

KEYWORD: Guideline F; Guideline E

DIGEST: A review of the record as a whole supports the Judge's conclusion that Applicant's falsifications were deliberate. Adverse decision affirmed.

CASENO: 05-06702.a1

DATE: 08/31/2007

DATE: August 31, 2007

In Re: ----- Applicant for Security Clearance)))))))	ISCR Case No. 05-06702
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APPEAL BOARD DECISION

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 May 11, 2006, 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 a decision on the written record. On March 26, 2007, after considering the record, Administrative Judge David M. White denied Applicant's request for a security clearance. Applicant filed a timely appeal pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant raises the following issue on appeal: whether the Judge erred in concluding that he deliberately provided false answers on his security clearance questionnaire. Applicant's brief also contains new evidence, in the form of a letter from Applicant and one from Applicant's wife, neither of which had been previously submitted. The Board cannot consider this new evidence on appeal. *See* Directive ¶ E3.1.29.

Applicant contends that he did not deliberately provide false answers concerning his past due debts. We have examined Applicant's brief, the Judge's decision, and the record as a whole. We conclude that the Judge's findings of deliberate falsification are sustainable. *See* Directive E3.1.32.1; ISCR Case No. 04-03849 at 2-3 (App. Bd. Jan. 26, 2006).

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