

KEYWORD: Guideline F

DIGEST: Applicant did not allege that the Judge committed harmful error. Rather, he submitted new evidence, which the Board cannot consider. Furthermore, the adverse impact of an unfavorable decision is not relevant to evaluating his security clearance eligibility. Adverse decision affirmed.

CASENO: 08-11222.a1

DATE: 09/09/2009

DATE: September 9, 2009

In Re:  -----  Applicant for Security Clearance	) ) ) ) ) ) )	ISCR Case No. 08-11222
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**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 3, 2009, 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 on the written record. On June 25, 2009, after considering the record, Administrative Judge Wilford H. Ross denied Applicant’s request for a security clearance. 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 Applicant has now sought the services of an attorney and is in the process of filing for a Chapter 7 bankruptcy. Applicant asks that the Board give him until the end of August to clear up his financial problems—thus allowing him to keep his job and provide for his family.

The Board cannot consider Applicant's new evidence on appeal. *See* Directive ¶ E3.1.29. It does not review cases *de novo*. Nor does it have authority to grant a clearance on a conditional or probationary basis. *See* ISCR Case No. 04-04302 at 5 (App. Bd. Jun. 30, 2005); ISCR Case No. 02-23805 at 3 (App. Bd. Mar. 9, 2005). Finally, the adverse impact an unfavorable decision may have on an applicant is not deemed a relevant or material consideration in evaluating his security eligibility. *See* ISCR Case No. 03-21012 at 4 (App. Bd. Aug. 31, 2005); ISCR Case No. 03-19002 at 4 (App. Bd. May 5, 2005).

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. Applicant has not made an allegation of harmful error. Therefore, the decision of the Judge denying Applicant a security clearance is AFFIRMED.

Signed: Jeffrey D. Billett

Jeffrey D. Billett  
Administrative Judge  
Member, 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