

KEYWORD: Guideline F

DIGEST: Our authority is limited to cases in which the appealing party has alleged the Judge committed harmful error. Adverse decision affirmed.

CASENO: 14-01253.a1

DATE: 01/29/2015

DATE: January 29, 2015

In Re:)	
)	
-----)	ADP Case No. 14-01253
)	
Applicant for Position of Trust)	
)	

APPEAL BOARD DECISION

APPEARANCES

FOR GOVERNMENT

James B. Norman, Esq., Chief Department Counsel

FOR APPLICANT

Pro se

The Department of Defense (DoD) declined to grant Applicant a trustworthiness designation. On May 22, 2014, DoD 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 November 3, 2014, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Marc E. Curry denied Applicant's request for a trustworthiness designation. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant's appeal brief contains no assertion of harmful error. Rather, it contains new evidence regarding his efforts at debt reduction. We cannot consider new evidence on appeal. Directive ¶ E3.1.29. Our authority to review a case is limited to cases in which the appealing party has alleged that the Judge committed harmful error. We do not review cases *de novo*. *See, e.g.*, ADP Case No. 08-03372 at 2 (App. Bd. Jun. 5, 2009). Therefore, the decision of the Judge denying Applicant a trustworthiness designation is **AFFIRMED**.¹

Signed: Michael Ra'anan
Michael Ra'anan
Administrative Judge
Chairperson, 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

¹One of the documents that Applicant has attached to his brief appears to refer to a medical debt that was addressed in the record evidence. The Judge resolved this debt in Applicant's favor. Applicant's brief is not sufficient to rebut the presumption that the Judge considered all of the evidence. *See, e.g.*, ADP Case No. 13-00584 at 3 (App. Bd. Apr. 24, 2014).