

AMENDING SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950 1695

Dec 7, 66
5220.6

of fact for or against the applicant with respect to each allegation in the Statement of Reasons and reasons in support of the said findings of fact. The Examiner's determination shall be based on grounds set out in the Statement of Reasons and upon information placed in the record in conformity with this Directive. Where the Examiner's determination is adverse to the applicant, the Examiner shall also determine whether any clearance then held by the applicant should be suspended or limited pending appeal under this Directive.

2. Where the Examiner's determination is adverse to the applicant, a copy thereof will be furnished to the applicant. Where the determination is favorable to the applicant, a copy thereof will be furnished to the Department Counsel. In the absence of timely appeal under F., below, this determination constitutes the final decision in the case. Provided, in those cases in which information was received and considered under D. 4. and 5., above, a copy of the determination, less any deletions required in the interests of national security, will be furnished:
 - a. To applicant, if adverse to him, with notice that, in the absence of a timely appeal under F., below, the case record and the Examiner's determination will be forwarded to the Secretary of Defense or an Agency Head, as appropriate, for final determination;
 - b. To Department Counsel, if favorable to applicant, with notice that, in the absence of timely appeal under F., below, the determination constitutes the final determination in the case.

F. Appeals

1. Within 10 days after receiving the Examiner's determination, the applicant or Department Counsel may appeal by filing a Notice of Appeal with the Appeal Board. When a Notice of Appeal is filed, a copy of the Examiner's determination will be furnished to the appellee.
2. Appeals may be made either in person or by filing a brief, and shall be based solely upon the case record. No further testimony or other evidence shall be received. A brief shall state with particularity the