

KEYWORD: Guideline G

DIGEST: A review of the decision indicates the Judge considered Applicant's mitigating evidence, analyzed it appropriately and explained why it was insufficient to overcome the government's security concerns. Adverse decision affirmed.

CASENO: 07-05338.a1

DATE: 03/21/2008

DATE: March 21, 2008

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In Re:	)	
	)	
-----	)	ISCR Case No. 07-05338
	)	
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 11, 2007, DOHA issued a statement of reasons (SOR) advising Applicant of the

basis for that decision—security concerns raised under Guideline G (Alcohol Consumption) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a hearing. On November 13, 2007, after the hearing, Administrative Judge Christopher Graham denied Applicant’s request for a security clearance. Applicant appealed pursuant to the Directive ¶¶ E3.1.28 and E3.1.30.

Applicant’s appeal brief contains no assertion of harmful error on the part of the Judge. Rather, it contains a one-sentence summary of the favorable evidence presented at the hearing.<sup>1</sup> A review of the record indicates that the Judge considered Applicant’s mitigating evidence, analyzed the case under the relevant conditions and factors, and reasonably explained why that evidence was insufficient to overcome the government’s security concerns.

The Board’s authority to review a case is limited to cases in which the appealing party has alleged the Judge committed harmful error. The Board 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  
Chair, Appeal Board

Signed: William S. Fields

William S. Fields  
Administrative Judge  
Member, Appeal Board

Signed: James E. Moody

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<sup>1</sup>Applicant’s brief could be construed as challenging the Judge’s finding that the Director of Applicant’s alcohol evaluation program was not a duly qualified medical professional or a licensed clinical social worker. However, based on the record, that finding is sustainable. Although the Director’s *curriculum vitae* recited that he had multiple degrees and had attended a number of training courses, there was nothing in it that indicated that he was a physician, clinical psychologist, psychiatrist or licensed clinical social worker. *See* App. Ex. F. Moreover, the statement provided by the Director about Applicant’s participation in the program only indicated that Applicant had benefitted from it and “increased his understanding of the need to avoid alcohol . . .” It expressed no opinion as to Applicant’s current circumstances or future prospects insofar as the use of alcohol was concerned.

James E. Moody  
Administrative Judge  
Member, Appeal Board