

KEYWORD: Guideline F

DIGEST: Applicant did not make a claim of harmful error by the Judge. Accordingly, the Board has no authority to review the case. Adverse decision affirmed.

CASENO: 07-09114.a1

DATE: 01/28/2009

DATE: January 28, 2009

In Re:)	
)	
-----)	ADP Case No. 07-09114
)	
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 February 11, 2008, 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 hearing. On November 19, 2008, after the hearing, Administrative Judge Matthew E. Malone denied Applicant’s request for a trustworthiness designation. Applicant 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, in the form of an explanatory statement and documentary exhibits, which updates Applicant's financial situation and indicates that she has reduced her expenditures, and has paid off or is attempting to resolve her outstanding debts.¹

The Board cannot consider Applicant's 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: Michael D. Hipple
Michael D. Hipple
Administrative Judge
Member, Appeal Board

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

¹Applicant also states that loss of her case will have an adverse impact on her employment situation. The adverse impact of a decision on an applicant is not a factor that can be considered in evaluating an applicant's trustworthiness eligibility. *Cf.* ISCR Case No. 03-21012 at 4 (App. Bd. Aug. 31, 2005).

which updates Applicant's financial situation and indicates that she has reduced her expenditures, and has paid off or is attempting to resolve her outstanding debts.²

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Signed: Michael Y. Ra'anan

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Administrative Judge
Chairman, Appeal Board

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Administrative Judge
Member, Appeal Board

Signed: William S. Fields

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