

KEYWORD: Guideline E; Guideline F

DIGEST: Applicant's appeal brief raises no allegation of harmful error on the part of the Judge. It does contain some assertions that were not previously submitted to the Judge for consideration. The Appeal Board is prohibited from considering new evidence. Adverse decision affirmed.

CASENO: 18-00235.a1

DATE: 07/30/2019

DATE: July 30, 2019

In Re: _____)
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Applicant for Security Clearance)

ISCR Case No. 18-00235

APPEAL BOARD DECISION

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 April 10, 2018, 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 April 25, 2019, after the hearing, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Arthur E. Marshall, Jr., denied Applicant's request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant's appeal brief raises no allegation of harmful error on the part of the Judge. It does contain some assertions that were not previously submitted to the Judge for consideration. The Appeal Board is prohibited from considering new evidence. Directive ¶ E3.1.29. Applicant indicates that denial of her security clearance will have a negative effect on her and that she requires no access to classified information to perform her job. The Appeal Board does not have authority to consider such matters. *See, e.g.*, ISCR Case No. 14-00508 at 2-3 (App. Bd. Jan. 23, 2015). Applicant repeats claims of having been a victim of identity theft. However, the Judge made findings about her claims.

The Board does not review cases *de novo*. 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. Because Applicant has not made such an allegation of error, the decision of the Judge denying Applicant a security clearance is affirmed.

ORDER

The Decision is **AFFIRMED**.

Signed: Michael Y. Ra'anan

Michael Y. Ra'anan
Administrative Judge
Chairperson, Appeal Board

Signed: James E. Moody

James E. Moody
Administrative Judge
Member, Appeal Board

Signed: James F. Duffy

James F. Duffy
Administrative Judge
Member, Appeal Board