



Department of the Navy  
Personnel Security Appeals Board (PSAB)  
MCPON Brief  
31 MAR 2010



Ms. Benita M. Jackson  
President, DON PSAB

# The Personnel Security Appeals Board (PSAB)

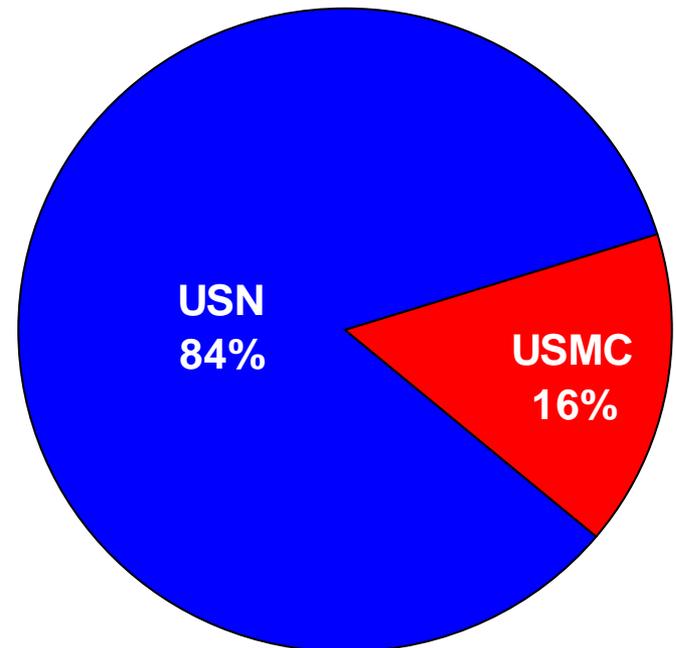
- The Department of the Navy (DON) PSAB is responsible for deciding appeals of unfavorable personnel security determinations (including SCI access) made by the DON CAF (Central Adjudication Facility)
- The PSAB is comprised of:
  - President - minimum grade of GS-15
  - Military member - minimum grade of O-6 (Intel)
  - Third member - minimum military grade of O-5 or civilian grade of GS-14

# Department of the Navy

## Personal Security Appeals by Component

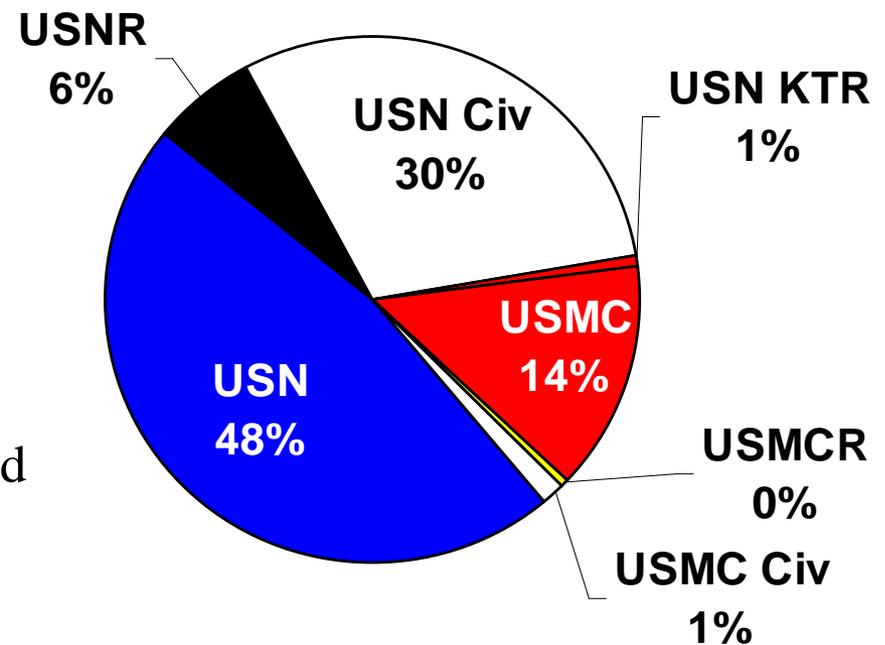
### CY 2009

- DONCAF
  - CY09 LOIs – 4094
  - CY09 LONs
    - Unfavorable – 2788
    - Favorable - 1177
- 688 Appeals decided by the PSAB
  - 494 Appealed personally before a Department of Hearings and Appeals (DOHA) Administrative Judge (AJ)
    - 252 Clearances granted / reinstated
  - 194 Appealed directly to the PSAB
    - 86 Clearances granted / reinstated
- 49 Percent of clearances were granted / reinstated (338)



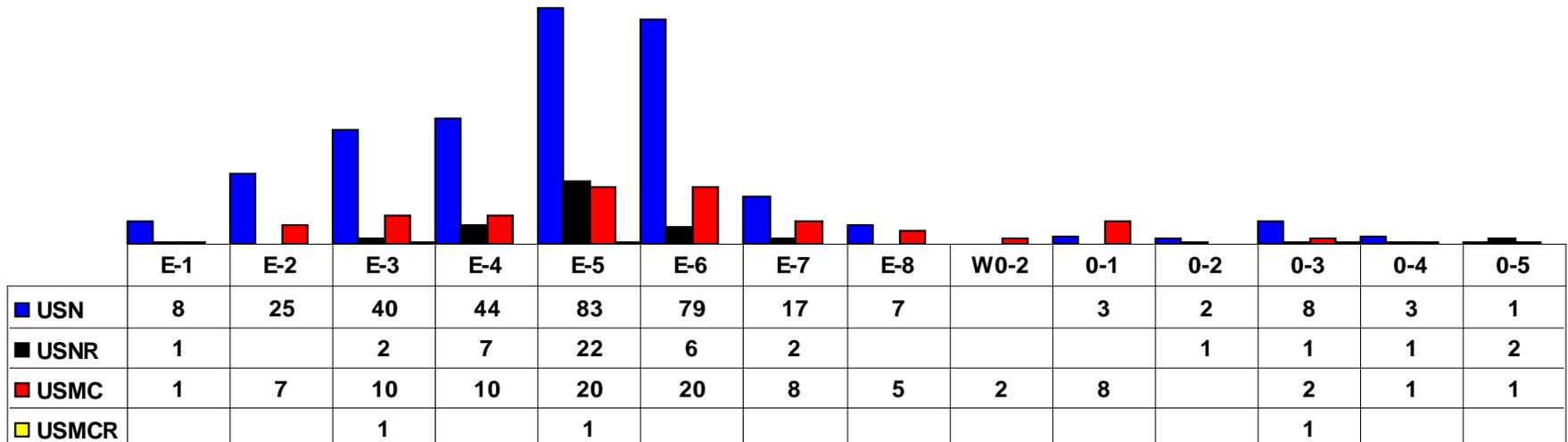
# Department of the Navy Personnel Security Appeals CY 2009

- 688 Appeals decided
- 580 Navy personnel appealed
  - 23 Officers
  - 1 Warrant Officers
  - 342 Enlisted
  - 207 Civilians
  - 7 Contractor (KTR)
- 108 Marine Corps personnel appealed
  - 13 Officers
  - 2 Warrant Officers
  - 83 Enlisted
  - 10 Civilians



# Department of the Navy Military Appeals by Pay Grade CY 2009

- Military members submitted 464 of the 688 appeals (67%)
  - Navy and Marine Corps active duty & reserve personnel
- 80% of military appeals were in the E-3 to E-7 pay grades (372)

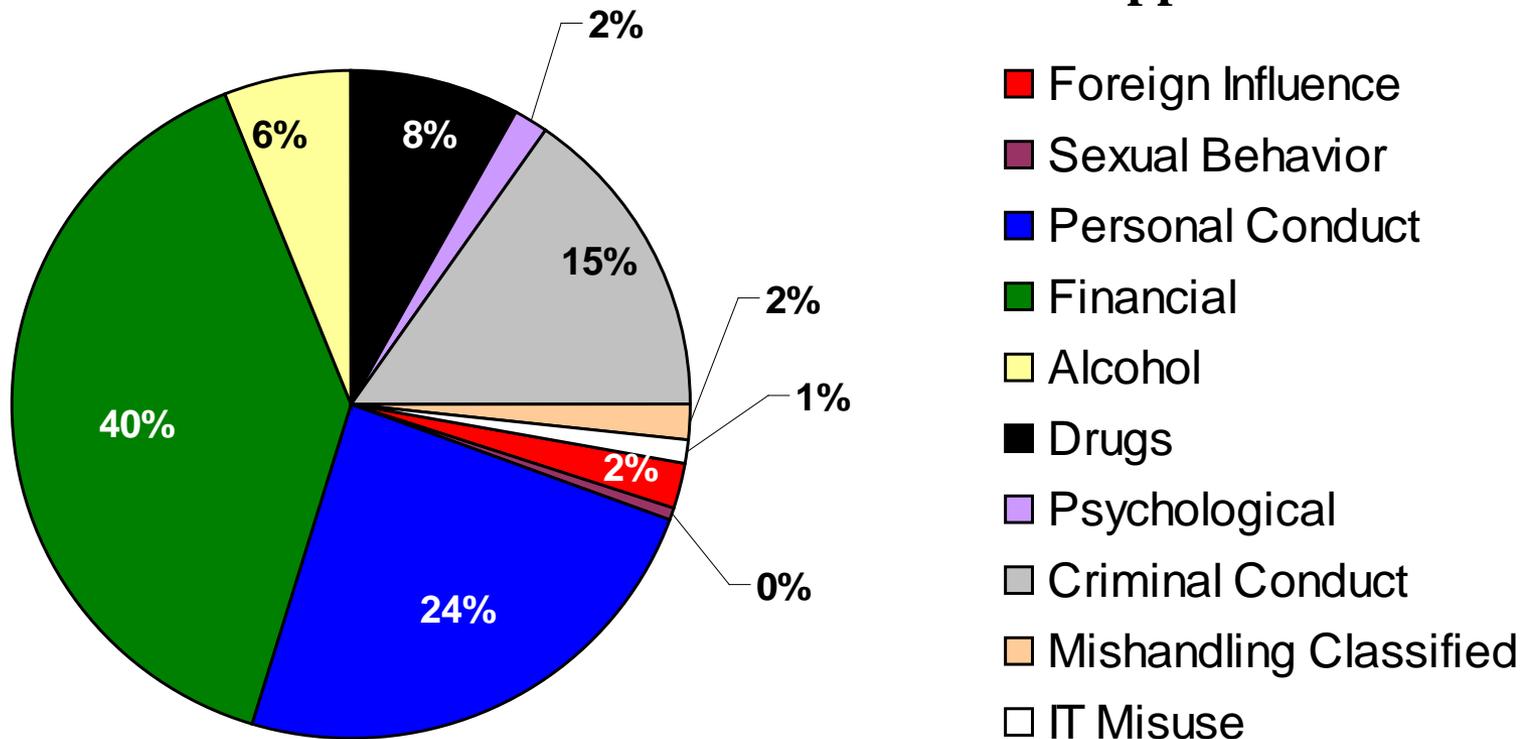


# Department of the Navy

## Issues Present in Denied Appeals

### CY 2009

**350 Appeals were denied**



# The Appeal Process

- Appeal the case yourself direct to PSAB
  - Thorough and detailed!
- Appeal via an DOHA
  - Listen to any advice given
  - Be PREPARED

# LOI/LON

- First receive LOI (Letter of Intent) that DONCAF is considering revoking the clearance.
  - This is a “shot over the bow”.
  - The LOI will have an SOR - Statement of Reasons
- It is CRITICAL to take immediate action
- We see too many cases where the appellant took very little to no action until the LON (Letter of Notification that the clearance has been revoked) is received anywhere from 4-6 mos later!

# Pay Attention to the LOI/SOR

- The LOI/SOR **clearly spells out** what you need to address which might include:
  - Get financial counseling (if not mentioned this is still a very positive action item)
  - Answer EVERY item on the SOR
  - **Have documentation to support your claims – KEY**
    - Include PROOF of your payments
    - Copies of FRONT and BACK of cancelled checks – this is the ONLY proof we except – not just a copy of a check made out to a debtor – this is NOT proof of payment
  - Prepare a budget
  - Take immediate action and start making payments
- **Your stellar performance will not in and of itself get your clearance issues fixed!**

# All Too Common Explanations

- My wife/husband was supposed to be paying the bills
- I “plan”, “intend”, am “going to” pay these off down the road
- I’ll pay these as soon as I get my tax refund/reenlistment bonus/inheritance
- God has changed me
- I didn’t know there was marijuana in that rolled up cigarette my buddy handed me!
- My recruiter told me to lie about it
- It wasn’t my fault for....(no accountability for actions)
- There were illegal drugs in my car but my buddy borrowed it and they must be his

# PSAB Rationale

- The Board understands that life happens
- PSAB does NOT fault anyone for things beyond their control – just want to see that positive steps are being taken to correct the situation.
- If appropriate actions are taken and the Board feels an **earnest effort has been made**, in most cases a “conditional” clearance is granted and sailor will be monitored and watched closely
- If not granted per SECNAV M.5510.30, Sec 8-6, Pg 9=8-13 “Reconsideration Request” guidelines they can reapply again in one year

# Issues and Recommendations

- LOI – need to **FOLLOW the guidelines**
- Firms that take advantage – should they be on a “Off Limits” list
- Command Financial Counselors that do not do their job
- **RECRUITERS** that tell boots to **LIE on their applications**

# Issues and Recommendations

- Time and Money Navy has spent! It CAN be recouped (for the most part)
- Make a brief like this GMT
  - Not the first time a sailor sees it
- Boot Camp class on this issue
- Boot Camp class on financial conduct and/or all issues that can/will affect a security clearance
- Make the point VERY clear that it WILL surface in credit reports/record checks/background checks/reference checks

# What can PSAB do

- Track firms that are questionable in activity and report same to MCPON for message
- Develop GMT brief
- Develop Command brief
- Develop Command Financial Counselor briefs and/or training modules relating to DONCAF/PSAB issues

# PSAB

- Ms Benita Jackson – President  
– 703-693-6590
- CAPT JJ Parker – Military Board Member  
– 703-693-6589
- Ms Wanda Rhea – DON Board Member  
– 703-693-6588