

KEYWORD: Guideline F

DIGEST: Applicant's appeal brief contains new evidence. The Board cannot consider Applicant's new evidence on appeal. Adverse decision affirmed.

CASENO: 15-00623.a1

DATE: 05/24/2017

DATE: May 24, 2017

In Re: )  
)  
)  
----- ) ADP Case No. 15-00623  
)  
)  
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 30, 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 decision on the written record. On February 23, 2017, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Arthur E. Marshall, Jr., 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 the status of certain debts and documents not previously submitted to the Judge, most of which post-date the Judge's decision. The Board cannot consider Applicant's 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: James E. Moody  
James E. Moody  
Administrative Judge  
Member, Appeal Board

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

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