

KEYWORD: Guideline E; Guideline F

DIGEST: In his appeal brief, Applicant also provides a list of contacts concerning his termination and eligibility to be rehired. We note, however, that the Appeal Board has no authority to interview witnesses, conduct investigations, or make findings of fact. Adverse decision affirmed.

CASENO: 17-02913.a1

DATE: 04/04/2018

DATE: April 4, 2018

In Re:	)	
	)	
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	)	
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 7, 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 that the case be decided on the written record. On January 18, 2018, after considering the record, Administrative Judge Noreen A. Lynch denied Applicant’s request for a security clearance by finding against him on all of the SOR allegations. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

In his Appeal Brief, Applicant states that he was in agreement with the Judge’s decision until he read the statement: “Perhaps the record is not clear as to his current situation[.]” That caused him doubt the Judge’s entire decision.<sup>1</sup> Appeal Brief at 1. Applicant also states that he has been unemployed since September 2017 and that he and his company have been waiting for a decision in this case so he could return to work. When reviewing a Judge’s decision, the Board does not review individual sentences in isolation, but rather considers the Judge’s decision in its entirety to determine what findings and conclusions were made. *See, e.g.*, ISCR Case No. 16-03429 at 2 (App. Bd. Mar. 15, 2018).

In the decision, the Judge made findings that Applicant was terminated from his job in September 2017, was eligible for rehire, and was then dependent on unemployment benefits. Decision at 3. To the extent he may be arguing the Judge mis-weighed the evidence, Applicant has failed to show the Judge weighed the evidence in a manner that is arbitrary, capricious, or contrary to law. Directive ¶ E3.1.32.3. He has not otherwise identified how the Judge may have erred in the challenged statement. Since we are unable to determine with any degree of certitude exactly what error Applicant is raising, any argument beyond that addressed above fails for lack of specificity. *See, e.g.*, ISCR Case No. ISCR 14-05920 at 3 (App. Bd. Jan. 8. 2016).

In his appeal brief, Applicant also provides a list of contacts concerning his termination and eligibility to be rehired. We note, however, that the Appeal Board has no authority to interview witnesses, conduct investigations, or make findings of fact. *See, e.g.*, ISCR Case No. 16-03072 at 2 (App. Bd. Mar. 7, 2018).

Applicant has not identified any harmful error in the Judge’s decision. The Judge examined the relevant evidence and articulated a satisfactory explanation for the decision. The decision is sustainable on this record. “The general standard is that a clearance may be granted only when ‘clearly consistent with the interests of the national security.’” *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). *See also* Directive, Encl. 2, App A. ¶ 2(b): “Any doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security.”

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<sup>1</sup> The challenged statement is from the Judge’s whole-person analysis. Decision at 8.

**Order**

The Decision is **AFFIRMED**.

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

Signed: William S. Fields  
William S. Fields  
Administrative Judge  
Member, Appeal Board

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