



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

Date: August 13, 2025

In the matter of:)
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ISCR Case No. 24-00854

Applicant for Security Clearance)
_____)

APPEAL BOARD DECISION

APPEARANCES

FOR GOVERNMENT

Andrea M. Corrales, Deputy Chief Department Counsel

FOR APPLICANT

Pro se

The Department of Defense (DoD) declined to grant Applicant a security clearance. On July 22, 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 B (Foreign Influence) 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 July 14, 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.

Discussion

Under Guideline F, the SOR alleged that Applicant failed to timely file his 2018 federal tax return, and that he carried delinquent debts including a federal tax balance of approximately \$11,000 for tax years 2019, 2021, and 2022, a state tax balance of at least \$1,000 for tax year 2022,

and an auto loan past due for approximately \$500.¹ In response to the SOR, Applicant admitted all of the concerns, asserting that he had paid the consumer and state tax debts, and that he had filed the 2018 federal return and established a payment plan with the Internal Revenue Service to resolve the federal tax balance via \$144 monthly payments. The Judge found favorably regarding the auto loan and the 2018 tax return filing, but adversely on the federal and state tax balances.

On appeal, Applicant requests reconsideration of the decision based on three purported errors in the Judge's findings. First, he contends that his auto loan balance is less than what was alleged in the SOR and will soon be paid off; however, the Judge resolved this debt in Applicant's favor, and it did not contribute to his overall unfavorable decision. Applicant next challenges the Judge's finding that the state tax balance remains outstanding and reiterates that the debt was resolved in 2023. In finding adversely on this debt, the Judge recognized Applicant's explanation that the debt was resolved in 2023 but highlighted the absence of any documentation to corroborate the resolution. Despite acknowledging at hearing the importance of documentary support, Applicant provided none in his post-hearing submission. Accordingly, the Judge's finding that the state tax balance remains outstanding was reasonable based on the evidence before him.

Finally, Applicant challenges the Judge's finding that the federal tax balance remains outstanding for approximately \$10,400, citing his IRS installment agreement and corresponding monthly payments. Here again, the Judge acknowledged Applicant's most recent IRS installment agreement of November 2024, the four payments made thereunder between December 2024 and April 2025, and Applicant's promise to continue making monthly payments as required going forward. The Judge also noted that Applicant has previously entered into installment agreements with the IRS, including in July 2019 and again in November 2023, the latter of which was paid inconsistently and without completion. Additionally, "his federal income tax debt increased more than \$2,000 from November 2023 to November 2024" because Applicant was "not withholding enough from his pay or making quarterly tax payments to gradually cause his federal income tax debt to decrease." Decision at 15. Noting that Applicant has carried a federal tax debt since 2018, the Judge concluded that the record failed to show a meaningful track record of reducing that debt. Indeed, it is well established 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). Here, the Judge's adverse finding regarding Applicant's federal tax balance, even in the face of a current IRS installment agreement, is reasonable and supported by the record and Appeal Board precedent.

Applicant has not established that the Judge's conclusions were arbitrary, capricious, or contrary to law. Rather, the Judge examined and weighed the disqualifying and mitigating evidence and articulated a satisfactory explanation for the decision. The record is sufficient to support that the Judge's findings and conclusions are sustainable. "The general standard is that a clearance may be granted only when 'clearly consistent with the interests of the national security.'" *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).

¹ Under Guideline B, the SOR also alleged that Applicant maintained certain financial and personal connections to Somalia, all of which the Judge resolved favorably and are not at issue on appeal.

Order

The decision in ISCR Case No. 24-00854 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