

KEYWORD: Guideline F; Guideline E; Guideline J

DIGEST: There is no right to reconsideration. Applicant has failed to articulate a persuasive reason to conclude that, were the Board to reconsider its decision, it would a different results. Applicant's request denied. Adverse decision affirmed

CASENO: 07-16841.a2

DATE: 02/24/2009

DATE: February 24, 2009

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In Re: )	
)	
----- )	ISCR Case No. 07-16841
)	
)	
Applicant for Security Clearance )	
_____ )	

**APPEAL BOARD DECISION  
ON APPLICANT'S REQUEST  
FOR RECONSIDERATION**

**APPEARANCES**

**FOR GOVERNMENT**  
James B. Norman, Esq., Chief Department Counsel

**FOR APPLICANT**  
Sheldon Cohen, Esq.

The Board issued an Appeal Board Decision in this case on December 19, 2008. On February 5, 2009, Applicant submitted a request for reconsideration of this decision.

The Board has inherent authority to entertain requests to reconsider its decisions. However, there is no right to reconsideration; the Board has the sole discretion to decide whether to exercise its inherent authority to reconsider one of its decisions. *See* ISCR Case No. 98-0621 at 1-2 (App. Bd. Nov. 23, 1999).

In support of his request, Applicant contends that the Board erred in its interpretation of the state anti-deficiency statute and that it erred in holding that the record did not support the Judge's favorable conclusion as to mitigation.

The Board has considered Applicant's motion and accompanying "Reply Brief." Applicant has failed to articulate a persuasive reason to conclude that, were the Board to reconsider its decision, it would reach a different result. *See, e.g.,* ISCR Case No.03-21012 (App. Bd. Sep. 20 2005). Accordingly, Applicant's request is DENIED.

Signed: Jean E. Smallin

Jean E. Smallin  
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