

KEYWORD: Guideline E; Guideline F

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

CASENO: 06-17302.a1

DATE: 07/25/2007

DATE: July 25, 2007

In Re:	)	
	)	
	)	
-----	)	ADP Case No. 06-17302
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	)	
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 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) and

Guideline E (Personal Conduct) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a hearing. On January 22, 2007, after the hearing, Administrative Judge Mark W. Harvey 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, in the form of a statement from the Applicant and a document not previously submitted by the Applicant. This evidence indicates that Applicant has now resolved her sole outstanding debt, 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: 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 under Guideline E, and with respect to SOR paragraphs 1.a-1.u and 1.w-1.cc. Those favorable findings are not at issue on appeal.