

KEYWORD: Guideline F

DIGEST: Appeal Board's authority is limited. The Board does not have authority to grant interim clearances. Adverse decision affirmed.

CASENO: 08-05372.a1

DATE: 11/26/2008

DATE: November 26, 2008

| | | |
|---|---------------------------------|------------------------|
| In Re: ----- Applicant for Security Clearance |))))))) | ISCR Case No. 08-05372 |
|---|---------------------------------|------------------------|

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 June 19, 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 September 22, 2008, after the hearing, Administrative Judge Mark W. Harvey denied Applicant's request for a security clearance.¹ 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 new evidence which indicates that the IRS's Taxpayer Advocate Service is attempting to resolved Applicant's outstanding tax debt. The Board cannot consider this new evidence on appeal. *See* Directive ¶ E3.1.29.

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. It does not review cases *de novo*. Nor does it have authority to grant an interim clearance so that Applicant can resolve her financial problems. *See, e.g.*, ISCR Case No. 06-26686 at 1-2 (App. Bd. Mar. 21, 2008). 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: Jeffrey D. Billett
Jeffrey D. Billett
Administrative Judge
Member, Appeal Board

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

¹The Judge found in favor of Applicant as to SOR paragraphs 1(c), (d), (e), (f), (g) and (i) Those favorable findings are not at issue on appeal.