



Date: April 14, 2025

In the matter of:

Applicant for Security Clearance

ISCR Case No. 23-02889

APPEAL BOARD DECISION

APPEARANCES

FOR GOVERNMENT

Andrea M. Corrales, Esq., Deputy Chief Department Counsel

FOR APPLICANT

Pro se

The Department of Defense (DoD) declined to grant Applicant a security clearance. On February 26, 2024, DoD issued a Statement of Reasons (SOR) advising Applicant of the basis of that decision – security concerns raised under Guideline F (Financial Considerations) and Guideline E (Personal Conduct) of the National Security Adjudicative Guidelines (AG) in Appendix A of Security Executive Agent Directive 4 (effective June 8, 2017) and DoD Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). On February 18, 2025, Defense Office of Hearings and Appeals Administrative Judge Mark Harvey denied Applicant national security eligibility. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

The SOR alleged seven financial concerns: that Applicant is indebted to the federal government for delinquent taxes in the approximate amount of \$16,300; that he is indebted to his state of residence for approximately \$29,100 in delinquent taxes; and that he has five consumer accounts that have been charged off, with delinquent debt totaling about \$12,000. Under Guideline E, the SOR alleged various disciplinary actions at prior employers. The Judge found favorably for Applicant on the Guideline E allegations and on the Guideline F consumer debt allegations, but adversely on the two allegations of federal and state tax delinquencies.

In concluding that Applicant has not mitigated the security concerns raised by his tax delinquencies, the Judge highlighted several factors, including: that Applicant's most recent payment plans with both tax authorities were made after the SOR was issued; that he has paid the state tax authority approximately \$3,100 on a \$26,000 tax debt; and that, in 2024, Applicant paid the IRS \$200 on a \$21,000 federal tax debt. Noting that Applicant has had delinquent federal and state income taxes for more than ten years, the Judge concluded that these payments were insufficient to establish the requisite "meaningful track record" for either debt. Decision at 13.

Applicant has not challenged any of the Judge's specific findings of fact. Instead, Applicant argues broadly that the Judge "made his decision based on [his] past" and did not give appropriate weight to his recent efforts to mitigate the security concerns. Appeal Brief at 1. It is well settled, however, that the timing of debt resolution efforts is an important factor in evaluating mitigation "because an applicant who begins to resolve financial problems only after being placed on notice that his clearance was in jeopardy may lack the judgment and self-discipline to follow rules and regulations over time or when there is no immediate threat to his own interests." ISCR Case No. 15-06440 at 4 (App. Bd. Dec. 26, 2017). Similarly, the Board has long held that, until an applicant has a "meaningful financial track record," it cannot be said "that he has initiated a good-faith effort to repay overdue creditors or otherwise resolve debts." ISCR Case No. 01-21386 at 2 (App. Bd. Jun. 11, 2003). The Judge's conclusion that Applicant's recent efforts were insufficient to establish such a track record or fully mitigate the financial concerns was well-grounded in the Appeal Board precedent to which he cites.

The remainder of Applicant's brief merely advocates for an alternative weighing of the evidence. An applicant's "disagreement with the Judge's weighing of the evidence, or an ability to argue for a different interpretation of the evidence, is not sufficient to demonstrate that the Judge weighed the evidence or reached conclusions in a manner that is arbitrary, capricious, or contrary to law." ISCR Case No. 06-17409 at 3 (App. Bd. Oct. 12, 2007).

In conclusion, Applicant has not established that the Judge committed harmful error. Our review of the record reflects that the Judge examined the relevant evidence and articulated a satisfactory explanation for the decision, which is sustainable on this record. "The general standard is that a clearance may be granted only when 'clearly consistent with the interests of the national security.'" *Dep't of the Navy v. Egan*, 484 U.S. 518, 528 (1988). "Any doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security." AG ¶ 2(b).

Order

The decision in ISCR Case No. 23-02889 is **AFFIRMED**.

Signed: Moira Modzelewski

Moira Modzelewski
Administrative Judge
Chair, Appeal Board

Signed: Allison Marie

Allison Marie
Administrative Judge
Member, Appeal Board

Signed: Jennifer I. Goldstein

Jennifer I. Goldstein
Administrative Judge
Member, Appeal Board