

KEYWORD: Guideline F

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

CASENO: 15-08174.a1

DATE: 12/5/2017

DATE: December 5, 2017

)	
In Re:)	
-----)	ADP Case No. 15-08174
)	
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 June 13, 2016, 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 August 25, 2017, after considering the record, Administrative Judge Gina L. Marine 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, Applicant asks that the Board reconsider her case and presents new evidence in the form of a narrative statement and supporting documentation. In the narrative statement, Applicant indicates that her payment arrangements with the IRS to satisfy her tax indebtedness have been kept current, that she has disputed two of her non-tax debts and they have now been removed from her credit reports, and that she has satisfied two other non-tax debts. The Judge had found in Applicant's favor with respect to the two satisfied debts, so they are not at issue on appeal. Applicant's attached documentation includes correspondence and credit reports that post-date the Judge's decision in her case. 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 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