

KEYWORD: Guideline F; Guideline E

DIGEST: Applicant did not allege harmful error by the Judge. Instead, she submitted new evidence, which the Board cannot consider. The Board has authority to decide a case only when the appealing party has alleged harmful error. Adverse decision affirmed.

CASE NO: 08-05379.a2

DATE: 09/15/201

DATE: September 15, 2010

In Re:	)	
	)	
-----	)	ISCR Case No. 08-05379
	)	
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 February 12, 2009, DOHA issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline F (Financial Considerations) and Guideline E (Personal Conduct) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a hearing. On August 26, 2009, after the hearing, Administrative Judge Martin H. Mogul granted Applicant’s request for a security clearance. Department Counsel appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30. By decision dated November 24, 2009, we remanded case to the Judge for a new decision. On June 24, 2010, the Judge issued a Decision on Remand, in which he denied Applicant a security clearance. Applicant appealed pursuant to the Directive.

Applicant's appeal brief contains no assertion of harmful error. Instead, it supplies new evidence not contained in the record concerning the facts and circumstances of her bankruptcy petition. We cannot consider new evidence on appeal. *See* Directive ¶ E3.1.29. Neither can we review cases *de novo*. Our authority to review a case is limited to cases in which the appealing party has alleged that the Judge committed harmful error. Applicant has not made an allegation of harmful error. Accordingly, the decision of the Judge denying Applicant a security clearance is **AFFIRMED**.

Signed: Michael Y. Ra'anan  
Michael Y. Ra'anan  
Administrative Judge  
Chairperson, Appeal Board

Signed: Jean E. Smallin  
Jean E. Smallin  
Administrative Judge  
Member, Appeal Board

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