

KEYWORD: Guideline F

DIGEST: The Board does not review a case *de novo*. Adverse decision affirmed.

CASENO: 15-03904.a1

DATE: 11/6/2017

DATE: November 6, 2017

In Re:  -----  Applicant for Public Trust Position	) ) ) ) ) ) )	ADP Case No. 15-03904
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**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 January 20, 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 September 1, 2017, after considering the record, Administrative Judge Marc E. Curry 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 documents that post-date the Judge’s decision. The documents indicate Applicant is making payments on, or has satisfied, eight of the seventeen debts

listed in the SOR. The Judge had found in favor of the Applicant as to three of the debts referenced in her appeal submission. 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: 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