

KEYWORD: Guideline F; Guideline J

DIGEST: The Board does not have authority to grant a clearance on a conditional or probationary basis. Adverse decision affirmed.

CASENO: 06-266686.a1

DATE: 03/21/2008

DATE: March 21, 2008

In Re:)	
)	
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)	ISCR Case No. 06-26686
)	
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 July 27, 2007, DOHA issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline F (Financial Considerations),

Guideline E (Personal Conduct) and Guideline J (Criminal 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 December 13, 2007, after considering the record, Administrative Judge Joseph Testan denied Applicant's request for a security clearance. Applicant appealed pursuant to the Directive ¶¶ E3.1.28 and E3.1.30.

In her brief, Applicant requests that the Appeal Board grant her an interim secret clearance for 24 months so that she can resolve her financial problems. Her appeal brief contains no assertion of harmful error on the part of the Judge.

The Board does not have authority to grant clearance on a conditional or probationary basis. *See, e.g.*, ISCR Case No. 04-04302 at 5 (App. Bd. Jun. 30, 2005); ISCR Case No. 03-17410 at 4 (App. Bd. Apr. 12, 2005). The Board's authority to review a case is limited to cases in which the appealing party has alleged the Judge committed harmful error. 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
Member, 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