



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



In the matter of:

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ISCR Case No. 24-02022

Applicant for Security Clearance

Appearances

For Government: Erin Thompson, Esq., Department Counsel

For Applicant: *Pro se*

03/25/2026

Decision

HARVEY, Mark, Administrative Judge:

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

Statement of the Case

On September 18, 2023, Applicant completed a Questionnaire for National Security Positions (SF 86) or security clearance application (SCA). (Government Exhibit (GE) 1) On February 5, 2025, the Defense Counterintelligence and Security Agency (DCSA) issued a statement of reasons (SOR) to Applicant under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960); Department of Defense (DOD) Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Directive) (January 2, 1992), as amended; and Security Executive Agent Directive 4, establishing in Appendix A, the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (AGs), effective June 8, 2017. (Hearing Exhibit (HE) 1)

The SOR detailed reasons why DOHA did not find under the Directive that it is clearly consistent with the interests of national security to grant or continue a security clearance for Applicant and said his case will be submitted to an Administrative Judge for

a determination as to whether to grant, deny, or revoke his security clearance. Specifically, the SOR set forth security concerns arising under Guideline F. (HE 1) On February 25, 2025, Applicant responded to the SOR. (HE 2) On September 25, 2025, Department Counsel was ready to proceed. This decision was delayed when all administrative judges were furloughed from October 1 through November 12, 2025, during a federal government shutdown due to a lapse in federal funding. December 18, 2025, the case was assigned to me. On January 8, 2026, DOHA issued a notice setting the hearing for February 3, 2026. (HE 3) The hearing was held as scheduled, using the Microsoft Teams video teleconference system.

During the hearing, Department Counsel offered seven exhibits; Applicant offered one exhibit; and all proffered exhibits were admitted into evidence without objection, except for GE 3. (Tr. 16-20, 55; GE 1-GE 7; Applicant Exhibit (AE) A) Applicant objected to GE 3, records concerning his child-support arrearage. Applicant provided information about the history of his child-support arrearage, and he believed his arrearage was substantially less than depicted in the state's child-support arrearage summary. (Tr. 19-20) I overruled his objection and explained his comments went to the weight GE 3 receives. (Tr. 20) GE 3 depicted the arrearage at the time the state issued the report, and did not show the current arrearage. On February 17, 2026, DOHA received a copy of the transcript. Applicant submitted two post-hearing exhibits, which were admitted without objection. (AE B; AE C) The record closed on March 10, 2026. (Tr. 56-57)

Some details were excluded to protect Applicant's right to privacy. Specific information is available in the cited exhibits and transcript. Unless stated otherwise the source for the information in the findings of fact is Applicant's response to the SOR.

Findings of Fact

In Applicant's SOR response, he admitted the allegations in SOR ¶¶ 1.a through 1.n. (HE 2) His admissions are accepted as findings of fact. (HE 2)

Applicant is 59 years old, and he has worked for a DoW contractor for about three years. (Tr. 6, 24) In 1985, he graduated from high school. (Tr. 6) He has not attended college. (Tr. 6) From 1984 to 1987, Applicant served in the Air Force. (Tr. 7-8) He received a general discharge under honorable conditions. (Tr. 7) He is not receiving disability from the Department of Veterans Affairs. (Tr. 8-9) He has never married, and he has a 19-year-old daughter. (Tr. 9)

Financial Considerations

Applicant experienced financial problems because the COVID-19 pandemic caused cancellation of several contracts for his business. (Tr. 39-40) He also was underemployed or unemployed for a time. (Tr. 39-40) His current annual salary is about \$89,000. (Tr. 45-47; GE 2 at 25) His expenses are about the same as when he completed his personal financial statement (PFS), which indicates his monthly net remainder is \$791. (Tr. 46-47; GE 2 at 25) The only debt payment on his PFS is \$791 monthly for his \$40,000

truck debt. (GE 2 at 25) He has about \$24,000 in investment accounts, including his retirement account. (Tr. 50)

SOR ¶¶ 1.a and 1.b allege Applicant failed to file, as required, federal income tax (FIT) returns for at least tax years 2010 through 2023, and he failed to file, as required, state income tax (SIT) returns for at least tax years 2010 through 2023, respectively.

SOR ¶¶ 1.c and 1.d allege in about December 2019, Applicant was sentenced “to 179 days of imprisonment (suspended) for failing to make required child support payments,” and he is “currently delinquent on child support obligations in the approximate amount of \$14,497.47. [His] wages are currently being garnished in order to address the delinquency,” respectively.

Applicant said he stopped paying his taxes because the mother of his daughter was getting his tax refunds. (Tr. 29) He has not filed his tax returns since 2010. (Tr. 30) From 2006 to 2010 or 2011, his monthly child support was \$100 based on an agreement he had with his daughter’s mother. (Tr. 33) For about nine months in 2018, his monthly court-ordered child support was \$1,150 (\$1,100 for child support and \$50 for arrears); he moved closer to his daughter; he spent a more time with his daughter; and his monthly child support was reduced to \$450 (\$400 for child support and \$50 for arrears). (Tr. 30, 33, 35) As of February 5, 2025, he owed \$14,497 in child-support arrearage. (GE 2 at 26) His current monthly child support is \$450, and the entire payment is applied to his arrearage because his daughter is 19 years old. (Tr. 33) The state child-support agency provided a list of payments from July of 2024 through January of 2025, and he is making his monthly payments through a garnishment. (GE 2 at 29) When he started the monthly garnishment, he owed about \$17,000, and now he owes about \$11,000 in his child-support arrearage. (Tr. 36; GE 2 at 28; AE C)

The SOR alleges the following delinquent debts: ¶ 1.e is a debt for rent of about \$5,000; ¶ 1.f is a debt for about \$40,504; ¶¶ 1.g, 1.h, 1.i, 1.j and 1.n are accounts placed for collection for about \$644, \$147, \$167, \$393, and \$2,696, respectively; and ¶¶ 1.k, 1.l, and 1.m are charged-off debts for about \$55, \$486, and \$12,145, respectively. The \$12,145 debt is owed to a credit union.

Applicant paid some non-SOR debts, such as medical debts. (Tr. 41) He made payments on his truck (SOR ¶ 1.f) for about one year; however, he did not indicate when he made those payments. (Tr. 39, 42-43) Department Counsel asked him if he made any payments to the SOR creditors, and he said:

All these -- the credit card, the \$400 some credit card, I forget the name of the credit card. I called them and asked them if I could pay the whole thing on Thursday, but other than that, I haven’t made any attempts to pay any of the other medical bills or like I said, my rent. . . . I don’t have -- other than just taking care of my daughter and just trying to survive. And when I started with [the DoW contractor] I was so far behind. I was [delivering food] for a while, worked a couple of times with a couple friends of mine have an underground utility company, so I was digging holes, doing whatever they

asked me, so me and her could eat. So other than that, like I said in the beginning, I don't -- I'm not going to be able to dispute anything. . . . (Tr. 43)

Applicant concluded his presentation at his hearing with the following statement:

Well, I think I've pretty much told the truth, and you know, my situation is about 90 percent all my fault. Like I said, I would never compromise my country or my company. I love America and I make no excuses for my financial situation. It's on me, but I love my job. I love working with airplanes. Take care of my daughter still. And I'm trying. I need to try harder, I know, but I need this job. I need to get my logs sent down the river. . . . I think I've been pretty open. I can say and tell you how much I love my country all day all day long and I would never sell it out, but I understand the situation that I'm in and I need to get that fixed, but I love my company. I love my job and I would never do that. (Tr. 51-54)

On March 10, 2026, Applicant sent an email, which said, "I've begun the tax filing process. . . [and contacted a tax return preparation company]. I'm still locating back W-2's." (AE B) He said he paid the creditor in SOR ¶ 1.i (\$486), and the creditor in SOR ¶ 1.f (\$40,504) agreed to let him pay off his truck for \$8,493. (AE B) He said he is doing everything he can to get all his tax issues current and pay his penalties. (AE B)

Character Evidence

A friend, who is a retired Air Force Chief Master Sergeant, has known Applicant for more than 11 years. (AE A) He said in his email:

[Applicant is] an excellent member of our community. He has held multiple officer positions in [a patriotic ancestry organization and] has raised [t]housands of dollars to support nonprofit organizations. His outgoing personality and dedication to God and Country has been a driving force as the go to person in the [organization]. He is of excellent character and someone that can be trusted and relied upon. (AE A)

Policies

The U.S. Supreme Court has recognized the substantial discretion of the Executive Branch in regulating access to information pertaining to national security emphasizing, "no 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 War or his designee to grant applicant's 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, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended.

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, these guidelines are applied 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, 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 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 "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." See Exec. Or. 10865 § 7. Thus, nothing in a decision should be construed to suggest that it is based on any express or implied determination about applicant's allegiance, loyalty, or patriotism. An unfavorable decision is merely an indication the applicant has not met the strict guidelines the President, Secretary of War, and Director of National Intelligence 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. 95-0611 at 2 (App. Bd. May 2, 1996).

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 ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his [or her] security clearance." ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). The burden of disproving a mitigating condition never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005). "[S]ecurity clearance determinations should err, if they must, on the side of denials." *Egan*, 484 U.S. at 531; see AG ¶ 2(b).

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 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 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), requiring additional inquiry about the possible applicability of mitigating conditions. Discussion of the disqualifying conditions is contained in the mitigation section, *infra*.

The financial considerations mitigating conditions under AG ¶ 20, which may be applicable in this case 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; 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.

The Appeal Board in ISCR Case No. 10-04641 at 4 (App. Bd. Sept. 24, 2013) 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 *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 experienced some circumstances partially or fully beyond his control, that adversely affected his finances. Underemployment, unemployment, and loss of

business during the COVID-19 pandemic harmed his finances. However, “[e]ven if [an applicant’s] financial difficulties initially arose, in whole or in part, due to circumstances outside his [or her] control, the [administrative judge] could still consider whether [the applicant] has since acted in a reasonable manner when dealing with those financial difficulties.” ISCR Case No. 05-11366 at 4 n.9 (App. Bd. Jan. 12, 2007) (citing ISCR Case No. 03-13096 at 4 (App. Bd. Nov. 29, 2005); ISCR Case No. 99-0462 at 4 (App. Bd. May 25, 2000); ISCR Case No. 99-0012 at 4 (App. Bd. Dec. 1, 1999)). He did not present sufficient evidence that he acted responsibly under the circumstances with respect to the financial issues in the SOR. AG ¶ 20(b) is partially established.

Non-tax debts. SOR ¶¶ 1.d through 1.n allege 11 delinquent debts totaling more than \$70,000, including about \$40,000 for his truck, \$5,000 for his rent, \$14,000 in child-support arrearage, and \$12,000 owed to a credit union. He said he paid the debt in SOR ¶ 1.i for \$486, and I have credited him with mitigating this debt.

Applicant is making excellent progress in the payment of his child-support arrearage, and he said it is reduced from about \$17,000 to about \$11,000. See ISCR Case No. 20-03457 at 3-4 (App. Bd. June 15, 2023). Payment of a debt “through garnishment rather than a voluntary effort diminishes its mitigating force.” *Compare* ISCR Case No. 08-06058 at 4 (App. Bd. Aug. 26, 2010) *with* ISCR Case No. 04-07360 at 2-3 (App. Bd. Sept. 26, 2006) (payment of two of four debts through garnishment did not bar mitigation of financial considerations concerns). See *also* ISCR Case No. 09-05700 at 4 (App. Bd. Feb. 24, 2011) (garnished payments towards delinquent tax debts are not mitigating information in light of other factors); ISCR Case No. 08-06058 at 6 (App. Bd. Sep. 21, 2009) (remanding the case to the administrative judge and stating when addressing an IRS garnishment, “On its face, satisfaction of a debt through the involuntary establishment of a creditor’s garnishment is not the same as, or similar to, a good-faith initiation of repayment by the debtor.”). I have credited Applicant with mitigation of the child-support debt and suspended jail sentence in SOR ¶¶ 1.c and 1.d; however, Applicant loses some mitigating credit under the adjudicative guideline and the whole-person concept because he did not clearly establish that he voluntarily repaid these debts.

In ADP Case No. 23-00547 at 3 (App. Bd. Apr. 23, 2024), the DOHA Appeal Board said:

[A]n applicant must act responsibly given his or her circumstances and develop a reasonable plan for repayment, accompanied by concomitant conduct even if it may only provide for the payment of debts one at a time. ISCR Case No. 07-06482 at 3 (App. Bd. May 21, 2008). What constitutes responsible behavior depends on the facts of a given case and the fact that an applicant’s debts will not be paid off for a long time, in and of itself, may be of limited security concern. ISCR Case No. 09-08462 at 4. Relevant to the equation is an assessment as to whether an applicant acted responsibly given [his or] her limited resources. See, e.g., ISCR Case No. 08-06567 at 3-4 (App. Bd. Oct 29, 2009).

“[U]ntil an applicant has a meaningful financial track record, it cannot be said as a matter of law that he has initiated a good-faith effort to repay overdue creditors or otherwise resolved debts. The phrase ‘meaningful track record’ necessarily includes evidence of actual debt reduction through payment on debts.” ISCR Case No. 22-02226 at 2 (App. Bd. Oct. 27, 2023) (citing ISCR Case No. 05-01920 at 5 (App. Bd. Mar. 1, 2007)).

A security clearance adjudication is not a debt-collection procedure. It is designed to evaluate an applicant’s judgment, reliability, and trustworthiness. See ISCR Case No. 09-02160 (App. Bd. Jun. 21, 2010). Applicants are not required “to be debt-free in order to qualify for a security clearance. Rather, all that is required is that an applicant act responsibly given his or her circumstances and develop a reasonable plan for repayment, accompanied by ‘concomitant conduct’ that is, actions which evidence a serious intent to effectuate the plan.” ISCR Case No. 15-02903 at 3 (App. Bd. Mar. 9, 2017) (denial of security clearance remanded) (citing ISCR Case No. 13-00987 at 3, n.5 (App. Bd. Aug. 14, 2014)). There is no requirement that an applicant make payments on all delinquent debts simultaneously, nor is there a requirement that the debts alleged in the SOR be paid first. See ISCR Case No. 07-06482 at 2-3 (App. Bd. May 21, 2008).

Applicant has taken meaningful actions to address three SOR issues, and I have credited him with mitigation of SOR ¶¶ 1.c, 1.d, and 1.i. He has not established mitigation of the other debts in SOR ¶¶ 1.e through 1.k, 1.m, and 1.n.

FIT and SIT issues. SOR ¶¶ 1.a and 1.b allege Applicant failed to file, as required, FIT and SIT returns for at least tax years 2010 through 2023. There is substantial evidence of the disqualifying condition in AG ¶ 19(f) with respect to these two allegations.

Failure to timely file FIT and SIT returns. Applicant did not provide sufficient justification for not timely filing tax returns for TYs 2010 through 2023. On March 10, 2026, he said he contacted a tax return preparation company for assistance, and he needed to collect additional tax documentation before his tax returns could be filed. Currently, I can not find that he will file the overdue FIT and SIT returns in the near future.

A willful failure to timely make (means complete and file with the IRS) a FIT return is a misdemeanor-level federal criminal offense. Title 26 U.S.C. § 7203, willful failure to file return or supply information, reads:

Any person . . . required by this title or by regulations made under authority thereof to make a return, keep any records, or supply any information, who willfully fails to . . . make such return, keep such records, or supply such information, at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor. . . .

A willful failure to make return, keep records, or supply information when required, is a misdemeanor offense without regard to the existence of any tax liability. *Spies v. United States*, 317 U.S. 492 (1943); *United States v. Walker*, 479 F.2d 407 (9th Cir. 1973); *United States v. McCabe*, 416 F.2d 957 (7th Cir. 1969); *O’Brien v. United States*, 51 F.2d

193 (7th Cir. 1931). For purposes of this decision, I am not considering Applicant's failure to timely file his FIT returns against him as a crime. In regard to the failure to timely file his FIT and SIT returns, the Appeal Board has commented:

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).

ISCR Case No. 14-04437 at 3 (App. Bd. Apr. 15, 2016) (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).

The Appeal Board in ISCR Case No. 15-01031 (App. Bd. June 15, 2016) explained that in some situations, even if no taxes are owed when tax returns are not timely filed, grant of access to classified information is inappropriate. In that case, the applicant filed his 2011 FIT return in December 2013, his 2012 FIT return in September 2014, and his 2013 FIT return in October 2015. He received FIT refunds of at least \$1,000 for each year. Nevertheless, the Appeal Board reversed the administrative judge's decision to grant access to classified information.

The Appeal Board clarified that even in instances where an "[a]pplicant has purportedly corrected [his or her] federal tax problem, and the fact that [applicant] is now motivated to prevent such problems in the future, does not preclude careful consideration of [a]pplicant's security worthiness in light of [his or her] longstanding prior behavior evidencing irresponsibility" including a failure to timely file income tax returns. See ISCR Case No. 15-01031 at 3 & n.3 (App. Bd. June 15, 2016) (characterizing "no harm, no foul" approach to an applicant's course of conduct and employing an "all's well that ends well" analysis as inadequate to support approval of access to classified information with focus on timing of filing of tax returns after receipt of the SOR).

In ISCR Case No. 15-06440 at 4 (App. Bd. Dec. 26, 2017), the Appeal Board reversed the grant of a security clearance, discussed how AG ¶ 20(g) applied, and noted:

The timing of the resolution of financial problems is an important factor in evaluating an applicant's case for mitigation because an applicant who

begins to resolve financial problems only after being placed on notice that his clearance was in jeopardy may lack the judgment and self-discipline to follow rules and regulations over time or when there is no immediate threat to his own interests.

Applicant did not prove that he was unable to make greater progress sooner in the filing of his delinquent tax returns and establishing payment plans on more of his SOR debts. Under all the circumstances, and considering the evidence “as a whole,” Applicant’s failures regarding filing his FIT and SIT returns and resolving his delinquent debts are not mitigated.

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. My comments under Guideline F are incorporated in my whole-person analysis. Some of the factors in AG ¶ 2(d) were addressed under that guideline but some warrant additional comment.

Applicant is 59 years old, and he has worked for a DoW contractor for about three years. In 1985, he graduated from high school. From 1984 to 1987, Applicant served in the Air Force. He received a general discharge under honorable conditions. A friend, who is a retired Air Force Chief Master Sergeant, described Applicant as an excellent member of his community. “His outgoing personality and dedication to God and Country has been a driving force as the go to person in [a patriotic organization]. He is of excellent character and someone that can be trusted and relied upon.” (AE A)

The evidence against grant of a security clearance is detailed in the financial considerations section, *supra*, and this evidence is more substantial than the evidence of mitigation.

It is well settled that once a concern arises regarding an applicant’s security clearance eligibility, there is a strong presumption against granting a security clearance.

See *Dorfmont*, 913 F. 2d at 1401. “[A] favorable clearance decision means that the record discloses no basis for doubt about an applicant’s eligibility for access to classified information.” ISCR Case No. 18-02085 at 7 (App. Bd. Jan. 3, 2020) (citing ISCR Case No.12-00270 at 3 (App. Bd. Jan. 17, 2014)).

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 resolution of his financial issues, he may well be able to demonstrate persuasive evidence of his security clearance worthiness.

I have carefully applied the law, as set forth in *Egan*, Exec. Or. 10865, the Directive, the AGs, and the Appeal Board’s jurisprudence to the facts and circumstances in the context of the whole person. Applicant failed to mitigate financial considerations security concerns.

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 and 1.b:	Against Applicant
Subparagraphs 1.c and 1.d:	For Applicant
Subparagraphs 1.e through 1.k:	Against Applicant
Subparagraph 1.l:	For Applicant
Subparagraphs 1.m and 1.n:	Against Applicant

Conclusion

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

Mark Harvey
Administrative Judge