

KEYWORD: Guideline F

DIGEST: The Board cannot consider new evidence on appeal. Adverse decision affirmed.

CASENO: 06-07827.a1

DATE: 07/20/2007

DATE: July 20, 2007

In Re:	)	
	)	
	)	
-----	)	ADP Case No. 06-07827
SSN: -----	)	
	)	
Applicant for ADP I/II/III Position	)	

**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 August 2, 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 Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested that the case be decided on the written record. On January 31, 2007, after considering the record, Administrative

Judge Joan Caton Anthony denied Applicant's request for a trustworthiness designation. Applicant timely appealed pursuant to the Directive ¶¶ E3.1.28 and E3.1.30.<sup>1</sup>

Applicant's appeal brief contains no assertion of harmful error on the part of the Judge. Rather, it contains new evidence which establishes that Applicant has been budgeting her income and has paid off four of her outstanding debts while the decision in her case was pending. 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: William S. Fields  
William S. Fields  
Administrative Judge  
Member, Appeal Board

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

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<sup>1</sup>The Judge found in favor of Applicant with respect to SOR paragraph 1.f. That favorable finding is not at issue on appeal.