DIGEST: Applicant's brief contained no assertion of harmful error by the Judge. Adverse decision affirmed.	
CASENO: 08-08944.a1	
DATE: 11/03/2009	
	DATE: November 3, 2009
In Re:)
) ISCR Case No. 08-08944
Applicant for Security Clearance)))

KEYWORD: Guideline B; Guideline H; Guideline G; Guideline E; Guideline J

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 March 31, 2009, DOHA issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline B (Foreign Influence), Guideline H (Drug Involvement), Guideline G (Alcohol Consumption), Guideline E (Personal Conduct) and Guideline J (Criminal Conduct) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a hearing. On September 11, 2009, after the hearing, Administrative Judge Carol G. Ricciardello 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 Judge¹. It does contain his interpretation of the case in mitigation.

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. Applicant's discussion of his case in mitigation has not demonstrated error. A party's disagreement with the Judge's weighing of the evidence or an ability to argue for an alternative interpretation of the evidence is not sufficient to demonstrate error. *See*, *e.g.*, ISCR Case No. 06-19233 at 2 (App. Bd. Feb. 28, 2008). The Board does not review cases *de novo*. Therefore, 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: William S. Fields
William S. Fields
Administrative Judge
Member, Appeal Board

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

¹Applicant's brief opens with the following language: "I want to first submit that Judge Carol G. Ricciardello did not necessarily do anything wrong that changed the outcome of my case."