



**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: August 6, 2025

In the matter of:

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Applicant for Security Clearance

ISCR Case No. 24-01671

**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 October 11, 2024, DoD issued a Statement of Reasons (SOR) advising Applicant of the basis of that decision – security concerns raised under Guideline F (Financial Considerations) 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 June 2, 2025, Defense Office of Hearings and Appeals Administrative Judge LeRoy F. Foreman denied Applicant national security eligibility. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Under Guideline F, the SOR alleged five financial concerns, including Applicant's failure to file both federal and state income tax returns for tax year 2019 and three delinquent consumer debts that totaled approximately \$30,800. In his October 27, 2024, answer to the SOR, Applicant admitted the allegations, submitted documentation of efforts to resolve his three consumer debts, and elected a decision on the written record in lieu of a hearing. On December 9, 2024, the Government submitted its written case and provided Applicant with a complete copy of the file of relevant material (FORM). Applicant received the FORM on January 19, 2025, and provided a

timely response that included an explanation of the circumstances that led to his financial problems and his efforts to resolve them, including documentation of payments. In his decision, the Judge acknowledged that Applicant had resolved the debts and filed his tax returns but nevertheless found adversely on all allegations, primarily because of the post-SOR timing of Applicant's mitigation efforts.

On appeal, Applicant does not assert that the Judge committed any harmful error. Rather, Applicant focuses on his own election for a decision on the written record rather than a hearing. He now regrets that decision and asserts that it was made "without legal representation and while [his] mental health was compromised" and with "no way of knowing what [his] options were at the time." Appeal Brief at 2. He cites to a friend's crisis in late December 2024 that required his full attention and compromised his ability to make an informed decision.

To the extent that Applicant is contending he did not receive the due process afforded by the Directive, we are not persuaded. When the SOR was issued in early October 2024, Applicant was provided a copy of the Directive, which contained detailed information about his rights and responsibilities. Applicant submitted responsive documents and elected a decision on the written record in late October 2024, well before his attention was diverted by his friend's crisis in December 2024. There is nothing in the record to suggest that either Applicant's choice of an adjudication on the written record or his decision to represent himself was other than knowing and intelligent.

Applicants are entitled to receive their full measure of due process under Executive Order 10865 and the Directive, but they are not entitled to be relieved of the consequences of decisions and choices they make on how to proceed with their case simply because they are not satisfied with the results. Absent a showing of factual or legal error that affects an applicant's right to present evidence in the proceeding below, an applicant does not have the right to a second chance at presenting his case before an administrative judge. 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. 00-0086 at 2 (App. Bd. Dec. 13, 2000). Applicant requests remand of his case to afford him the opportunity for a hearing. The Board only has authority to remand a case to correct an error identified in the proceeding below. Directive ¶ E3.1.33.2. Applicant has failed to establish that any error occurred below.

The record demonstrates that Applicant was given sufficient notice of his rights and that he availed himself of those rights by submitting documents in response to the FORM, including a lengthy narrative and updated payment information. Having decided to represent himself after having properly been advised of his rights, Applicant cannot fairly complain about the quality of his self-representation. We conclude that Applicant was not denied the due process afforded by the Directive and that the decision of the Judge is sustainable.

## **Order**

The decision in ISCR Case No. 24-01671 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