



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



In the matter of:)
)
) ISCR Case No. 23-01864
)
Applicant for Security Clearance)

Appearances

For Government: Lauren Shure, Esq., Department Counsel
For Applicant: *Pro se*

01/13/2026

Decision

PRICE, Eric, Administrative Judge:

Guideline F (financial considerations) and Guideline E (personal conduct) security concerns are not mitigated. Eligibility for access to classified information is denied.

Statement of the Case

On April 29, 2020, and July 27, 2022, Applicant completed Electronic Questionnaires for Investigations Processing or security clearance applications (SCAs). On November 28, 2023, the Defense Counterintelligence and Security Agency (DCSA) issued a statement of reasons (SOR) to Applicant alleging security concerns under Guidelines F and E. The DCSA acted under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; Department of Defense (DOD) Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) promulgated in Security Executive Agent Directive 4, *National Security Adjudicative Guidelines* (December 10, 2016), which became effective on June 8, 2017.

On July 31 and August 7, 2024, Applicant responded to the SOR. On April 1, 2025, the case was assigned to me. On June 9, 2025, the Defense Office of Hearings and Appeals (DOHA) issued a notice scheduling the hearing for June 24, 2025. The hearing

was held as scheduled using the Microsoft Teams video teleconference system. During the hearing, Department Counsel moved to amend the SOR by adding an additional allegation under Guideline F and Guideline E. I granted the motion without objection. Applicant was given the option to request an additional hearing to address the amendments to the SOR but did not do so. (Transcript (Tr.) 57-61; Hearing Exhibit (HE) II) Applicant responded to the SOR amendments on June 25, 2025. (HE II)

Department Counsel offered Government Exhibit (GE) 1 through GE 12. (HE I, Tr. 16-21) Applicant testified but offered no documentary evidence. The record was held open to permit Applicant to submit documentary evidence and he submitted Applicant Exhibit (AE) A through AE K. (HE III through HE VI) GE 1 through GE 12, AE A through AE G and AE I through K were admitted into evidence without objection. (HE III through HE VI) Department Counsel objected to AE H as untimely, but I overruled the objection and admitted AE H into evidence. (HE V) DOHA received the hearing transcript on July 3, 2025, and the record closed on September 18, 2025. (HE VI) My decision was delayed from October 1 through November 12, 2025, when all administrative judges were furloughed during a government shutdown due to a lapse in federal funding.

Findings of Fact

Applicant is 56 years old. He served on active duty in the Army from February 1992 to June 2015 and honorably retired as a sergeant first class (E-7). He made three deployments to Iraq for a total of three years from 2003 to 2010. He was awarded various decorations and awards including a Bronze Star medal and Combat Action Ribbon. He has been employed by a federal contractor as a field service technician since March 2016. He worked in Afghanistan and Iraq until about October 2018 and has worked in the United States since. He graduated from high school in 1988, completed numerous military schools, and earned several certifications. He has been married since 1989 and has two adult children and a 12-year-old. He has held a security clearance since about 1992. (GE 1, GE 2; Tr. 23-27, 65-71)

Financial Considerations and Personal Conduct

The SOR, as amended, alleges 12 delinquent debts, that Applicant failed to file federal income tax returns for tax year (TY) 2017 through TY 2025, and that he falsified material facts in his July 2022 SCA. In Applicant's responses to the SOR, as amended, he admitted all SOR allegations, with explanations. His admissions are incorporated in my findings of fact.

Applicant attributes his financial problems to his spouse's unemployment from 2017 to February 2025 due to chronic medical conditions; child custody litigation, adoption and childcare costs; the COVID-19 pandemic, his reduction in income since returning to the United States in October 2018 to care for his spouse and foregoing lucrative overseas job opportunities, and their failure to adjust spending habits after their income was reduced. In 2023 he contemplated filing for bankruptcy but decided not to. He withdrew about \$31,000 from his retirement account and borrowed about \$20,000 from a relative to pay his delinquent mortgage. His spouse returned to school in 2022 and

started a new job in February 2025, so they are in a better place financially. His priority is to file delinquent income tax returns and once his tax debt is determined, he plans to establish a payment plan with the IRS and then focus on resolving other delinquent debts. He said that if he loses his security clearance, he will lose his job. (SOR Response; GE 3 at 8-22; Tr. 22-65, 90-93; AE F)

The evidence concerning the specific SOR allegations is summarized below.

SOR ¶¶ 1.a-1.l allege delinquent debts totaling \$65,516. The delinquent debts include debts charged off for \$58,635, debts placed for collection for \$6,554, and one overdue debt of \$327. The debts alleged in the SOR are reflected in credit reports from December 2019, October 2020, May and September 2022, May and November 2023, September 2024, and June 2025. Applicant testified he has not made recent payments on the debts alleged in the SOR except through garnishment. Credit Reports from November 2023, September 2024 and June 2025 show all debts alleged in the SOR, except those debts alleged in SOR ¶¶ 1.e and 1.g, remained delinquent with last activity or last payment between 2019 and September 2022. (GE 5-GE 12; Tr. 27-55, 91-98)

Applicant testified he tried to make payments on some delinquent debts but that most of his payments were made pursuant to about five garnishment orders. He submitted evidence of four writs of garnishment entered against him since May 2022. From May 27 to November 25, 2022, \$8,887 was deducted from his wages for an unidentified debt with a remaining balance of \$4,380. (AE C) From April 14 to July 7, 2023, \$4,821 was deducted from his wages to satisfy a judgment for a delinquent debt not alleged in the SOR. (AE B, AE D) From May 10 to September 27, 2024, \$7,653 was deducted from his wages and satisfied a judgment for a delinquent debt of unclear origins. (AE A, AE E; Tr. 27-55) From August 1 to September 12, 2025, \$3,061 was deducted from his wages and reduced the outstanding balance of a wage garnishment for a delinquent debt of unclear origins to \$1,666. He reported the remaining balance would be paid within 30 days. (GE 2 at 22; AE I-K)

SOR ¶ 1.e. Credit Reports from November 2023 and September 2024 show this vehicle loan account was opened in October 2021, a last payment was made in August 2022, the account was charged off for \$31,440 and was past due for \$31,440. (GE 10 at 6, GE 11 at 2) A June 2025 credit report shows the debt was charged off for \$31,440, a last payment was made in September 2024, and it was past due for \$5,297. (GE 12 at 2) Applicant testified he took out about \$60,000 worth of auto loans in 2021 including this loan and that he was unable to make the required payments. He did not claim to have made any voluntary payments on this debt after it was charged off and there is no clear evidence this debt was subject of a garnishment proceeding. It is unclear from the evidence if the past due balance was reduced by voluntary payment(s), through garnishment or if the reduction in the past due balance reflects a deficiency balance after the vehicle was sold at auction or otherwise. (Tr. 53-55, 93-98; GE 2 at 21)

SOR ¶ 1.g. Credit Reports from November 2023, September 2024 and June 2025 show Applicant made regular payments on this debt including as recently as May 2025.

His payments brought the account current and reduced the balance from \$4,843 to \$3,652. (GE 10 at 7, GE 11 at 7, GE 12 at 7) This debt is being resolved.

Applicant reported making about \$200,000 per year while working overseas from 2016 to October 2018. After returning to the United States his gross annual income was reduced to about \$73,000. In January 2021 Applicant reported about \$3,800 in monthly discretionary funds after paying taxes, expenses and debts. (GE 3 at 15-16) In March 2023 he reported about \$2,000 in monthly discretionary funds after paying taxes, expenses and debts but told an investigator he probably underestimated some monthly payments and did not have \$2,000 in discretionary funds after expenses. He did not prepare a detailed budget as requested by a government investigator or submit one after the hearing. (Tr. 73; GE 3 at 18-20)

Applicant reported current monthly earnings of about \$10,000 from his civilian employment and military retired pay of about \$2,400. He receives about \$1,600 per month from the Department of Veterans Affairs (VA) based upon a 60 percent permanent disability rating. His spouse received about \$2,000 a month for housing from his VA educational benefits while she attended school. The gross annual income for the job she started in February 2025 is about \$100,000. Applicant has about \$2,500 in the bank and \$18,000 in his retirement account. He is current on his home mortgage which had a balance of \$220,104 as of June 2025, and believes he has substantial home equity. He received financial counseling in 1995 while in the Army and acknowledged that he should seek additional financial counseling. (GE 3, GE 12; Tr. 26-57, 67-68)

SOR ¶ 1.m: failed to timely file federal income tax returns, as required, for TY 2019 through TY 2025. At hearing and in response to the SOR, as amended, Applicant admitted the allegation. He testified that he planned to retain a certified public accountant (CPA) and to file his delinquent federal income tax returns soon. He attributed his failure to timely filing the returns to initially working overseas and assuming his wife filed required returns, but did not “have an excuse” for failing to file income tax returns after returning to the U.S. in October 2018. “I don’t have an answer...I know I need to do it and I’ve intended to do it [and] guess I was just trying to put it off and just take care of it all at once.” (Tr. 85-86) He believes that he may not ultimately have a tax debt because of the amount withheld from his pay. (Answer; Tr. 31-35, 45-46, 58-59, 77-91, 101) I find for Applicant with respect to that part of SOR ¶ 1.m alleging he has not timely filed his TY 2025 federal income tax return because that income tax return is not yet due.

Applicant submitted evidence he retained a CPA to prepare federal income tax returns for TY 2017 to TY 2024 after the hearing, and that the CPA expected to complete the returns in September 2025. (AE F-G) On September 9, 2025, Applicant reported “all my tax forms have been submitted and are complete and up to date[.]” (AE H at 1) He attached images of the first page of his IRS Form 1040 for TY 2017 and for TY 2019 through TY 2024. (AE H at 2, 4-9) He submitted an image of an undated and unsigned signature page of his IRS Form 1040 for TY 2018 that identified the CPA as paid preparer. (AE H at 3) On September 17, 2025, Applicant reported all tax filings were complete, said he intended to contact the IRS and that he believed anticipated refunds would exceed taxes due and would likely satisfy any outstanding tax debt. (AE I)

Applicant works in State A, which taxes personal income, and lives in State B, which does not tax personal income. State A withholds taxes from Applicant's paycheck. He does not believe that he owes overdue taxes to State A and believes that he should be able to get a refund for the taxes he has paid State A because he is not a resident of the state. After the hearing he submitted an image of an unsigned TY 2021 income tax return for State A dated August 4, 2025, that identified the CPA as paid preparer and indicated he owed \$33 in taxes. (Tr. 31-34, 89-91, 101; AE H at 10)

SOR ¶¶ 2.a and 2.b allege Applicant "falsified material facts in [his July 27, 2022 SCA] in response to questions asking, "Section 26 – Financial Record"

[2.a] Other than previously listed, have any of the following happened? In the last seven (7) years, you had bills or debts turned over to a collection agency?" and "In the last seven (7) years, you had any account or credit card suspended, charged off, or cancelled for failing to pay as agreed?" You answered, "No," and thereby deliberately failed to disclose that information set forth in subparagraphs 1.a. through 1.l., above; and]

[2.b] "In the last seven (7) years, have you failed to file or pay Federal, state or other taxes when required by law or ordinance?" You answered, "No," and thereby deliberately failed to disclose that information set forth in subparagraphs 1.m [sic], above.

Applicant admitted both SOR allegations. In his response to SOR ¶ 2.a, he explained "I was not aware of all of these being behind." During the hearing, he testified that he was not aware of most of the delinquent debts when he completed his July 2022 SCA because he had not reviewed his credit bureau report. In response to questions about why he did not disclose his failure to file federal income tax returns from TY 2017 to TY 2024, SOR ¶ 2.b, Applicant testified that "maybe I misread the question or – I don't have – don't have a reason." (Tr. 27-33, 45-46, 71-82)

In Applicant's April 2020 and July 2022 SCAs, he denied, in the last seven years, failing to file or pay federal taxes when required; having "bills or debts turned over to a collection agency [that he] had any account or credit card suspended, charged off, or cancelled for failing to pay as agreed." He also denied being more than 120 days delinquent on any debt and denied being a party in any public civil court action not listed elsewhere in the form "in the last ten (10) years" (GE 1 at 34-36, GE 2 at 31-33; Tr. 45-46, 71-88)

During an interview with a government investigator on January 15, 2021, Applicant was asked if he had any debts in the last seven years he had not disclosed in his April 2020 SCA. He volunteered that he had several recently identified financial issues but said he did not have specific information to provide. After the investigator confronted him with delinquent accounts shown in credit reports he acknowledged the debts were his. He told the investigator he did not list the debts in his SCA because he was not paying attention to his financial activities when he completed the SCA and did not know the name of the

creditors or account numbers. He said that he did not intend to omit the information or to mislead the investigation. (GE 2 at 8-15; Tr. 28)

On March 6, 2023, Applicant was interviewed by a government investigator. Weeks prior to the interview the investigator had asked him to prepare a budget including debts and monthly payments for use during the interview. Applicant did not prepare the requested budget and said he had been too busy and sick with COVID, and that he lost electrical power the weekend before the interview. During the interview he was asked to characterize his current financial situation, and he responded that it needs improvement. He said that he was delinquent on his mortgage, vehicle loan and household bills, and that he had other delinquent accounts but could not provide the status of those accounts. After being advised credit reports showed about \$46,679 in delinquent debt, he acknowledged the debts were his. He said that he could not afford to pay the debts, that his financial circumstances had worsened since his 2020 investigation and that he had not reviewed his credit report. When asked why he failed to disclose his financial problems in his July 2022 SCA, Applicant said he thought the request for him to complete another SCA in July 2022 was an error because he completed a background investigation in 2020 and did not think he needed to disclose his financial issues because they were fully addressed in the 2020 investigation. He said he did not intentionally omit his delinquent debts from his July 2022 SCA, that he did not have specific account information or a copy of his credit report, and that he was just lazy. (GE 2 at 18-22)

During the hearing Applicant was informed of the importance of providing documentary evidence regarding debt payments, income tax filings and payments, and of his efforts to address or resolve his debt and tax issues. (Tr. 71-88, 97-103)

Policies

“[N]o one has a ‘right’ to a security clearance.” *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). As Commander in Chief, the President has the authority to “control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information.” *Id.* at 527. The President has authorized the Secretary of Defense or his designee to grant applicants eligibility for access to classified information “only upon a finding that it is clearly consistent with the national interest to do so.” Exec. Or. 10865 § 2.

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the adjudicative guidelines. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, an administrative judge applies these guidelines in conjunction with an evaluation of the whole person. An administrative judge’s overarching adjudicative goal is a fair, impartial, and commonsense decision. An administrative judge must consider all available and reliable information about the person, past and present, favorable and unfavorable.

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. Decisions include, by necessity, consideration of the

possible risk that the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of classified information.

Clearance decisions must be made “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” Exec. Or. 10865 § 7. Thus, a decision to deny a security clearance is merely an indication the applicant has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance.

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The Government has the burden of establishing controverted facts alleged in the SOR. See *Egan*, 484 U.S. at 531. “Substantial evidence” is “more than a scintilla but less than a preponderance.” See *v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994). The guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant’s security suitability. See ISCR Case No. 15-01253 at 3 (App. Bd. Apr. 20, 2016).

Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. An applicant has the burden of proving a mitigating condition, and the burden of disproving it never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005). An applicant “has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance.” ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). “[S]ecurity clearance determinations should err, if they must, on the side of denials.” *Egan*, 484 U.S. at 531.

Analysis

Financial Considerations

The security concern under this guideline is set out in AG ¶ 18:

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. . . .

This concern is broader than the possibility that a person might knowingly compromise classified information to raise money. It encompasses concerns about a person’s self-control, judgment, and other qualities essential to protecting classified information. A person who is financially irresponsible may also be irresponsible,

unconcerned, or negligent in handling and safeguarding classified information. See ISCR Case No. 11-05365 at 3 (App. Bd. May 1, 2012).

Applicant's admissions and documentary evidence including credit reports establish the following disqualifying conditions under AG ¶ 19:

- (a) inability to satisfy debts;
- (c) a history of not meeting financial obligations;
- (e) consistent spending beyond one's means or frivolous or irresponsible spending, which may be indicated by excessive indebtedness, significant negative cash flow, a history of late payments or of non-payment, or other negative financial indicators; 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 following mitigating conditions under AG ¶ 20 are potentially applicable:

- (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; 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.

AG ¶ 20(d) is established for the debt alleged in SOR ¶ 1.g because Applicant made regular payments that brought the account current and reduced the account balance from \$4,843 to \$3,652.

None of the above conditions are established for the debts alleged in SOR ¶¶ 1.a to 1.f, and 1.h to 1.i. Applicant's delinquent debts are longstanding and ongoing. He submitted no evidence showing the debts were incurred under unusual circumstances or of any voluntary payments or other voluntary actions to resolve them. Although his spouse's chronic medical conditions and associated unemployment, and his underemployment were conditions beyond his control, there is insufficient evidence to conclude he acted responsibly under the circumstances or that his financial problems are being resolved or under control.

AG ¶¶ 20(a) and 20(g) are not fully established for the delinquent tax returns alleged in SOR ¶ 1.m. Applicant failed to timely file federal income tax returns for TY 2017 to TY 2024. The evidence a CPA prepared federal returns for TY 2017 to TY 2024 in early September 2025 was insufficient to determine whether the returns were complete or have been filed with the IRS. Applicant believes he is unlikely to owe overdue federal income taxes; however, there is no documentary evidence to support his claim. And there is no evidence he paid any overdue taxes for TY 2017 to TY 2024 or that he has made arrangements to do so.

Even if Applicant filed the delinquent federal income tax returns in September 2025, his eventual compliance with some of his tax filing obligations does not end the inquiry. A security clearance adjudication is not a tax-enforcement procedure. It is an evaluation of an individual's judgment, reliability, and trustworthiness. Failure to comply with tax laws suggests that an applicant has a problem with abiding by well-established government rules and systems. Voluntary compliance with rules and systems is essential for protecting classified information. See, e.g., ISCR Case No. 16-01726 at 5 (App. Bd. Feb. 28, 2018). A person who fails repeatedly to fulfill his or her legal obligations, such as filing tax returns and paying taxes when due, 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. 17-01382 at 4 (App. Bd. May 16, 2018).

Personal Conduct

The security concern for personal conduct is set out in AG ¶ 15, as follows:

Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes.

Applicant's admissions, July 2022 SCA responses, interview with a government investigator, and testimony establish the following disqualifying condition under AG ¶ 16:

(a) deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine national security eligibility or trustworthiness, or award fiduciary responsibilities.

The following mitigating conditions under AG ¶ 17 are potentially applicable:

(a) the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;

(c) the offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment; and

(d) the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that contributed to untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur.

AG ¶ 17(a) is not fully established for SOR ¶ 2.a. Applicant failed to prepare a budget showing debts as requested by a government investigator for use during a background interview in March 2023. He first disclosed some delinquent debts during the interview after being asked to describe his current financial circumstances and admitted other delinquent debts after being shown a credit bureau report. However, given his previous failure to disclose his delinquent debts in his April 2020 SCA and similar conduct during a January 2021 background interview, I find the evidence insufficient evidence to establish that his efforts to correct the omission were prompt or in good faith.

AG ¶ 17(a) is not established for SOR ¶ 2.b because Applicant did not disclose his failure to file federal income tax returns from TY 2017 to TY 2024 until the hearing.

AG ¶¶ 17(c) and 17(d) are not fully established. Falsification of an SCA is not "minor" because it "strikes at the heart of the security clearance process." ISCR Case No. 09-01652 (App. Bd. Aug. 8, 2011). Although Applicant acknowledged his behavior and the conduct alleged occurred about 3.5 years ago, the evidence is insufficient to conclude it occurred under circumstances unlikely to recur. Applicant also lied about his delinquent debts and failure to file federal income tax returns in his April 2020 SCA. Although he disclosed some delinquent debts during questioning by government investigators in January 2021 and March 2023, he did not disclose his failure to file federal income tax

returns from TY 2017 to TY 2024 until the hearing. His behavior continues to cast doubt on his reliability, trustworthiness, and judgment.

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.

Under AG ¶ 2(c), "[t]he ultimate determination" of whether to grant a security clearance "must be an overall common-sense judgment based upon careful consideration of the guidelines" and the whole-person concept. I have incorporated my comments under Guideline F in my whole-person analysis and applied the adjudicative factors in AG ¶ 2(d).

I considered Applicant's age, education, military history, employment history, security clearance history, and that his financial problems were caused, in part, by circumstances beyond his control. I considered that he is resolving one delinquent SOR debt and has paid several non-SOR debts through wage garnishment. I considered he hired a CPA to assist with filing delinquent income tax returns and recently may have filed all delinquent federal income tax returns, without providing sufficient documentary evidence to definitively evidence these filings. I also considered that he intentionally lied about his delinquent debts and failure to file federal income tax returns in his April 2020 SCA and again in his July 2022 SCA. I did not find his claims that he did not intentionally omit information about his delinquent debts or intend to mislead the investigation or his explanations why he did not disclose his failure to file federal income tax returns for eight years credible.

After weighing the disqualifying and mitigating conditions under Guidelines F and E and evaluating all the evidence in the context of the whole person, I conclude Applicant has not mitigated financial considerations and personal conduct security concerns. The record evidence leaves me with questions and doubts as to his eligibility and suitability for a security clearance.

This decision should not be construed as a determination that Applicant cannot or will not attain the state of reform necessary for award of a security clearance in the future. With more effort towards establishment of a track record of timely paying his debts, timely

filing income tax returns and paying income taxes when due, and truthfully answering SCA questions, he may well be able in the future to demonstrate persuasive evidence of his security clearance worthiness.

Formal Findings

Formal findings For or Against Applicant on the allegations set forth in the SOR, as required by Section E3.1.25 of Enclosure 3 of the Directive, are:

| | |
|--------------------------------|-------------------|
| Paragraph 1, Guideline F: | AGAINST APPLICANT |
| Subparagraphs 1.a through 1.f: | Against Applicant |
| Subparagraph 1.g: | For Applicant |
| Subparagraphs 1.h through 1.m: | Against Applicant |
| Paragraph 2, Guideline e: | AGAINST APPLICANT |
| Subparagraphs 2.a through 2.b: | Against Applicant |

Conclusion

I conclude that it is not clearly consistent with the national security interests of the United States to grant Applicant eligibility for access to classified information. Clearance is denied.

Eric C. Price
Administrative Judge