

KEYWORD: Guideline F

DIGEST: The Board cannot receive or consider new evidence on appeal. The adverse impact an unfavorable decision may have on an applicant is not relevant in evaluating his security eligibility. Applicant has not made an assertion of harmful error. Adverse decision affirmed.

CASE NO: 09-06545.a1

DATE: 05/17/2011

DATE: May 17, 2011

In Re:)	
)	
-----)	ISCR Case No. 09-06545
)	
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 November 17, 2010, 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 February 28, 2010, after considering the record, Administrative Judge Robert Robinson Gales 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 a general assertion by the Applicant that he has made some progress in cleaning up his debt, and a request that he be allowed to provide additional evidence in support of his appeal. He also states that loss of his clearance will have an adverse impact on his employment situation.

The Board cannot receive or consider new evidence on appeal. *See* Directive ¶ E3.1.29. Moreover, 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. 06-24458 at 2 (App. Bd. Jan.14, 2008).

The Appeal Board does not review cases *de novo*. Its 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: Jean E. Smallin
Jean E. Smallin
Administrative Judge
Member, Appeal Board

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