

KEYWORD: Guidleline F

DIGEST: The Appeal Board has previously noted that it is reasonable for a Judge to expect applicants to present documentation corroborating their claims that debts have been satisfied, are being resolved, or have been disputed. Adverse decision affirmed.

CASENO: 17-03247.a1

DATE: 09/20/2018

DATE: September 20, 2018

In Re:)	
)	
-----)	ISCR Case No. 17-03247
)	
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 October 2, 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 decision on the written record. On July 10, 2018, after considering the record, Administrative Judge Shari Dam 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 documents that were not previously presented to the Judge for consideration. The Appeal Board cannot consider new evidence on appeal. Directive ¶ E3.1.29. Her brief also contains a narrative statements about the efforts she has taken or is taking to resolve her financial problems.

In the decision, the Judge stated:

In the FORM [File of Relevant Material], [Applicant] was informed that the evidence she submitted in her Answer to the SOR was likely insufficient to mitigate the financial allegations. Despite that notice, she did not provide additional documentary evidence to confirm her assertions that she was resolving, had resolved, or had obtained recent and credible proof that the majority of the alleged debts were not her responsibility.¹

The Appeal Board has previously noted that it is reasonable for a Judge to expect applicants to present documentation corroborating their claims that debts have been satisfied, are being resolved, or have been disputed.² *See, e.g.* ISCR Case No. 07-10310 at 2 (App. Bd. Jul. 30, 2008). Applicant’s appeal brief fails to establish that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. (*See, e.g.*, ISCR Case No. 15-01717 at 4 (App. Bd. Jul. 3, 2017).

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

¹ Decision at 7.

² Directive, Encl. 2, App. A ¶ 20(e) states “the individual has a reasonable basis to dispute the legitimacy of the past-due debt which is the cause of the problem and **provides documented proof to substantiate the basis of the dispute or provides evidence of actions to resolve the issue[.]**” Emphasis added.

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