



**DEPARTMENT OF DEFENSE
DEFENSE LEGAL SERVICES AGENCY
DEFENSE OFFICE OF HEARINGS AND APPEALS
APPEAL BOARD
POST OFFICE BOX 3656
ARLINGTON, VIRGINIA 22203
(703) 696-4759**

Date: July 30, 2025

In the matter of:)
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Applicant for Public Trust Position)
_____)

ADP Case No. 23-01070

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 trustworthiness designation. On September 29, 2023, DoD issued a Statement of Reasons (SOR) advising Applicant of the basis of that decision – trustworthiness concerns raised under Guideline F (Financial Considerations), Guideline J (Criminal Conduct), and Guideline G (Alcohol Consumption) 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 May 27, 2025, Defense Office of Hearings and Appeals Administrative Judge Bryan J. Olmos denied Applicant a trustworthiness designation. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Prior to the hearing, the Government withdrew the cross-alleged Guideline G and Guideline J allegations. Under Guideline F, the SOR alleged seven financial concerns, including: that Applicant failed to file his federal income tax returns for tax years (TYs) 2015 through 2022; that he owed approximately \$11,800 in delinquent federal taxes for TYs 2013 and 2014; and that he had four delinquent consumer debts that totaled approximately \$14,100 and an unpaid judgment in the approximate amount of \$1,200. Applicant admitted each of the alleged debts in his Answer

to the SOR. The Judge found favorably on one of the delinquent debts and adversely on all other allegations.

On appeal, Applicant asserts that, although he “agreed to proceed with the hearing,” he “did not have access to a great majority of the evidence” that was entered against him. Appeal Brief at 1. The record indicates that the Government submitted all proposed exhibits to Applicant on April 17, 2024, via DoD SAFE, a file transfer program. At hearing a year later, in April 2025, Applicant did not object to the admission of the eight exhibits but informed the Judge that he had been unable to access the documents with the password provided. Transcript at 14-16, 18-20. The exhibits included: Applicant’s security clearance application; his response to Government interrogatories in which he adopted a summary of his subject interview and provided his tax account transcripts; a copy of the judgement against him; and four credit bureau reports.

To the extent that Applicant may be asserting a lack of due process, we find that he has failed to establish a *prima facie* case. First, we note that Applicant had independent access to the security clearance application and all the documents in the Government interrogatories, to include his subject interview and the tax account transcripts, as he submitted the entire package again with his Answer to the SOR. Second, Applicant failed at any point to ask for a continuance or to indicate in any way that he was unprepared to go forward at the hearing. Although *pro se* applicants are not held to the standards of attorneys, they are expected to take timely and reasonable steps to protect their rights. *E.g.*, ISCR Case No. 10-03743 at 2 (App. Bd. Jun. 24, 2011). The record does not support a conclusion that Applicant was denied the due process afforded by the Directive.

Applicant also asserts that the unfavorable trustworthiness decision will effectively result in the termination of his employment. Appeal Brief at 1. The adverse impact of an unfavorable eligibility determination on an applicant’s career is not an appropriate factor for us to consider in evaluating national security eligibility. *See* DISCR OSD Case No. 91-0322, 1993 WL 99569 at *3 (App. Bd. Mar. 9, 1993).

Applicant has failed to establish any harmful error. The record supports a conclusion that the Judge examined the relevant evidence and articulated a satisfactory explanation for the decision, which is sustainable on this record. A trustworthiness designation will be granted only when “clearly consistent with the interests of the national security.” AG ¶ 1(d). *See also Kaplan v. Conyers*, 733 F.3d 1148 (Fed. Cir. 2013) (citing *Department 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). Accordingly, the Judge’s decision is affirmed.

Order

The decision in ADP Case No. 23-01070 is **AFFIRMED**.

Signed: Moira Modzelewski

Moira Modzelewski
Administrative Judge
Chair, Appeal Board

Signed: Jennifer I. Goldstein

Jennifer I. Goldstein
Administrative Judge
Member, Appeal Board

Signed: Allison Marie

Allison Marie
Administrative Judge
Member, Appeal Board