

KEYWORD: Guideline E; Guideline F

DIGEST: Applicant has not made an allegation of harmful error on the part of the Judge. Therefore, the decision of the Judge is affirmed. Adverse decision affirmed.

CASENO: 18-00633.a1

DATE: 02/12/2019

DATE: February 12, 2019

In Re:

Applicant for Public Trust Position

ADP Case No. 18-00633

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 trustworthiness designation. On March 30, 2018, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—trustworthiness 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 December 6, 2018, after considering the record, Administrative Judge Caroline E. Heintzelman denied Applicant’s request for a trustworthiness designation. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant’s appeal brief contains no assertion of harmful error on the part of the Judge. Rather, it contains a document that post-dates the Judge’s decision. The Appeal Board cannot consider new evidence. Directive ¶ E3.1.29.

The Board does not review a case *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. Applicant has not made an allegation of harmful error on the part of the Judge. Therefore, the decision of the Judge 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