

KEYWORD: Guideline E; Guideline F

DIGEST: Applicant has not demonstrated error below and is not entitled to a hearing just so he can have another opportunity to present his case. Adverse decision affirmed.

CASENO: 12-08300.a1

DATE: 09/13/2018

appeal brief, he also requests a hearing. Upon being assigned to this case, the Judge confirmed that Applicant wanted a decision on the written record and reopened the record to provide Applicant the opportunity to submit additional matters. In response, Applicant submitted two items that were entered into evidence without objection. Absent a showing of factual or legal error that affects a party's right to present evidence in the proceeding below, a party does not have the right to have a second chance at presenting his or her case before an administrative judge. *See, e.g.*, ISCR Case No. 14-02730 at 2 (App. Bd. Jun. 24, 2016). In this case, Applicant has not demonstrated error below and is not entitled to a hearing just so he can have another opportunity to present his case.

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