

(Psychological Conditions), and Guideline E (Personal Conduct) of Department of Defense Directive 5220.6 (Jan. 2, 1992), as amended (Directive). Applicant requested a hearing. On September 25, 2008, after the hearing, Administrative Judge Darlene Lokey Anderson denied Applicant's request for a security clearance. Applicant timely appealed pursuant to the Directive ¶¶ E3.1.28 and E3.1.30.

Applicant raises the following issue on appeal: whether the Judge's decision is arbitrary, capricious, or contrary to law.

On appeal, Applicant restates portions of her hearing testimony and resubmits some of the documents she submitted at the hearing. However, Applicant also includes new evidence in her appeal which was not presented at the hearing. The Board cannot consider any new evidence on appeal. *See* Directive ¶ E3.1.29. The Board does not review a case *de novo*. *See, e.g.*, ISCR Case No. 06-18998 at 3 (App. Bd. Nov. 9, 2007). An appealing party must demonstrate error on the part of the Judge. In this case, Applicant has not demonstrated such error. Applicant has not demonstrated that the Judge's decision is arbitrary, capricious, or contrary to law. The Judge's decision is sustainable.

In her appeal, Applicant includes a request for a probationary clearance. The Board has no authority to grant such a request. *See, e.g.*, ISCR Case No. 06-22044 at 2 (App. Bd. Feb. 28, 2008).

Order

The Judge's decision denying Applicant a security clearance is AFFIRMED.

Signed: Michael Y. Ra'anan
Michael Y. Ra'anan
Chief Administrative Judge
Chairman, Appeal Board

Signed: Michael D. Hipple
Michael D. Hipple
Administrative Judge
Member, Appeal Board

Signed: Jean E. Smallin
Jean E. Smallin
Administrative Judge
Member, Appeal Board