

KEYWORD: Guideline F

DIGEST: Applicant did not alleged harmful error by the Judge. The Appeal Board cannot consider new evidence on appeal. Adverse decision affirmed.

CASE NO: 11-04339

DATE: 02/13/2013

DATE: February 13, 2013

In Re:)	
)	
-----)	ISCR Case No. 11-04339
)	
Applicant for Security Clearance)	
)	

APPEAL BOARD SUMMARY DISPOSITION

APPEARANCES

FOR GOVERNMENT

James B. Norman, Esq., Chief Department Counsel

FOR APPLICANT

Pro se

The Department of Defense (DoD) declined to grant Applicant a security clearance. On July 19, 2012, DoD 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 elected to have his case decided on the written record. On November 23, 2012, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Robert E. Coacher 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. He submitted materials with his brief that reflect efforts he is making to resolve his outstanding debt.

Applicant also made assertions concerning correspondence he has had with creditors and a court, further detailing those efforts. A number of the written documents submitted on appeal and some of the representations made by Applicant on appeal are not contained in 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