

KEYWORD: Guideline F

DIGEST: The Board does not review a case *de novo*. 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. Applicant has not made an allegation of harmful error on the part of the Judge. Adverse decision affirmed.

CASENO: 14-04174.a1

DATE: 05/27/2016

DATE: May 27, 2016

In Re:)	
)	
-----)	ADP Case No. 14-04174
)	
Applicant for Public Trust Position)	

APPEAL BOARD SUMMARY DISPOSITION

APPEARANCES

FOR GOVERNMENT

James B. Norman, Esq., Chief Department Counsel

FOR APPLICANT

Pro se

The Department of Defense (DoD) declined to grant Applicant eligibility for a public trust position. On October 3, 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 March 24, 2016, after considering the record, Administrative Judge Gregg A. Cervi denied Applicant eligibility for a public trust position. Applicant appealed pursuant to the Directive ¶¶ E3.1.28 and E3.1.30.

Applicant admitted without explanation twenty-five of the thirty factual allegations in the SOR. Twenty-three of the allegations she admitted to were for unpaid debts. She requested that her case be decided on the written record and then did not file a response to the government’s File of Relevant Material (FORM). On appeal, Applicant offers new evidence in the form of a narrative statement describing her recollection of a 2013 discussion with an investigator regarding multiple job layoffs over a ten-year period, as well as an assertion that seven of the twenty-eight SOR debts are either duplicates or have been paid. The Board cannot consider new evidence on appeal. *See* Directive ¶ E3.1.29.

The Board does not review a case *de novo*. 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. Applicant has not made an allegation of harmful error on the part of the Judge. Therefore, the decision of the Judge is AFFIRMED.

Signed: Michael Ra’anan
Michael Ra’anan
Administrative Judge
Chairperson, Appeal Board

Signed: James F. Duffy
James F. Duffy
Administrative Judge
Member, Appeal Board

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