

KEYWORD: Guideline G; Guideline e

DIGEST: The Board does not review cases de novo. Adverse decision affirmed.

CASENO: 06-25938.a1

DATE: 02/15/2008

DATE: February 15, 2008

In Re: ----- Applicant for Public Trust Position)))))))	ADP Case No. 06-25938
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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 February 28, 2007, DOHA issued a statement of reasons (SOR) advising Applicant of the basis for that decision—trustworthiness concerns raised under Guideline G (Alcohol Consumption) and Guideline

E (Personal Conduct) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a hearing. On October 18, 2007, after the hearing, Administrative Judge Philip S. Howe denied Applicant's request for a trustworthiness designation. Applicant timely appealed pursuant to the 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. 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*. Because Applicant has not made an allegation of harmful error, 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: Jean E. Smallin

Jean E. Smallin
Administrative Judge
Member, Appeal Board

Signed: William S. Fields

William S. Fields
Administrative Judge
Member, Appeal Board

¹The Judge found in favor of Applicant under Guideline E. That favorable finding is not at issue on appeal.