

KEYWORD: Guideline F

DIGEST: The Board does not review cases de novo. Adverse decision affirmed.

CASENO: 11-10676.a1

DATE: 08/06/2013

DATE: August 6, 2013

In Re:	)	
	)	
-----	)	ISCR Case No. 11-10676
	)	
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 December 3, 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 June 13, 2013, Defense Office of Hearings and Appeals (DOHA)

Administrative Judge Thomas M. Crean 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 states his understanding that access to classified information is a fiduciary relationship with the Government, and acknowledges that he has some debts. He indicates that he is responsible and trustworthy and is protective of classified information. He states that he and his wife will take care of all their financial debts, and that their payments on a Chapter 13 bankruptcy are now up to date. Applicant lists the creditors to be paid under the Chapter 13 Plan and states that he has established payment plans with the IRS and the state tax board. Applicant's assertions are not contained in the record below, and a document submitted with his brief is also 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: James E. Moody  
James E. Moody  
Administrative Judge  
Member, Appeal Board