

KEYWORD: Guideline F

DIGEST: Applicant has not made a claim of harmful error. Adverse decision affirmed.

CASENO: 08-03026.a1

DATE: 03/30/2009

DATE: March 30, 2009

_____ )	
In Re: )	
)	
----- )	ISCR Case No. 08-03026
)	
)	
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 August 5, 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 that the case be decided based on the written record. On January 27, 2009, after considering the record, Administrative Judge Joseph Testan denied Applicant’s request for a security clearance. Applicant timely appealed pursuant to the Directive ¶¶ E3.1.28 and E3.1.30.

Applicant’s appeal brief contains no specific assertion of harmful error on the part of the Judge. It contains a brief recitation of facts, some of which are a repetition of facts in the record below, and some of which are new representations. Also, the brief is accompanied by several documents that were not part of the record below.

The Appeal Board’s authority to review a case is limited to cases in which the appealing party has alleged the Judge committed harmful error. *See* Directive ¶ E3.1.32. Applicant has not made an allegation of harmful error. The Board does not review cases *de novo*. Also, the Board cannot consider new evidence on appeal. Directive, ¶ E3.1.29. 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: Jeffrey D. Billett  
Jeffrey D. Billett  
Administrative Judge  
Member, Appeal Board

Signed: James E. Moody  
James E. Moody  
Administrative Judge  
Member, Appeal Board