

KEYWORD: Guideline F; Guideline E

DIGEST: Applicant has not alleged harmful error by the Judge. He has submitted new evidence which the Board cannot consider. Adverse decision Affirmed

CASENO: 11-08981.a1

DATE: 04/11/2013

DATE: April 11, 2013

In Re:)
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)
 -----) ISCR Case No. 11-08981
)
)
 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 August 31, 2012, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline F (Financial Considerations) and Guideline E (Personal Conduct) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a hearing. On January 31, 2013, after the hearing, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Richard A. Cefola 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, in the form of four letters to a creditor. At the conclusion of the hearing, the Judge had granted Applicant's request to keep the record open for one month to allow Applicant the opportunity to submit additional evidence. Applicant made a timely submission of eight documents, which the Judge admitted into evidence as Applicant's Exhibit A. Tr. 66-67; Decision at 2. The four letters to the creditor were not part of that submission. In his brief, Applicant avers that he needed extra time to find the letters because they were buried in a box after he had moved to his new house. However, there is nothing in Applicant's post hearing submission to indicate that he needed more time to locate evidence and that additional documents would be forthcoming.

The Board cannot consider Applicant's 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 is AFFIRMED.

Signed: Jeffrey D Billett

Jeffrey D. Billett
Administrative Judge
Member, Appeal Board

Signed: James E. Moody

James E. Moody
Administrative Judge
Member, Appeal Board

Signed: William S. Fields

William S. Fields
Administrative Judge
Member, Appeal Board