



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



In the matter of:)	
)	
)	ISCR Case No. 22-00044
)	
Applicant for Security Clearance)	

Appearances

For Government: Adrienne Driskill, Esq., Department Counsel
For Applicant: *Pro se*

May 24, 2023

Decision

TUIDER, Robert, Administrative Judge:

Applicant failed to mitigate security concerns regarding Guideline F (financial considerations). National security eligibility is denied.

Statement of the Case

On May 26, 2020, Applicant submitted a Questionnaire for National Security Positions (SF-86). On January 27, 2022, the Defense Counterintelligence and Security Agency Consolidated Adjudications Facility (CAF) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline F. The SOR detailed reasons why the CAF was unable to find that it is clearly consistent with the national interest to grant or continue a security clearance for Applicant. On March 18, 2022, Applicant submitted her Answer to the SOR. On April 22, 2022, Department Counsel was ready to proceed.

On April 27, 2022, the Defense Office of Hearings and Appeals (DOHA) assigned the case to me. On May 12, 2022, DOHA issued a notice of hearing scheduling the hearing for June 13, 2022. The hearing commenced as scheduled. Department Counsel

offered Government Exhibits (GE) 1 through 6, which I admitted without objection. (Tr. 13) Applicant testified and offered Applicant Exhibits (AE) A through R, which I admitted without objection. (Tr. 14-15) I held the record open until June 24, 2022, to afford Applicant an opportunity to submit additional evidence. She timely submitted supplements to the exhibits she submitted at her hearing, AE S, and a budget marked as AE T, all of which were admitted without objection. On June 23, 2022, DOHA received the hearing transcript. (Tr.).

Findings of Fact

Background Information

Applicant is a 61-year-old program management specialist who has been employed by a defense contractor since March 2020. As a first-time Applicant for national security eligibility, she seeks a Secret security clearance as a requirement of her continued employment. (Tr. 15-17; GE 1)

Applicant graduated from high school in June 1980. She was awarded a Bachelor of Science degree in December 1988 majoring in business administration with an emphasis in marketing. She attended law school from September 1989 to March 1990, but left during her second semester after deciding law school was not for her. (Tr. 17-19; GE 1)

Applicant was married twice. Her first marriage was from July 1987 to May 1989, and her second marriage was from December 1991 to August 1996. Both marriages ended by divorce. She has a 31-year-old daughter from her second marriage. Although Applicant's daughter is independent, Applicant provides her daughter with intermittent support as needed. (Tr. 19-22; GE 1)

Financial Considerations

The SOR lists 14 allegations under this concern. SOR ¶ 1.a alleges Applicant failed to timely file her 2014 to 2018 Federal income tax returns; SOR ¶ 1.b alleges that Applicant failed to timely file her 2014 to 2018 state income returns; SOR ¶¶ 1.c and 1.d allege that she is indebted to the IRS for unpaid taxes in the amounts of \$7,452 and \$2,894 for tax years 2015 and 2016, respectively; SOR ¶ 1.e alleges that she is indebted to her state tax authority in the amount of \$7,256 for tax years 2014 and 2015; and SOR ¶¶ 1.f through 1.n allege delinquent student loans and various other debts, all of which are discussed in further detail below.

These allegations are established by her June 11, 2020 and April 14, 2022 credit reports; her June 24, 2020 Office of Personnel Management (OPM) Personal Subject Interview (PSI) with follow-on contact; her Response to DOHA Interrogatories (various dates); Investigation attachments provided by Applicant (various dates); her May 26, 2020 SF-86; and her March 18, 2022 SOR Answer. (GE 1 – 6; SOR Answer)

Applicant attributed her financial problems to: (1) her divorce from her second husband; (2) irregular and non-payment of child support that resulted in a \$50,000 child support arrearage; (3) the recession from 2007 to 2008 which resulted in Applicant being laid off; (4) challenges raising her daughter that included mental health issues, several suicide attempts, and a substance abuse problem she developed as a teenager that later evolved into heroin addiction. Her daughter is now in her 30s and has done “a complete 180 on her life” within the last year; (5) and Applicant being diagnosed in 2014 with PTSD after a suicide attempt by her daughter. Applicant began a “15-year journey of therapy, psychiatry, and a lot of self-help tools and rigorously pursuing mental health stability and excellent coping skills.” (Tr. 22-33) These conditions are discussed in further detail in Applicant’s SF-86, her SOR Answer, during her hearing testimony, and in a post-hearing submission. (SOR Answer; Tr. 76-82; GE1; AE S)

The following is a summary of Applicant’s SOR debts and their current status.

SOR ¶ 1.a: Failed to timely file Federal income tax returns for tax years 2014 to 2018. Applicant mailed her 2015 and 2016 returns to the IRS by U.S. mail on May 25, 2020, and mailed her 2017 return to the IRS by U.S. mail on June 24, 2022. As of the date the record closed, Applicant had not filed her 2014 or 2018 returns. She stated that she expected to file her 2018 return “shortly.” Applicant explained that she had W-2s for the years that she filed and therefore it was easier to file versus not having W-2s for the years she did not file. She stated that she had filed her 2019, 2020, and 2021 returns. (Tr. 33-42, 82-84, 91; AE A, AE C, AE D, AE O) **ALLEGATION RESOLVED IN PART.**

SOR ¶ 1.b: Failed to timely file state income tax returns for tax years 2014 to 2018. Applicant filed her 2015 and 2016 state income tax returns by U.S. mail on May 25, 2020, and filed her 2017 return by U.S. mail on June 24, 2022. As of the date the record closed, Applicant had not filed her 2014 or 2018 returns. Applicant’s explanation, discussed above, is applicable for this allegation. (Tr. 42-43; AE B, AE E, AE O) **ALLEGATION RESOLVED IN PART.**

SOR ¶¶ 1.c & 1.d: Indebted to the IRS for unpaid taxes for tax years 2015 and 2016 in the amounts of \$7,452 and \$2,894, respectively. Applicant entered into an agreement with the IRS on November 4, 2021, to repay her tax debts for 2015 and 2016. Per her agreement with the IRS, Applicant paid a \$225 user fee and began making \$50 monthly payments on November 22, 2021. Such payments are being made by direct debit. As of the date the record closed, Applicant had paid \$675 towards her debt to the IRS for tax years 2015 and 2016. She will not know whether she owes taxes for remaining unfiled years until her returns are computed for those years. (Tr. 43-48; AE A, AE C, AE D, AE O) **DEBTS BEING RESOLVED.**

SOR ¶ 1.e: Indebted to state tax authority for unpaid taxes for tax years 2014 and 2015 in the amount of \$7,256. Applicant’s state tax authority is recouping this debt through biweekly wage garnishment at rate of \$120 per month. Payment through garnishment began on January 11, 2021. As of the date the record closed, Applicant had paid \$3,261 towards this debt, which included money paid by

garnishment and refunds from 2020 and 2021. (Tr. 48-53; AE A, AE B, AE O) **DEBTS BEING RESOLVED.**

SOR ¶ 1.f: **June 2003 judgment in favor of automobile company in the amount of \$4,132 for a leased automobile that was repossessed.** Creditor renewed judgment in 2020 increasing the balance to \$7,964. Applicant stated that she retained an attorney in August 2020, but was unable to achieve a settlement. Applicant's latest efforts to determine the validity of this debt and resolve it in June 2022 have also been unsuccessful. Applicant added during this timeframe her daughter was experiencing mental health, drug addiction, and other issues discussed in further detail in the record. (Tr. 53-58; AE F, AE O) **DEBT NOT RESOLVED.**

SOR ¶ 1.g: **Delinquent law school loan account in the amount of \$94,100.** Applicant stated that this loan "was originally \$20,000 for a year (1989 to 1990) at [law school]." The loan has since been assumed by the Department of Education (DoED), which as recently as a June 24, 2022 letter stated the outstanding balance was \$82,413. This debt includes \$30,483 in unpaid principal, \$51,930 in accrued interest, and \$0.00 in fees. Further details of Applicant's recent efforts to rehabilitate this loan are in the record. (Tr. 58-60, 85-87; AE G, AE O) **DEBT NOT RESOLVED.**

SOR ¶ 1.h: **Delinquent student loan account in the amount of \$10,000.** Applicant stated that this loan was also incurred during her year at law school from 1989 to 1990. She stated that she sent a letter to the creditor on June 9, 2022, requesting documentation of this debt. She called the creditor on June 24, 2022, was advised that this account was inactive with a zero balance, and the creditor referred her to another creditor. Further details of Applicant's recent efforts to rehabilitate this loan are in the record. (Tr. 60-61; AE H, AE O) **DEBT NOT RESOLVED.**

On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) became law, providing for relief measures on Department of Education (DoED)-owned federal student loans through September 30, 2020. See ISCR Case No. 20-02787 at 3 n.1 (App. Bd. Mar. 2022). This student loan debt relief received several extensions. In March 2020, as a result of the COVID-19 pandemic, the President directed the DoED to place federal student loans in forbearance. The federal government repeatedly extended the student loan payment pause. The pause includes the following relief measures for eligible loans: a suspension of loan payments; a 0% interest rate; and stopped collections on defaulted loans. See Federal Student Aid (FSA) website, <https://studentaid.gov/announcements-events/covid-19/>. On February 25, 2023, the FSA website said:

The student loan payment pause is extended until the U.S. Department of Education is permitted to implement the debt relief program or the litigation is resolved. Payments will restart 60 days later. If the debt relief program has not been implemented and the litigation has not been resolved by June 30, 2023 — payments will resume 60 days after that. We will notify borrowers before payments restart.

In August 2022, President Biden announced forgiveness of \$10,000 or \$20,000 of federal student loan debt, and on November 11, 2022, the DoED said they would continue to seek forgiveness of student loans. See “Statement from Secretary of Education Miguel Cardona on District Court Ruling on the Biden-Harris Administration Student Debt Relief Program,” <https://www.ed.gov/news/press-releases/statement-secretary-education-miguel-cardona-district-court-ruling-biden-harris-administration-student-debt-relief-program>. See also ISCR Case No. 20-03688 at 2 (App. Bd. Mar. 2, 2023) (sua sponte administrative notice of DoED press releases).

SOR ¶ 1.i: **Charged-off cell phone bill in the amount of \$673.** Applicant settled this account for the lesser amount of \$337, agreeing to make four separate payments with the first payment beginning on March 22, 2022, and the last payment was made June 8, 2022. (Tr. 61-63; AE I, AE O) **DEBT RESOLVED.**

SOR ¶ 1.j: **Collection account for internet service in the amount of \$489.** Applicant made payment arrangements with this creditor on February 17, 2022, with the first payment of \$20 by direct debit made on February 18, 2022. As of the date the record closed, Applicant had paid \$100 towards this debt. (Tr. 63-64; AE J, AE O) **DEBT BEING RESOLVED.**

SOR ¶ 1.k: **Collection account for internet service in the amount of \$494 (same creditor as in SOR ¶ 1.j – different amount).** Applicant made payment arrangements with this creditor on February 17, 2022, with the first payment of \$20 by direct debit made on February 18, 2022. As of the date the record closed, Applicant had paid \$100 towards this debt. (Tr. 64-65; AE K, AE O) **DEBT BEING RESOLVED.**

SOR ¶ 1.l: **Collection account for cable company in the amount of \$172.** Applicant settled this account for a lesser amount, and on March 16, 2022, made an initial payment \$10. She made a final payment of \$105 on June 7, 2022. (Tr. 65-68; AE L, AE O) **DEBT RESOLVED.**

SOR ¶ 1.m: **Collection medical account in the amount of \$885.** Applicant successfully disputed this account, and as of June 22, 2022, this debt was removed from her credit reports. (Tr. 68-69; AE M, AE O) **DEBT RESOLVED.**

SOR ¶ 1.n: **Collection medical account in the amount of \$401.** Applicant made payment arrangements with this creditor on February 18, 2022. She agreed to pay \$44 a month by direct debit from her bank. As of the date the record closed, Applicant had paid \$218 by direct debit towards this debt. (Tr. 69-71; AE M, AE O) **DEBT BEING RESOLVED.**

Applicant submitted a spreadsheet and supporting evidence documenting her former spouse’s history of sporadic and/or non-payment of child support. Her spreadsheet documents available income that she had or did not have from 1993 to 2011. Applicant separated from her second husband in December 1993. She calculated that her former spouse owed her \$50,864 in child support arrearages, which included

interest, as of June 13, 2022. Applicant stated that collection of child support can go towards payment of her debts. (Tr. 72-75; GE 1; AE Q)

Applicant's gross monthly earnings as of April 1, 2022, are \$6,336. Her net monthly take home is \$4,271, and her net monthly remainder is \$1,004. Her monthly rent for a one-bedroom apartment is \$1,481. Applicant's budget reflects that she leads a modest lifestyle and lives within her means. (Tr. 87-90; AE T) Applicant participated in financial counseling in August 2020. (Tr. 75-76, 90-91) Her 2022 credit report reflects her current efforts to regain financial responsibility. (AE R)

Applicant was alerted to the Government's concerns regarding her failure to file her Federal and state income tax returns as well as her other debts during her June 24, 2020 OPM PSI. She stated during that interview that she intended to pay every single account owed and hoped to have her accounts satisfied by sometime in 2021. Applicant also stated that her intent was to hire someone to help her with her debts and get a tax preparer to file her taxes. (GE 3) Applicant was later advised of the Government's concerns regarding her failure to file her Federal and state tax income tax returns and delinquent accounts when she received her January 27, 2022 SOR.

Character Evidence

Applicant submitted five reference letters. These letters were written by a former supervisor, her current supervisor, a co-worker, a long-time friend and licensed psychologist, and her current licensed clinical social worker (LCSW). Her three work-related references and long-time psychologist friend laud her performance, integrity, and trustworthiness. Her character letters support granting Applicant a clearance. Her LCSW is equally supportive in granting her a clearance from a mental health perspective. (AE P)

Policies

This case is adjudicated under Executive Order (EO) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG), which became effective on June 8, 2017.

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines. In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are to be used in evaluating an applicant's eligibility for access to classified information.

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, administrative judges apply the guidelines in conjunction with the factors listed in AG ¶ 2 describing the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and

commonsense decision. According to AG ¶ 2(a), the entire process is a conscientious scrutiny of a number of variables known as the “whole-person concept.” The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision.

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that “[a]ny doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security.”

Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, the applicant is responsible for presenting “witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by the applicant or proven by Department Counsel.” The applicant has the ultimate burden of persuasion to obtain a favorable clearance decision.

A person who seeks access to classified information enters into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it grants access to classified information. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation of potential, rather than actual, risk of compromise of classified information.

Section 7 of EO 10865 provides that adverse decisions shall be “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See *also* EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

Analysis

Financial Considerations

AG ¶ 18 articulates the security concern for financial problems:

Failure to live within one’s means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual’s reliability, trustworthiness, and ability to protect classified or sensitive information. Financial distress can also be caused or exacerbated by, and thus can be a possible indicator of, other issues of personnel security concern such as excessive gambling, mental health conditions, substance misuse, or alcohol abuse or dependence. An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds.

The Appeal Board explained the scope and rationale for the financial considerations security concern in ISCR Case No. 11-05365 at 3 (App. Bd. May 1, 2012) (citation omitted) as follows:

This concern is broader than the possibility that an applicant might knowingly compromise classified information in order to raise money in satisfaction of his or her debts. Rather, it requires a Judge to examine the totality of an applicant's financial history and circumstances. The Judge must consider pertinent evidence regarding the applicant's self-control, judgment, and other qualities essential to protecting the national secrets as well as the vulnerabilities inherent in the circumstances. The Directive presumes a nexus between proven conduct under any of the Guidelines and an applicant's security eligibility.

AG ¶ 19 includes three disqualifying conditions that could raise a security concern and may be disqualifying in this case: "(a) inability to satisfy debts"; "(c) a history of not meeting financial obligations"; and "(f) failure to file or fraudulently filing annual Federal, state, or local income tax returns or failure to pay annual Federal, state, or local income tax as required." The record establishes the disqualifying conditions in AG ¶¶ 19(a), 19(c), and 19(f). Further inquiry is necessary about the potential application of any mitigation conditions.

The financial considerations mitigating conditions under AG ¶ 20 are as follows:

(a) the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;

(b) the conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, a death, divorce or separation, clear victimization by predatory lending practices, or identity theft), and the individual acted responsibly under the circumstances;

(c) the individual has received or is receiving financial counseling for the problem from a legitimate and credible source, such as a non-profit credit counseling service, and there are clear indications that the problem is being resolved or is under control;

(d) the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts;

(e) the individual has a reasonable basis to dispute the legitimacy of the past-due debt which is the cause of the problem and provides documented proof to substantiate the basis of the dispute or provides evidence of actions to resolve the issue;

(f) the affluence resulted from a legal source of income; and

(g) the individual has made arrangements with the appropriate tax authority to file or pay the amount owed and is in compliance with those arrangements.

In ISCR Case No. 10-04641 at 4 (App. Bd. Sept. 24, 2013), the DOHA Appeal Board explained Applicant's responsibility for proving the applicability of mitigating conditions as follows:

Once a concern arises regarding an applicant's security clearance eligibility, there is a strong presumption against the grant or maintenance of a security clearance. See *Dorfmont v. Brown*, 913 F. 2d 1399, 1401 (9th Cir. 1990), *cert. denied*, 499 U.S. 905 (1991). After the Government presents evidence raising security concerns, the burden shifts to the applicant to rebut or mitigate those concerns. See Directive ¶ E3.1.15. The standard applicable in security clearance decisions is that articulated in [full cite here] *Egan, supra*. "Any doubt concerning personnel being considered for access to classified information will be resolved in favor of the national security." Directive, Enclosure 2 ¶ 2(b).

Applicant's conduct does not warrant full application of AG ¶ 20(a) because there is more than one delinquent debt, and her financial problems are not isolated. Her debt, particularly as it pertains to her delinquent taxes, remains a "continuing course of conduct" under the Appeal Board's jurisprudence. See ISCR Case No. 07-11814 at 3 (App. Bd. Aug. 29, 2008) (citing ISCR Case No. 01-03695 (App. Bd. Oct. 16, 2002)).

AG ¶¶ 20(b) and 20(d) are partially applicable. The personal and family problems described above played a role in Applicant's inability to remain current on her financial obligations. However, Applicant does not receive full credit under either of these two mitigating conditions because of her failure to act responsibly under the circumstances and the time that elapsed before addressing these obligations. AG ¶ 20(g) is applicable to SOR ¶¶ 1.c, 1.d, and 1.e insofar as Applicant has made relatively recent arrangements with the IRS and state tax authority to pay her delinquent taxes and is in compliance with those arrangements. Her post-hearing documents did not mitigate her failure to file her 2014 and 2018 tax returns. AG ¶ 20(e) is applicable to the debt in SOR ¶ 1.m, and AG ¶ 20(f) is not applicable.

Of great concern is the fact that Applicant did not timely file her Federal and state income tax returns for tax years 2014 to 2018. She is also indebted to the Federal Government for tax years 2015 and 2016 and to her state tax authority for tax years 2014 and 2015. Applicant was alerted to the fact that her failure to address her Federal and state tax situation, as well as her other outstanding debts, was a concern to the Government during her June 24, 2020 OPM PSI and later when she received her January 27, 2022 SOR. Although these events apparently prompted Applicant to recognize the seriousness of her situation, she failed to mitigate all of the identified concerns. Her explanations for failure to maintain a state of financial responsibility are

not convincing given the time elapsed, especially as it pertains to her student loans and taxes. The evidence of record does not completely mitigate such a lapse in judgment. In particular, the evidence demonstrates that Applicant did not act responsibly with regard to timely filing her Federal and state income tax returns. I have credited her with paying or making payment arrangements for taxes known to be owed by mitigating SOR ¶¶ 1.c, 1.d, and 1.e.

Furthermore, and in regard to the failure to file timely Federal income tax returns when due, the DOHA Appeal Board has commented in ISCR Case No. 14-04437 at 3 (App. Bd. Apr. 15, 2016):

Failure to file tax returns suggests that an applicant has a problem with complying with well-established governmental rules and systems. Voluntary compliance with such rules and systems is essential for protecting classified information. ISCR Case No. 01-05340 at 3 (App. Bd. Dec. 20, 2002). As we have noted in the past, a clearance adjudication is not directed at collecting debts. See, e.g., ISCR Case No. 07-08049 at 5 (App. Bd. Jul. 22, 2008). By the same token, neither is it directed toward inducing an applicant to file tax returns. Rather, it is a proceeding aimed at evaluating an applicant's judgment and reliability. *Id.* A person who fails repeatedly to fulfill his or her legal obligations does not demonstrate the high degree of good judgment and reliability required of those granted access to classified information. See, e.g., ISCR Case No. 14-01894 at 5 (App. Bd. Aug. 18, 2015). See *Cafeteria & Restaurant Workers Union Local 473 v. McElroy*, 284 F.2d 173, 183 (D.C. Cir. 1960), *aff'd*, 367 U.S. 886 (1961). (emphasis in original)

See ISCR Case No. 15-01031 at 4 (App. Bd. June 15, 2016) (citations omitted); ISCR Case No. 14-05476 at 5 (App. Bd. Mar. 25, 2016) (citing ISCR Case No. 01-05340 at 3 (App. Bd. Dec. 20, 2002)); ISCR Case No. 14-01894 at 4-5 (App. Bd. Aug. 18, 2015). Applying the Appeal Board's jurisprudence, SOR ¶¶ 1.a and 1.b are not mitigated.

Applicant made enough progress on the six smaller debts (all less than \$1,000) in SOR ¶¶ 1.i to 1.n to mitigate them. However, her failure to file all overdue tax returns and show a track record of making payments toward her student loan debts before the student loan deferment create unmitigated financial considerations security concerns.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for a security clearance by considering the totality of the applicant's conduct and all the circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(d):

- (1) the nature, extent, and seriousness of the conduct;
- (2) the circumstances surrounding the conduct, to include knowledgeable participation;
- (3) the frequency and recency of the conduct;
- (4) the

individual's age and maturity at the time of the conduct; (5) the extent to which participation is voluntary; (6) the presence or absence of rehabilitation and other permanent behavioral changes; (7) the motivation for the conduct; (8) the potential for pressure, coercion, exploitation, or duress; and (9) the likelihood of continuation or recurrence.

The ultimate determination of whether to grant or continue national security eligibility must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept. AG ¶ 2(c). The discussion in the Analysis section under Guideline F is incorporated in this whole-person section. However, further comments are warranted.

Applicant is a 61-year-old program management specialist, who has been employed by a defense contractor since March 2020. She seeks a Secret security clearance as a requirement of her continued employment. Her supervisor and references support her in this endeavor. Based on her manager's recommendation, as well as the recommendations of her other references, it is clear that she is highly regarded. She has all the indicators of an upwardly mobile individual with a bright future ahead of her.

However, for the last eight years, beginning with tax year 2014, Applicant has failed to fulfill one of the most fundamental hallmarks of U.S. citizenship, which is the timely filing of her Federal and state income tax returns and paying taxes when due. This is especially crucial for an individual seeking a security clearance and working for a defense contractor advancing the national security of the United States. From the evidence presented, despite being made aware that the timely filing and payment of her Federal and state income tax returns was a security concern, Applicant failed to comply with this basic and fundamental obligation. She is a bright and talented individual, who is more than capable of addressing her income tax problems in a responsible way. I gave mitigation credit to debts Applicant has resolved or is attempting to resolve. She is to be commended for the progress she made in addressing those debts. However, given her current financial state, more remains to be done to set her financial house in order, especially as it pertains to her taxes and remaining debts.

This decision should not be construed as a determination that Applicant cannot or will not attain the state of financial responsibility necessary for award of a security clearance in the future. With more effort toward establishing a track record of behavior consistent with her financial obligations, she may well be able to demonstrate persuasive evidence of her security clearance worthiness.

I take this position based on the law, as set forth in *Department of Navy v. Egan*, 484 U.S. 518 (1988), my careful consideration of the whole-person factors and supporting evidence, my application of the pertinent factors under the adjudicative process, and my interpretation of my responsibilities under the adjudicative guidelines.

Formal Findings

The formal findings on the allegations set forth in the SOR are as follows:

Paragraph 1, Guideline F:	AGAINST APPLICANT
Subparagraphs 1.a – 1.b:	Against Applicant
Subparagraphs 1.c – 1.e:	For Applicant
Subparagraphs 1.f – 1.h:	Against Applicant
Subparagraphs 1.i – 1.n:	For Applicant

Conclusion

In light of the record as a whole, it is not clearly consistent with the national interest to grant Applicant a security clearance. National security eligibility is denied.

ROBERT TUIDER
Administrative Judge