

KEYWORD: Guideline G; Guideline H; Guideline E

DIGEST: Applicant makes no assertion of harmful error on the part of the Judge. The Board's authority to review a case is limited to cases in which the appealing party has alleged the Judge committed harmful error. Adverse decision affirmed.

CASENO: 10-10821.a1

DATE: 03/29/2012

DATE: March 29, 2012

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In Re:)	
)	
-----)	ISCR Case No. 10-10821
)	
)	
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 8, 2011, DOHA issued a statement of reasons (SOR) advising Applicant of the

basis for that decision—security concerns raised under Guideline G (Alcohol Consumption), Guideline H (Drug Involvement) and Guideline E (Personal Conduct) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested that her case be adjudicated on the written record. On January 10, 2012, after the close of the record, Administrative Judge Joan Caton Anthony 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 makes no assertion of harmful error on the part of the Judge. She states affirmatively that she is not “accusing the Judge of doing anything wrong.” She states simply that she disagrees with the final conclusion and then articulates at some length why she disagrees and why she believes her case should be adjudicated favorably.

Many of Applicant’s representations in her brief, as well as numerous attachments to the brief, contain facts not part of the record below. The Board may not consider new evidence on appeal. *See* Directive ¶ E3.1.29. Additionally, 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. 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: Jeffrey D. Billett
Jeffrey D. Billett
Administrative Judge
Member, Appeal Board

Signed: Jean E. Smallin
Jean E. Smallin
Administrative Judge
Member, Appeal Board