

KEYWORD: Guideline F; Guideline E

DIGEST: There is no point in remanding the case under Guideline F because the Judge's adverse conclusion under Guideline E is not challenged.

CASENO: 14-02251.a1

DATE: 06/24/2015

DATE: June 24, 2015

In Re:)
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)
 -----) ISCR Case No. 14-02251
)
)
 Applicant for Security Clearance)
)
)

APPEAL BOARD DECISION

APPEARANCES

FOR GOVERNMENT

James B. Norman, Esq., Chief Department Counsel

FOR APPLICANT

Pro se

The Department of Defense (DoD) declined to grant Applicant a security clearance. On July 28, 2014, DoD 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 April 13, 2015, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge David M. White denied Applicant's request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant raised the following issue on appeal: whether she was denied due process. Consistent with the following, we affirm.

The SOR alleges that Applicant has numerous delinquent debts for such things as student loans, medical expenses, etc. Applicant claimed that some of the debts were not hers and that several of them had been paid. The Judge found that Applicant had not corroborated her assertions. He also found that there is no record evidence that Applicant had received financial counseling. Neither is there evidence of a budget that would reflect Applicant's ability to resolve her debts. In addition, the Judge found against Applicant regarding the sole allegation under Guideline E, that Applicant had been fired from a job with another Government contractor in 2011. This was due to her violation of an ethics policy. She made numerous personal long-distance phone calls on her work phone line.

Applicant contends that she was denied due process. Specifically, she contends that she submitted a reply to the File of Relevant Material (FORM) that did not make it into the record. As a consequence, she argues that the Judge based his decision upon inadequate information. She requests that we remand the case to the Judge in order to "allow me to resubmit updated information relating to my financial situation."

Applicant's appeal issue presents matters from outside the record. Although we are not able to consider new evidence on appeal, in the past we have done so concerning threshold issues such as due process and jurisdiction. *See, e.g.*, ISCR Case No. 14-01239 at 2 (App. Bd. Oct. 23, 2014). However, Applicant casts her brief solely in terms of her desire to update her financial information. Even if she were to do so, that would not on its face undermine the Judge's decision under Guideline E. Applicant admitted the allegation in her response to the SOR, and she has not challenged the Judge's adverse conclusion on appeal. Under these circumstances, we conclude that Applicant's brief has not supplied a sufficient reason for us to remand the case to the Judge. Applicant has presented no other assertion of harmful error. We do not exercise *de novo* review of appeal cases. Our authority is limited to cases in which the appealing party has raised an issue on harmful error. *See, e.g.*, ISCR Case No. 11-14775 at 1-2 (App. Bd. Feb. 14, 2014).

Order

The Decision is **AFFIRMED**.

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

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

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