



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



In the matter of:)	
)	
)	ISCR Case No. 25-00640
)	
Applicant for Security Clearance)	

Appearances

For Government: William H. Miller, Esq., Department Counsel
For Applicant: *Pro se*

04/20/2026

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 July 3, 2024, Applicant completed an Electronic Questionnaires for Investigations Processing (e-QIP) or security clearance application (SCA). (Government Exhibit (GE) 1) On June 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 DCSA 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 July 9, 2025, Applicant responded to the SOR. (HE 2) On August 28, 2025, Department Counsel was ready to proceed. On December 19, 2025, the case was assigned to me. On January 20, 2026, DOHA issued a notice setting the hearing for March 9, 2026. (HE 3) The hearing was held as scheduled, using the Microsoft Teams video teleconference system.

During the hearing, Department Counsel offered six exhibits; Applicant did not offer any exhibits; and all proffered exhibits were admitted into evidence without objection. (Tr. 10-11, 17-19; GE 1-GE 6) On March 27, 2026, DOHA received a copy of the transcript. Applicant provided I received two post-hearing exhibits from Applicant; they were admitted into evidence without objection; and the record closed on April 10, 2026. (Tr. 48-49; Applicant Exhibit (AE) A (tax returns filed); AE B (Applicant's statement))

Some details were excluded to protect Applicant's right to privacy. Specific information is available in the cited exhibits and transcript.

Findings of Fact

In Applicant's SOR response, he admitted the allegations in SOR ¶¶ 1.a through 1.g. (HE 2) He also provided extenuating and mitigating information.

Applicant is a 36-year-old assembler who has been employed by a Department of War (DoW) contractor for three years. (Tr. 6, 9, 21) In 2007, he graduated from high school. (Tr. 6) He completed about three semesters of college, and he does not have a degree. (Tr. 7) He has not served in the military. (Tr. 7) In 2022, he married, and his three children are ages 3, 4, and 12. (Tr. 7) One child lives with him full time, and the other two children live with him part time. (Tr. 7) He does not have any court-ordered child support obligations. (Tr. 7) His annual starting pay with his current employer was \$56,000, and his current annual pay is \$76,000. (Tr. 22-23) He also earns about \$27,000 annually from two part-time jobs. (Tr. 24, 26) His spouse's annual salary is about \$38,000. (Tr. 25) He provides some financial support to his sister and about \$400 monthly to the mother of two of his children. (Tr. 22-28) He has about \$50,000 in retirement accounts. (Tr. 44)

Financial Considerations

The SOR alleges five delinquent debts totaling about \$15,900, and unfiled federal income tax (FIT) and state income tax (SIT) returns for tax years (TY) 2018 through 2023. Their status is as follows:

SOR ¶ 1.a alleges Applicant has a charged-off debt for about \$3,516. In his July 9, 2025 SOR response, he admitted the debt and said "A payment plan has not been made yet, but I will begin making payments soon. The goal is to knock off each debt 1 by 1." (HE 2) This debt is reflected in his March 2, 2026 credit bureau report (CBR). (GE 6

at 2) At his hearing, he said he had not contacted the creditor nor made any payments to address this debt. (Tr. 30)

SOR ¶ 1.b alleges Applicant has a charged-off debt for about \$1,306. In his July 9, 2025 SOR response, he admitted the debt and said he is making \$75 monthly payments. (HE 2) He provided a receipt showing a \$100 payment on April 21, 2025, a \$75 payment on May 22, 2025, and a \$75 payment on June 24, 2025. (HE 2) At his hearing, he said he made three additional \$75 payments in the three months before his hearing. (Tr. 30-31) His March 2, 2026 CBR shows a balance of \$706. (GE 6 at 2-3)

SOR ¶ 1.c alleges Applicant has a charged-off debt for about \$7,994. Applicant's vehicle had mechanical problems and was later repossessed. (Tr. 31-33) In his SOR response, he said he was making \$50 weekly payments. (HE 2) He provided a receipt showing that from May to July 2025, he made payments totaling \$400. (HE 2) At his hearing, he said he made payments totaling \$600 in the three months before his hearing. (Tr. 33) He missed the \$200 payment in February of 2026; however, he made the \$200 payment in March of 2026. (Tr. 33-34)

SOR ¶ 1.d alleges Applicant has a charged-off debt for about \$2,694. In his SOR response, he said he was making \$158 monthly payments, and his last payment would be on December 7, 2025. (HE 2) He provided a receipt indicating he paid \$3,893 on a lease, and a balance of \$2,424 remained. (HE 2) He made a \$158 payment on August 7, 2025. (HE 2) He said he made additional payments, and there is a \$50 balance on the account. (Tr. 35)

SOR ¶ 1.e alleges Applicant has an account placed for collection for about \$395. In his July 9, 2025 SOR response, he said this debt was cleared. (HE 2) He provided a receipt dated June 12, 2025, which indicated he paid \$48, and the debt was resolved. (Tr. 35-36; HE 2; GE 6 at 1)

SOR ¶¶ 1.f and 1.g allege Applicant failed to file, as required, FIT and SIT returns for TYs 2018 through 2023, respectively.

In Applicant's July 3, 2024 SCA he disclosed he did not file his FIT and SIT returns for TY 2018, and he said, "I didn't meet the deadline to file and I let it get past me." (GE 1 at 39) He estimated he owed \$500 and said, "I have contacted the IRS and set up a payment plan to clear the debts of the years that I owe." *Id.* He did not mention the tax returns for TYs 2019 to 2022 on his SCA. During his September 3, 2024 Office of Personnel Management background interview, Applicant said he had not filed his tax returns for TYs 2018 through 2023; he was working with a tax-return preparer; and he expected to have all tax returns filed by the end of 2024. (GE 3 at 3)

In his July 9, 2025 SOR response, Applicant said his tax-return preparer suggested it would cost \$300 or more to prepare his returns, and he planned to take care of most of his debts before addressing his taxes. (HE 2) At his hearing, he said he was working with a tax-return preparer to get his tax returns filed. (Tr. 37) He has not provided all of the necessary W-2s to enable the tax-return preparer to file his tax returns. (Tr. 46) He and his spouse file their tax returns as married filing separately. (Tr. 42) He has not filed his

TY 2024 tax returns. (Tr. 44) His spouse has filed her tax returns for TYs 2018 through 2023. (Tr. 42)

After his hearing, Applicant provided information from his tax preparer that he had filed all of his FIT and SIT returns, except for TY 2022, and he received information that his refunds and amounts owed were approximately equal. (AE A) He said:

I am having trouble getting my 2022, but once I get it from my employer, I will submit that year as well. I spoke with [the creditor in SOR ¶ 1.d] and was told that my total balance was settled and I don't owe them anything else. They are supposed to send over a letter stating such. I also forgot to mention during the hearing that my wife lost her job about 2 years ago and didn't regain employment until December of last year. That played a role in some financial issues due to me carrying the full weight of the household with 2 kids as well. All my other accounts are set to payment plans and I intend on paying them off early. (AE B)

Applicant has a non-SOR debt for traffic infractions for \$2,800. (Tr. 38-39) He made the first \$150 payment to address this debt. (Tr. 39) He plans to make \$150 monthly payments to address this debt. (Tr. 39)

Applicant had a vehicle-repair debt for \$2,334. (Tr. 40) He has a payment plan with a balance of about \$1,400. (Tr. 40) He started \$60 monthly payments in March 2026. (Tr. 40)

Applicant read a financial book, and he received financial counseling from this source. (Tr. 43) His March 2, 2026 CBR shows five paid accounts and seven satisfactory accounts. (GE 6 at 1)

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 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. An unfavorable decision should not be construed to suggest that it is based, in whole or in part, on any express or implied determination about an applicant’s allegiance, loyalty, or patriotism. It 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. Sept. 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).

Non-Tax debts. The SOR alleges five delinquent debts totaling about \$15,900. 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. June 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 his SOR debts. He paid one debt, and he is making payments on three SOR debts. He said he resolved the debt in SOR ¶ 1.d after his hearing, however, he did not provide proof of resolution. Applicant’s March 2, 2026 CBR shows five paid accounts and seven satisfactory accounts. (GE 6 at 1) He is addressing several non-SOR debts for vehicle repairs and traffic infractions.

AG ¶¶ 20(b) and 20(d) apply to all of his debts. Applicant’s spouse was unemployed for about two years, which is a circumstance beyond his control which damaged his finances. Applicant has three jobs. His CBRs show a track-record of paying most of his debts. Financial considerations security concerns are mitigated in regard to SOR ¶¶ 1.a through 1.e.

Tax issues. Applicant failed to file, as required, FIT and SIT returns for TYs 2018 through 2023. At the time of the close of the evidentiary record, those tax returns were filed, except for TY 2022.

SOR ¶ 20(b) does not apply to his failures to timely file his FIT and SIT returns because he did not act responsibly under the circumstances with respect to his failure to timely file tax returns.

A willful failure to timely make (meaning 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 FIT 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). 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 ISCR Case No. 15-01031 (App. Bd. June 15, 2016), 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 FIT 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's overall handling of his taxes from 2019 to present leaves lingering security concerns. See ISCR Case No. 24-02104 at 2 (App. Bd. Jan. 26, 2026) (affirming denial of security clearance and noting despite some mitigation under AG ¶ 20(g) that evidence as a whole did not support mitigation).

In ISCR Case No. 06-10320 at 2 (App. Bd. Nov. 7, 2007), the Appeal Board said:

The application of disqualifying and mitigating conditions and whole-person factors does not turn simply on a finding that one or more of them apply to the particular facts of a case. See, e.g., ISCR Case No. 01-14740 at 7 (App. Bd. Jan. 15, 2003). Thus, the presence of some mitigating evidence does not alone compel the Judge to make a favorable security clearance decision. As the trier of fact, the Judge must weigh the evidence as a whole and decide whether the favorable evidence outweighs the unfavorable evidence, or vice versa.

Applicant did not prove that he was unable to make greater progress sooner in the filing of his overdue tax returns. Under all the circumstances, and considering the evidence "as a whole," Applicant's failures regarding his FITs and SITs 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 a 36-year-old assembler who has been employed by a DoW contractor for three years. He has completed about three semesters of college. In 2025 and 2026, he made some progress on the establishment of his financial responsibility. He filed all overdue tax returns, except for TY 2022, in 2026, which is an important step in the mitigation of security concerns.

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. Applicant’s failure to take timely, prudent, responsible, good-faith actions regarding his FIT and SIT issues raises unmitigated questions about his reliability, trustworthiness, and ability to protect classified information. See AG ¶ 18.

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)).

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.

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 his financial responsibility, he may well be able 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.e:	For Applicant
Subparagraphs 1.f and 1.g:	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