



**DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS**



In the matter of:)
)
) ISCR Case No. 17-03043
)
Applicant for Security Clearance)

Appearances

For Government: Mary Margaret Foreman, Esq., Department Counsel
For Applicant: *Pro se*

04/04/2019

Remand Order

HARVEY, Mark, Administrative Judge:

The Defense Office of Hearings and Appeals (DOHA) Appeal Board remanded the above captioned decision for inclusion of four documents in the record. The requested documents are provided. The decision denying Appellant’s access to classified information remains in effect, subject to the decision of the DOHA Appeal Board.

History of the Case

On November 18, 2015, Applicant completed and signed a Questionnaire for National Security Positions (SF 86) or security clearance application (SCA). (Government Exhibit (GE) 1) On January 16, 2018, the Department of Defense (DOD) Consolidated Adjudications Facility (CAF) issued a statement of reasons to Applicant under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry*, February 20, 1960; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Directive), January 2, 1992; and Security Executive Agent Directive 4, establishing in Appendix A the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (AGs), effective June 8, 2017. (Hearing Exhibit (HE) 2) The SOR set forth security concerns arising under Guideline F.

On January 22, 2018, Applicant responded to the SOR. (HE 3) On April 4, 2018, Department Counsel was ready to proceed. On April 26, 2018, the case was assigned to

me. On May 23, 2018, the Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing, setting the hearing for June 13, 2018. (HE 1) Applicant's hearing was held as scheduled. On June 21, 2018, DOHA received the hearing transcript.

On November 27, 2018, I issued a decision denying Applicant's access to classified information. On March 12, 2019, the DOHA Appeal Board remanded the case to me and directed collection of four documents that Applicant presented during the hearing. At the hearing, the content of the four documents was summarized on the record, and the documents were returned to Applicant. The Appeal Board did not ask me to take any action beyond collection of the four documents.

On March 14, 2019, I asked Applicant to provide copies of the exhibits referenced in the transcript at pages 18-21, and I provided a copy of the Appeal Board decision. (Remand Exhibit 1 with two attachments). Applicant provided the requested documents, and they are as follows:

(1) February 8, 2018 letter from bank creditor in SOR ¶ 1.d, indicating the balance owed is \$1,141 and showing a payment of \$315.79 (RE 2 (1 page));

(2) November 15, 2009 lease quote and two pages from an apartment lease for an apartment, signed by Applicant on November 15, 2009, with handwritten notes on page one (RE 3 (3 pages));

(3) Lease for a different property from December 3, 2010, to December 4, 2011 (RE 4 (14 pages)); and

(4) Letter dated April 3, 2018, for a debt being collected by a creditor for a motorcycle, and the letter shows the non-SOR debt was paid in full or settled in full on March 21, 2018 (RE 4 (1 page)).

Email correspondence indicates receipt of the four documents from Applicant. (RE 6) The four documents are provided as directed by the Appeal Board. (RE 2-5)

Mark Harvey
Administrative Judge