

KEYWORD: Guideline H; Guideline J; Guideline E

DIGEST: Applicant appealed, not because she feels the Judge did anything wrong, but because she would still like a further review of her case. Applicant has not made an allegation of harmful error on the part of the Judge. Adverse decision affirmed.

CASENO: 10-10087.a1

DATE: 12/08/2011

DATE: December 8, 2011

In Re:	)	
	)	
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	)	
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 April 21, 2011, DOHA issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline H (Drug Involvement),

Guideline J (Criminal Conduct) and Guideline E (Personal Conduct) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a hearing. On September 21, 2011, after the hearing, Administrative Judge Francisco Mendez denied Applicant's request for a security clearance. Applicant appealed pursuant to the Directive ¶¶ E3.1.28 and E3.1.30.

In her brief, Applicant states that she is not appealing because she feels that the Judge did anything wrong, but because she would still like a further review of her case. She believes that if she had done a better job on the application process the outcome of her case may have been different. Therefore, she requests an opportunity to "re-plea" her case and submit additional evidence.

The Board cannot consider new evidence on appeal. *See* Directive ¶ E3.1.29. 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 on the part of the Judge. 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: Jean E. Smallin  
Jean E. Smallin  
Administrative Judge  
Member, Appeal Board

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