

KEYWORD: Guideline F

DIGEST: The Judge stated that Applicant has not taken any action to resolve her financial issues and her promise to pay is not sufficient to mitigate the trustworthiness concerns. Adverse decision affirmed.

CASENO: 07-04923.a1

DATE: 05/09/2008

DATE: May 9, 2008

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In Re:)	
)	
-----)	ADP Case No. 07-04923
)	
)	
Applicant for Trustworthiness Designation)	
_____)	

APPEAL BOARD DECISION

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 August 31, 2007, 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 a decision on the written record. On January 23, 2008, after considering the record, Administrative Judge Thomas M. Crean denied Applicant’s request for a trustworthiness designation. Applicant filed a timely appeal pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

The Board construes Applicant’s appeal as alleging that the Judge’s adverse trustworthiness determination is arbitrary, capricious, or contrary to law. Finding no error, we affirm.

The Judge found that Applicant had numerous delinquent debts, totaling \$13,258, for such things as credit card accounts, medical bills, and unpaid traffic tickets. Applicant denied owing certain of the debts, though the Judge found that her denials were not corroborated. Applicant had not consulted with a credit counseling service. The Judge considered various mitigating conditions but concluded that none were sufficient to justify granting a trustworthiness designation. In his whole person analysis the Judge stated that “Applicant has not taken any action to resolve her financial issues. Her promise to pay her debts in the future is not sufficient to mitigate” the trustworthiness concerns raised by her financial problems. Decision at 6.

Examining Applicant’s appeal in light of the record as a whole, the Board concludes that the Judge has articulated “a satisfactory explanation for [his] conclusions, including a rational connection between the facts found” and his adverse trustworthiness determination. *See* ADP Case No. 06-12901 at 4 (App. Bd. Jul. 31, 2007). Applicant has submitted new evidence in support of her appeal. The Board cannot consider new evidence. Directive ¶ E3.1.29. Accordingly, the Judge’s decision is neither arbitrary, capricious, nor contrary to law.

Order

The Judge’s adverse trustworthiness determination is **AFFIRMED**.

Signed: Jeffrey D. Billett

Jeffrey D. Billett

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