



**DEPARTMENT OF DEFENSE  
DEFENSE OFFICE OF HEARINGS AND APPEALS**



In the matter of: )  
 )  
 [Name Redacted] ) ISCR Case No. 20-01277  
 )  
 Applicant for Security Clearance )

**Appearances**

For Government: Sakeena Farhath, Esq., Department Counsel  
For Applicant: *Pro se*

12/13/2022

**Decision**

HOGAN, ERIN C., Administrative Judge:

The Department of Defense Consolidated Adjudications Facility (DOD CAF) issued a Statement of Reasons (SOR) to Applicant detailing the security concerns under Guideline F, Financial Considerations (Date of the SOR is unspecified.). The action was taken under Executive Order (EO) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) implemented within the Department of Defense on June 8, 2017.

On November 10, 2020, Applicant timely answered the SOR and requested a hearing. The case was assigned to another administrative judge on November 2, 2021. The case was transferred to me on June 14, 2022. The hearing was held via video-conference on October 27, 2022. The record was held open until November 28, 2022, to allow Applicant to submit additional documents. Applicant timely submitted additional documents on that date. Department Counsel indicated they had no objection to the evidence on December 7, 2022. The record closed on that date. On December 9, 2022, I proposed to the parties that this case was appropriate for a summary disposition in

Applicant's favor. Applicant did not object. Department Counsel had 10 days to consider the matter and provided written notice that Department Counsel did not object on December 9, 2022.

The sole SOR allegation was that Applicant failed to file his Federal income tax returns for the tax years 2013 through 2018. Applicant is a 43-year-old contractor who works overseas. In December 2013, he married a woman who is a citizen of the foreign country where he resides. His wife works for a foreign company and has never resided in the US. She is not a dual citizen or permanent resident of the U.S. His tax issues began when he attempted to get an Individual Taxpayer Identification Number (ITIN) for his wife from the IRS. The IRS was non-responsive. He even attempted to get an ITIN when he was back in the US visiting family. Applicant believed he could not file his federal income tax returns without an ITIN for his wife. He indicated this issue on his November 2018 security clearance application.

During his subsequent security clearance background investigation, Applicant was advised to file his federal income tax returns with a single status. Once his wife received an ITIN, he could amend the federal income tax returns. (Gov 4 at 6) Applicant pursued this course of action and completed and filed all returns before the SOR was issued. He owes no money to the IRS. He has filed all subsequent federal income tax returns for tax years 2019, 2020, and 2021. He is current on all of his income tax filings and has no delinquent debts. (AE A - AE D)

The concerns over Applicant's history of financial problems do not create doubt about his current reliability, trustworthiness, good judgment, and ability to protect classified information. In reaching this conclusion, I weighed the evidence as a whole and considered if the favorable evidence outweighed the unfavorable evidence or *vice versa*. I also gave due consideration to the whole-person concept. Accordingly, I conclude that he met his ultimate burden of persuasion to show that it is clearly consistent with the national interest to grant him eligibility for access to classified information. This case is decided for Applicant.

Erin C. Hogan  
Administrative Judge