

KEYWORD: Guideline F

DIGEST: Applicant’s appeal brief raises no allegation of error on the part of the Judge. Rather, it contains a number of documents that post-date the close of the record or the Judge’s decision. Those documents constitute new evidence that the Appeal Board cannot consider. Adverse decision affirmed.

CASENO: 17-02677.a1

DATE: 08/14/2018

DATE: August 14, 2018

In Re:)	
)	
-----)	ISCR Case No. 17-02677
)	
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 September 6, 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 April 26, 2018, after considering the record, Administrative Judge LeRoy F. Foreman 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 contains a number of documents that post-date the close of the record or the Judge’s decision. Those documents constitute new evidence that the Appeal Board cannot consider. Directive ¶ E3.1.29. Applicant also mentions that she provided a document (an email) to the Judge about placing her home for sale on the real estate market. The email is part of the record of the proceeding (Applicant’s Exhibit (AX) G), and Judge made findings of fact about the information contained in that email.

Applicant’s appeal brief raises no allegation of error on the part of the Judge. 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