

KEYWORD: Guideline F

DIGEST: The Appeal Board does not review cases de novo. Adverse decision affirmed.

CASENO: 06-07421.a1

DATE: 04/16/2007

DATE: April 16, 2007

In Re:)	
)	
-----)	
SSN: -----)	ADP Case No. 06-07421
)	
Applicant for Trustworthiness Determination)	

APPEAL BOARD SUMMARY DISPOSITION

APPEARANCES

FOR GOVERNMENT

James B. Norman, Esq., Chief Department Counsel

FOR APPLICANT

Pro Se

The Defense Office of Hearings and Appeals (DOHA) proposed to deny or revoke access to automated information systems in ADP-I/II/III sensitivity positions for Applicant. On May 15, 2006, DOHA 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 the case be decided on the written record. On October 30, 2006, after considering the record, Administrative Judge Michael H. Leonard denied Applicant’s request for a trustworthiness designation. Applicant timely 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.¹ Rather, it contains new evidence, in the form of a statement from the Applicant and documentary attachments. This evidence updates Applicant's answer to the SOR, explains her ongoing efforts to resolve her financial problems, and attests to her good character and job performance. The Board cannot consider this new evidence on appeal. *See* Directive ¶ E3.1.29.

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. It does not review cases *de novo*. Applicant has not made an allegation of harmful error. Therefore, the decision of the Judge denying Applicant a trustworthiness designation is AFFIRMED.

Signed: Michael D. Hipple

Michael D. Hipple
Administrative Judge
Member, Appeal Board

Signed: Jean E. Smallin

Jean E. Smallin
Administrative Judge
Member, Appeal Board

Signed: William S. Fields

William S. Fields
Administrative Judge
Member, Appeal Board

¹In her brief, Applicant states that she never received a copy of the government's file of relevant material (FORM), and that is the reason she never filed a response to that document. However, a review of the case file indicates that Applicant acknowledged receipt of the FORM in writing on July 19, 2006.