

#### DEPARTMENT OF DEFENSE DEFENSE LEGAL SERVICES AGENCY DEFENSE OFFICE OF HEARINGS AND APPEALS APPEAL BOARD POST OFFICE BOX 3656 ARLINGTON, VIRGINIA 22203 (703) 696-4759

Date: March 7, 2023

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In the matter of:	)
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Applicant for Public Trust Position	)

ADP Case No. 19-02237

## **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 November 10, 2020, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—trustworthiness concerns raised under Guideline F (Financial Considerations) of DoD Directive 5220.6 (January 2, 1992, as amended) (Directive). Applicant requested a hearing. On January 13, 2023, after the record closed, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Eric C. Price denied Applicant's request for a trustworthiness designation. Applicant appealed pursuant to Directive ¶ E3.1.28 and E3.1.30.

The SOR alleged that Applicant had eight delinquent debts. In responding to the SOR, Applicant denied each of the allegations and provided explanatory comments, including that he retained a debt resolution company. The Judge found against Applicant on six of the allegations.

Applicant's appeal brief does not assert that the Judge committed any error. He does, however, indicate that he has evidence to submit if provided the opportunity. The Appeal Board is prohibited from considering new evidence. Directive  $\P$  E3.1.29.

The Board does not conduct a *de novo* review of a case but rather is tasked to address material issues raised by the parties to determine whether the Judge committed harmful error. Directive ¶ E3.1.32. Because Applicant has not made such an allegation of error, the decision of the Judge denying him a trustworthiness designation is sustainable.

## Order

The decision is **AFFIRMED**.

<u>Signed: James F. Duffy</u> James F. Duffy Administrative Judge Chairperson, Appeal Board

<u>Signed: Moira Modzelewski</u> Moira Modzelewski Administrative Judge Member, Appeal Board

<u>Signed: Allison Marie</u> Allison Marie Administrative Judge Member, Appeal Board