

KEYWORD: Guideline F

DIGEST: The Board does not consider new evidence on appeal. Adverse decision affirmed.

CASENO: 07-12683.a1

DATE: 07/29/2008

DATE: July 29, 2008

In Re:)	
)	
-----)	ISCR Case No. 07-12683
)	
Applicant for Security Clearance)	

APPEAL BOARD SUMMARY DISPOSITION

APPEARANCES

FOR GOVERNMENT

James B. Norman, Esq., Chief Department Counsel

FOR APPLICANT

Charles A. Wade, Esq.

The Defense Office of Hearings and Appeals (DOHA) declined to grant Applicant a security clearance. On January 22, 2008, DOHA issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline F (Financial Considerations) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant

requested a hearing. On April 25, 2007, after the hearing, Administrative Judge Henry Lazzaro 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. Instead, Applicant submits copies of items already in the record, as well as new evidence in the form a statement about the types of clearances he has held. He also notes that he has not had to deal with classified information during the last seventeen months and that "[a] clearance is simply an across the board contract requirement."

The Board cannot consider Applicant's new evidence on appeal. *See* Directive ¶ E3.1.29. It'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
Chairman, Appeal Board

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

Signed: William S. Fields
William S. Fields
Administrative Judge
Member, Appeal Board