

KEYWORD: Guideline F; Guideline E

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

CASENO: 06-10888.a1

DATE: 08/06/2007

DATE: August 6, 2007

In Re: ----- Applicant for ADP I/II/III Position)))))))	ADP Case No. 06-10888
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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 June 9, 2006, DOHA issued a statement of reasons (SOR) advising Applicant of the basis for that

decision—trustworthiness concerns raised under Guideline F (Financial Considerations) and Guideline E of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a hearing. On February 21, 2007, after the hearing, Administrative Judge Paul J. Mason 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. Rather, it contains new evidence, in the form of a statement from the Applicant and documentary attachments. This evidence explains Applicant’s testimony at the hearing, confirms her payments of some outstanding debts, and explains her ongoing efforts to resolve her financial problems. 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: James E. Moody
James E. Moody
Administrative Judge
Member, Appeal Board

Signed William S. Fields
William S. Fields
Administrative Judge
Member, Appeal Board