

KEYWORD: Guideline F; Guideline E

DIGEST: The Board cannot consider new evidence on appeal. Adverse decision affirmed.

CASENO: 05-02415.a1

DATE: 04/19/2007

DATE: April 19, 2007

In Re:	)	
	)	
-----	)	ISCR Case No. 05-02415
SSN: -----	)	
	)	
Applicant for Security Clearance	)	
	)	

**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 31, 2005, DOHA 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 October 31, 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.<sup>1</sup>

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 a statement from the Applicant, which summarizes the favorable evidence he presented below, and explains that he has now resolved five of the accounts listed in the SOR, has established a payment plan with respect to the balance of his indebtedness, pays his current bills in a timely manner, and has continued to have a solid record of excellent job performance and service to the defense community. 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 D. Hipple  
Michael D. Hipple  
Administrative Judge  
Member, 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

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<sup>1</sup>The Judge found in favor of Applicant with respect to SOR ¶ 2.a. That favorable finding is not at issue on appeal.