

KEYWORD: Guideline J; Guideline F

DIGEST: The Board cannot consider new evidence on appeal.

CASENO: 05-00343.a1

DATE: 03/14/2007

DATE: March 14, 2007

In Re: ----- SSN: ----- Applicant for Security Clearance)))))))	ISCR Case No. 05-00343
---	---------------------------------	------------------------

APPEAL BOARD SUMMARY DISPOSITION

APPEARANCES

FOR GOVERNMENT

James B. Norman, Esq., Chief Department Counsel

FOR APPLICANT

Pro Se

The Defense Office of Hearings and Appeals (DOHA) declined to grant Applicant a security clearance. On October 25, 2005, DOHA issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline J (Criminal Conduct) and Guideline F (Financial Considerations) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested the case be decided on the written record. On August 24, 2006, after considering the record, Administrative Judge Henry Lazzaro denied Applicant’s request for a security clearance. Applicant appealed pursuant to the Directive ¶¶ E3.1.28 and

E3.1.30.¹

Applicant's appeal brief contains no assertion of harmful error on the part of the Judge. Rather, it contains new evidence in the form of federal and state tax records, a release of lien, a receipt for the payment of a debt, and documentation relating to Applicant's retirement status. The Board cannot consider this new evidence on appeal. *See* Directive ¶ E3.1.29.

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. It does not review cases *de novo*. Applicant has not made an allegation of harmful error. Therefore, the decision of the Judge denying Applicant a security clearance is AFFIRMED.

Signed: Michael Y. Ra'anan
Michael Y. Ra'anan
Administrative Judge
Chairman, Appeal Board

Signed: Jean E. Smallin
Jean E. Smallin
Administrative Judge
Member, Appeal Board

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

¹The Judge found in favor of Applicant under Guideline F. That favorable finding is not at issue on appeal.