

KEYWORD: Guideline F; Guideline J; Guideline E

DIGEST: Appeal Board authority is limited to cases in which the appealing party has alleged harmful error. Adverse decision affirmed.

CASENO: 06-08410.a1

DATE: 09/18/2007

DATE: September 18, 2007

In Re:  -----  Applicant for ADP I/II/III Position	) ) ) ) ) ) )	ADP Case No. 06-08410
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**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 July 10, 2006, DOHA issued a statement of reasons (SOR) advising Applicant of the basis for that

decision—trustworthiness concerns raised under Guideline F (Financial Considerations), Guideline J (Criminal Conduct) and Guideline E (Personal Conduct) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested the case be decided on the written record. On January 30, 2007, after considering the record, Administrative Judge Mary E. Henry 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 a request that the Board review Applicant’s complete file and reverse the Judge’s adverse determination.

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. *See* Directive ¶ E3.1.32. 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

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<sup>1</sup>The Judge found in favor of Applicant with respect to SOR paragraphs 3.a and 3.b. Those favorable findings are not at issue on appeal.