



**DEFENSE LEGAL SERVICES AGENCY
DEFENSE OFFICE OF HEARINGS AND APPEALS
APPEAL BOARD**



Date: June 22, 2026

In the matter of:

Applicant for Security Clearance

ISCR Case No. 25-01118

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, November 21, 2025, 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 April 28, 2026, Defense Office of Hearings and Appeals Administrative Judge Jeff A. Nagel denied Applicant national security eligibility. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Background

The SOR alleged that Applicant failed to file his federal income tax returns for tax years 2013, 2014, and 2020, and that he owed the federal government about \$12,000 for unpaid income taxes from tax years 2022, 2023, and 2024.

As of the spring of 2025, Applicant's Internal Revenue Service (IRS) tax transcripts reflected that he failed to file his federal income tax returns for tax years 2013, 2014, and 2020.

Applicant admitted this allegation in his answer to the SOR. The Judge found that Applicant had still not filed them. With respect to the approximately \$12,000 due to the IRS for tax years 2022, 2023, and 2024, Applicant's documentation shows that between April 30, 2026, and August 28, 2026, he planned to pay the IRS about \$2,000 of the \$12,000 owed in unpaid taxes. Applicant Exhibit A. At the close of the record, he had not made any payments on his federal tax debt.

Discussion

Applicant's brief includes matters from outside the record that we cannot consider, including a claim that he filed federal income tax returns for tax years 2014 through 2018. Directive ¶ E3.1.29. Only federal income tax returns filings from 2013, 2014, and 2020 were in dispute. There is no record evidence to support his claim that 2014 was filed. We do not review cases *de novo*, and our review authority is limited to cases in which the appealing party has raised a claim of harmful error. To the extent that Applicant is implicitly arguing that the Judge erred in weighing the record evidence, we find no reason to conclude that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law.

The remainder of Applicant's brief does not raise an explicit allegation of harmful error by the Judge. Rather, he requests restoration of his clearance at the previous level. "It is well established that DOHA decisions must either grant or deny a clearance and that we have no authority to compromise and grant a lower level clearance as an intermediate solution." ISCR Case No. 99-0260 at 3 (App. Bd. Apr. 12, 2000). Directive ¶ 3.2 provides that "[a]n unfavorable clearance decision denies any application for a security clearance and revokes any existing security clearance, thereby preventing access to classified information at any level and the retention of any existing security clearance." Accordingly, the decision of the Judge is affirmed.

Conclusion

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).

Order

The decision in ISCR Case No. 25-01118 is **AFFIRMED**.

Signed: Moira Modzelewski

Moira Modzelewski
Administrative Judge
Chair, Appeal Board

Signed: Jennifer Goldstein

Jennifer Goldstein
Administrative Judge
Member, Appeal Board

Signed: Allison Marie

Allison Marie
Administrative Judge
Member, Appeal Board