hearing, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Roger C. Wesley denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant states that she submitted documentary evidence to the Judge that did not make it into the record. At the hearing, the Judge left the record open for 14 days for either party to submit additional matters. Tr. at 112-113. In the decision, the Judge indicated that neither party submitted additional matters. In her appeal brief, Applicant states that she submitted additional matters before the deadline, which were received by Department Counsel and forwarded to the Judge. She also notes the decision does not refer to any of those additional matters. We are unable to identify any post-hearing matters in the record.¹ Applicant also contends the Judge erred in making findings of fact about her education record, history of employment, and that her stepfather testified at the hearing. *See* Decision at 4. For example, in the appeal brief, she states that she does not have a stepfather. Given her contention that the record is incomplete, we conclude the best resolution of this appeal is to remand the case to the Judge for further processing consistent with the Directive. Applicant has raised other issues that are not ripe for consideration at this time.

¹ In her appeal brief, Applicant did not provide copies of the documents that were supposedly contained in her post-hearing submission. However, she did present some documents post-dating the Judge’s decision that she refers to as “new evidence.” Appeal Brief at 1.

Order

The Decision is **REMANDED**.

Signed: Michael Y. Ra'anan
Michael Y. 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