KEYWORD: Guideline F; Guideline E	
DIGEST: The Board cannot consider new ev	idence on appeal. Adverse decision affirmed
CASENO: 06-12656.a1	
DATE: 08/28/2007	
	DATE: August 28, 2007
In Re:))
) ADP Case No. 06-12656
Applicant for Public Trust Position)))

APPEAL BOARD SUMMARY DISPOSITION

APPEARANCES

FOR GOVERNMENT

James B. Norman, Esq., Chief Department Counsel

FOR APPLICANT

Pro Se

The Defense Office of Hearings and Appeals (DOHA) declined to grant Applicant a trustworthiness designation. On October 4, 2006, DOHA 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 hearing. On February 27, 2007, after the hearing, Administrative Judge Mark W. Harvey denied Applicant's request for a trustworthiness designation. Applicant filed a timely appeal pursuant to Directive ¶¶ E3.1.28 and E3.1.30.¹

Applicant's appeal brief contains no assertion of harmful error on the part of the Judge. Rather, it contains new evidence, in the form of a statement from Applicant along with attachments. The Board cannot consider new evidence on appeal. Directive ¶ E3.1.29. The Appeal Board's authority to review a case is limited to cases in which the appealing party has alleged that the Judge committed harmful error, which Applicant has not done. *See* ADP Case 06-07421 at 2 (App. Bd. Apr. 16, 2007).

Order

The decision of the Judge denying Applicant a trustworthiness designation is AFFIRMED.

Signed: Michael D. Hipple
Michael D. Hipple
Administrative Judge
Member, Appeal Board

Signed: William S. Fields
William S. Fields
Administrative Judge
Member, Appeal Board

Signed: James E. Moody
James E. Moody
Administrative Judge
Member, Appeal Board

¹The Judge's favorable findings under Guideline E are not at issue in this appeal.