

KEYWORD: Guideline F; Guideline E

DIGEST: Applicant has not made an allegation of harmful error. Adverse decision affirmed.

CASENO: 06-22633.a1

DATE: 01/14/2008

DATE: January 14, 2008

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| In Re: |) | |
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| |) | ISCR Case No. 06-22633 |
| |) | |
| 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 March 28, 2007, 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 Carol G. Ricciardello 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 which updates Applicant's financial situation and indicates that he has made a payment toward the debt set forth in SOR paragraph 1.a. Applicant also provides new evidence to support a claim that he is paying his child support, and states that he has sought financial counseling, set up a repayment plan for his outstanding debts, and will increase the amount of his payments once he returns to full time work.² 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: William S. Fields
William S. Fields
Administrative Judge
Member, Appeal Board

Signed: James E. Moody
James E. Moody
Administrative Judge
Member, Appeal Board

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

²Applicant elected to have his case decided on the administrative record, but did not file a response to the governments file of relevant material (FORM). His new evidence is his explanatory statement and two documentary exhibits: a retiree account statement and a canceled check.