

KEYWORD: Guideline F

DIGEST: Tha Board cannot consider the impact that an adverse decision may have on an applicant. Adverse decision affirmed.

CASENO: 15-02153.a1

DATE: 08/19/2016

DATE: August 19, 2016

In Re:)	
)	
-----)	ADP Case No. 15-02153
)	
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 September 22, 2015, 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 hearing. On June 9, 2016, after the hearing, Administrative Judge Carol G. Ricciardello denied Applicant eligibility for a public trust position. 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 a narrative statement describing Applicant’s current financial situation and two character reference letters. Applicant also states that loss of her clearance will have an adverse impact on her employment. The Board cannot consider Applicant’s new evidence on appeal. *See* Directive ¶ E3.1.29. Likewise, we are not permitted to consider the impact that an adverse decision may have on an applicant. *See, e.g.*, ADP Case No. 14-02496 at 3 (App. Bd. May 14, 2015).

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 Y. Ra’anan
Michael Y. 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