

KEYWORD: Guideline F

DIGEST: Applicant's brief contains no assertion of harmful error on the part of the Judge. Adverse decision affirmed.

CASENO: 05-06059.a1

DATE: 03/02/2007

DATE: March 2, 2007

In Re:)	
)	
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SSN:-----)	ISCR Case No. 05-06059
)	
Applicant for Security Clearance)	
)	

APPEAL BOARD SUMMARY DISPOSITION

APPEARANCES

FOR GOVERNMENT

Melvin A. Howry, Esq., Department Counsel

FOR APPLICANT

Pro Se

The Defense Office of Hearings and Appeals (DOHA) declined to grant Applicant a security clearance. On October 28, 2005, DOHA 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 hearing. On July 24, 2006, after the hearing, Administrative Judge Barry M. Sax denied

Applicant's request for a security clearance. Applicant appealed the Judge's unfavorable clearance decision.

Applicant's appeal brief contains no assertion of harmful error on the part of the Judge.¹ Rather, it contains new evidence, in the form of a statement from the Applicant and six character reference letters. It also contains a request for a 30 day continuance, so that Applicant can resolve her financial problems by filing for bankruptcy.

The Board cannot consider Applicant's 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*, and has no authority to continue Applicant's case to allow her the opportunity to work on her financial problems. *See, e.g.*, ISCR Case No. 04-03907 at 2 (App. Bd. Sep. 18, 2006). Applicant has not made an allegation of harmful error. Therefore, the decision of the Judge denying Applicant a security clearance is AFFIRMED.

Signed: Jean E. Smallin

Jean E. Smallin
Administrative Judge
Member, Appeal Board

Signed: William S. Fields

William S. Fields
Administrative Judge
Member, Appeal Board

Signed: James E. Moody

James E. Moody
Administrative Judge
Member, Appeal Board

¹Applicant asserts the Judge erred in finding that she is a "secretary for a defense contractor," when in fact she is a "warehouse clerk." This error is harmless.