

KEYWORD: Guideline F

DIGEST: The Appeal Board's authority to review a case is limited to cases in which the appealing party has alleged harmful error. Adverse decision affirmed

CASENO: 06-00635.a1

DATE: 01/17/2008

DATE: January 17, 2008

In Re:)
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)
 -----) ISCR Case No. 06-00635
)
)
 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 August 30, 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 the case be decided on the written record. On August 29, 2007, after considering the record, Administrative Judge Shari Dam 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 an explanatory statement and two documentary exhibits, which update Applicant's financial situation and indicate that six of Applicant's debts are currently being paid through a debt management agent.² Applicant also summarizes the favorable evidence presented below.

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*. Applicant has not made an allegation of harmful error. Therefore, the decision of the Judge denying Applicant a security clearance is AFFIRMED.

Signed: Jeffrey D. Billett
Jeffrey D. Billett
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

¹The Judge found in favor of Applicant as to SOR paragraphs 1.h, 1.j, 1.l, 1.n, and 1.o, and Guideline E. Those favorable findings are not at issue on appeal.

²In his brief, Applicant acknowledges that there are four open accounts that are not enrolled in his debt program. He states that those accounts will be paid when the creditors can be located and contacted.