DIGEST: 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. Adverse decision is affirmed.

CASENO: 06-21950.a1

DATE: 02/08/2008

DATE: February 8, 2008

In Re:

|)
| ADP Case No. 06-21950
|)
| Applicant for Public Trust Position |

KEYWORD: Guideline F

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) proposed to deny or revoke access to automated information systems in ADP-I/II/III sensitivity positions for Applicant. On December 14, 2006, DOHA issued a statement of reasons (SOR) advising Applicant of the basis for that

decision—trustworthiness concerns raised under Guideline F (Financial Considerations) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested the case be decided on the written record. On October 15, 2007, after considering the record, Administrative Judge Erin C. Hogan denied Applicant's request for a trustworthiness designation. Applicant timely appealed pursuant to the 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 new evidence that she has paid two debts, one of which the Judge found in her

favor, and is in negotiation over the third debt. The Board cannot consider this new evidence on appeal. *See* Directive ¶ E3.1.29.

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. It does not review cases *de novo*. Applicant has not made an allegation of harmful error. Therefore, the decision of the Judge denying Applicant a trustworthiness designation is AFFIRMED.

Signed: Michael Y. Ra'anan Michael Y. Ra'anan Administrative Judge Chairman, 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