

KEYWORD: Guideline F

DIGEST: Applicant made credible allegation that he had submitted evidence which never reached the Judge. Adverse decision remanded.

CASENO: 08-10204.a1

DATE: 10/06/2009

DATE: October 6, 2009

)	
In Re:)	
)	
-----)	ISCR Case No. 08-10204
)	
Applicant for Security Clearance)	
)	

APPEAL BOARD DECISION

APPEARANCES

FOR GOVERNMENT

James B. Norman, Esq., Chief Department Counsel

FOR APPLICANT

Alan V. Edmunds, Esq.

The Defense Office of Hearings and Appeals (DOHA) declined to grant Applicant a security clearance. On December 30, 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 decision on the administrative record. On July 23, 2009, Administrative Judge Juan J. Rivera denied Applicant’s request for a security clearance. Applicant filed a timely appeal pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

On September 2, 2009, Applicant filed an appeal brief which also relied on new evidence that raised the possibility that Applicant submitted evidence which never reached the Judge. On

September 8, 2009, Department Counsel filed a response to Applicant's brief stating that under the facts of this case remand would be an equitable resolution to put the pertinent evidence before the Administrative Judge. Accordingly, in the interest of administrative economy, the case is hereby remanded to the Judge for further processing. Nothing about this action shall prejudice the appeal rights of the parties.

Signed: Michael Y. Ra'anan

Michael Y. Ra'anan
Administrative Judge
Chairman, Appeal Board

Signed: Michael D. Hipple

Michael D. Hipple
Administrative Judge
Member, Appeal Board

Signed: James E. Moody

James E. Moody
Administrative Judge
Member, Appeal Board