

KEYWORD: Guideline E; Guideline F

DIGEST: Applicant's brief discusses the impact that an unfavorable decision will have on him. The Directive, however, does not permit us to consider such consequences. Adverse decision affirmed.

CASENO: 18-00044.a1

DATE: 05/17/2019

DATE: May 17, 2019

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In Re: \_\_\_\_\_ )  
----- ) ISCR Case No. 18-00044  
Applicant for Security Clearance )  
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## **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 January 22, 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 decision on the written record. On March 11, 2019, after considering the record, Administrative Judge Shari Dam 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 allegations of error on the part of the Judge. In his brief, Applicant states that the Judge's decision was based on an incomplete record because he failed to submit matters.<sup>1</sup> His brief contains documents that are not in the record. The Appeal Board cannot consider new evidence. Directive ¶ E3.1.29. Applicant's brief also discusses the impact that an unfavorable decision will have on him. The Directive, however, does not permit us to consider such consequences. *See, e.g.*, ISCR Case No. 11-13180 at 3 (App. Bd. Aug. 21, 2013). Additionally, Applicant requests that we delay issuing our decision until after his current contract ends. An applicant is not entitled to a delayed or deferred adjudication of his or her request for a clearance. *See, e.g.*, ISCR Case No. 14-00151 at 3 (App. Bd. Sep. 12, 2014).

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**.

Signed: Michael Ra'anan

Michael Ra'anan  
Administrative Judge  
Chairperson, Appeal Board

Signed: James F. Duffy

James F. Duffy  
Administrative Judge  
Member, Appeal Board

Signed: Charles C. Hale

Charles C. Hale  
Administrative Judge  
Member, Appeal Board

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<sup>1</sup> Applicant chose to have his case adjudicated on the written record. By not responding to Department Counsel's File of Relevant Material (FORM) and by not offering documents in support of his case, he waived his opportunity to present favorable updated information to the Judge, and he cannot now complain that his case was decided by the Judge based on an incomplete record. *See, e.g.*, ISCR Case No. 01-03112 at 3 (App. Bd. Mar. 20, 2002).