

DATE: March 13, 1997

In Re:

SSN: -----

Applicant for Security Clearance

ISCR OSD Case No.96-0571

DECISION OF ADMINISTRATIVE JUDGE

JOHN R. ERCK

APPEARANCES

FOR THE GOVERNMENT

Teresa A. Kolb, Esquire

Attorney Advisor

FOR THE APPLICANT

*Pro Se*

STATEMENT OF THE CASE

On August 13, 1996, the Defense Office of Hearings and Appeals (DOHA), pursuant to Executive Order 10865, "Safeguarding Classified Information Within Industry," dated February 20, 1960, as amended and modified, and Department of Defense Directive 5220.6 "Defense Industrial Personnel Security Clearance Review Program" (Directive) dated January 2, 1992, as amended by Change 3, dated February 13, 1996, issued a Statement of Reasons (SOR) to Applicant which detailed reasons why DOHA could not make a preliminary determination that it was clearly consistent with the national interest to grant or continue a security clearance for him.

The Applicant responded to the SOR in writing on October 1, 1996, and requested a hearing before a DOHA Administrative Judge. The case was assigned to this Administrative Judge on November 4, 1996. On December 19, 1996, a hearing was convened for the purpose of considering whether it would be clearly consistent with the national security to grant, continue, deny, or revoke Applicant's security clearance. The Government's case consisted of nine exhibits; Applicant relied on 10 exhibits, his own testimony and the testimony of one character witness. A transcript of the proceedings was received on December 31, 1996.

On March 7, 1997, the Defense Office of Hearings and Appeals received notification that Applicant had been involved in a fatal airplane crash on March 5, 1997. His employer has forwarded a DISCO Form 562 terminating his security clearance effective March 6, 1996.

DISPOSITION

The purpose for which the above-captioned proceedings were convened have been rendered moot by Applicant's untimely death. Under the circumstances, no useful purpose will be served by making findings of fact and reaching a

conclusion on the merits. Accordingly, this matter is closed.

John R. Ereck

Administrative Judge