

KEYWORD: Guideline: F

DIGEST: Applicant’s appeal brief contains no assertion of harmful error on the part of the Judge. Adverse decision affirmed.

CASENO: 14-05768.a1

DATE: 06/22/2017

DATE: June 22, 2017

In Re:	)	
	)	
-----	)	ADP Case No.14-05768
	)	
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 a trustworthiness designation. On December 15, 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 April 27, 2017, after considering the record, Administrative Judge Gregg A. Cervi 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 on the part of the Judge. Rather, it contains new evidence in the form of a narrative statement about events that have had an

impact on his finances and the progress he has made in resolving his debts. It also contains documents that were not previously submitted to the Judge, many of which post-date the Judge's decision. The Appeal Board cannot consider Applicant's new evidence on appeal. *See* Directive ¶ E3.1.29.

The Board does not review cases *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. Because Applicant has not made an allegation of harmful error, the decision of the Judge denying Applicant a trustworthiness designation is **AFFIRMED**.

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

Signed: James E. Moody  
James E. Moody  
Administrative Judge  
Member, Appeal Board

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