DEFENSE LEGAL SERVICES AGENCY
DEFENSE OFFICE OF HEARINGS AND APPEALS

In the matter of:))) ISCR Case No. 25-01267) Applicant for Security Clearance)

Appearances

For Government: Cindy Ruckno, Esq., Department Counsel
For Applicant: *Pro se*

07/17/2026

Decision

HARVEY, Mark, Administrative Judge:

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

Statement of the Case

On May 8, 2024, Applicant completed a security clearance application (SCA). (Government Exhibit (GE) 1) On March 6, 2026, 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 stated his case would be submitted to an Administrative

Judge for a determination whether to grant, deny, or revoke his security clearance. Specifically, the SOR set forth security concerns arising under Guidelines F and E. (HE 1) On March 14, 2026, Applicant responded to the SOR and requested a hearing. (HE 2) On April 27, 2026, Department Counsel was ready to proceed. On May 4, 2026, the case was assigned to me. On May 12, 2026, DOHA issued a notice scheduling the hearing for June 10, 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; there were no objections; and all proffered exhibits were admited into evidence. (Tr. 17-18, GE 1-GE 6) Applicant said he might provide his federal income tax return (FIT) for tax year (TY) 2018 after his hearing. (Tr. 12) On June 23, 2026, DOHA received a copy of the transcript. The record closed on July 10, 2026. (Tr. 57, 60) Applicant did not provide any exhibits after his hearing.

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.i, 2.a, and 2.b. (HE 2)

Applicant is a 35-year-old materials specialist, and he has been working for a government contractor for two years. (Tr. 7, 9) In 2009, he graduated from high school, and he completed two semesters of college. (Tr. 7) He has not served in the military. (Tr. 8) He has never married, and his two children are ages eight and 11. (Tr. 8) He does not have any court-ordered child support responsibilities; however, he does provide some voluntary support for his children. (Tr. 8)

Financial Considerations

Applicant was unemployed for about 10 months from late 2018 to 2019. (Tr. 39) He had multiple changes of employment several years ago. The SOR lists seven non-tax delinquent debts totaling $16,516. Three credit bureau reports from 2024 to 2026 support the existence of the delinquent debts listed in the SOR. (GE 4-6) The status of the SOR debts is as follows:

SOR ¶ 1.a alleges, and Applicant admits that he has a charged-off credit union debt (CU) for about $192. (HE 2) He said the debt was from an overdraft, and it is unpaid. (Tr. 20-21) He plans to contact the CU soon and pay the debt. (Tr. 21-22)

SOR ¶ 1.b alleges, and Applicant admits that he has a debt placed for collection for about $63. (HE 2) He owes the debt and plans to pay it. (Tr. 22-23)

SOR ¶ 1.c alleges, and Applicant admits that he has an account placed for collection for about $632. He owes the debt, and he has not contacted the creditor. (Tr. 23)

SOR ¶ 1.d alleges, and Applicant admits that he has an account placed for collection for about $371. (HE 2) This is a cable company debt, which probably resulted from equipment that was not returned. (Tr. 24-25) He has not paid the debt; however, he may be able to return the equipment and resolve the debt. (Tr. 25)

SOR ¶ 1.e alleges, and Applicant admits that he has an account placed for collection for about $12,496. (HE 2) He signed a lease to enable the mother of his children to have a place to stay, and he was unable to pay the rent. (Tr. 28-29) The creditor offered to settle the debt for $8,000 and provided a payment plan. (Tr. 30) He has not agreed to the payment plan. (Tr. 30-31)

SOR ¶ 1.f alleges, and Applicant admits that he has an account placed for collection for about $2,444. (HE 2) He received cell phones; he did not pay for them; and he did not return the cell phones. (Tr. 31-32) He has not taken any action to resolve the debt. (Tr. 32)

SOR ¶ 1.g alleges, and Applicant admits that he has a charged-off account for about $318. He borrowed about $250, and he did not make any payments. (Tr. 32) He has not taken any action to resolve the debt. (Tr. 33)

SOR ¶¶ 1.h and 1.i allege, and Applicant admits that he failed to file, as required, FIT and state income tax (SIT) returns for the TYs 2018, 2019, 2020, 2021, and 2023. (HE 2) He said he did not have any reason for not filing these five years of tax returns. (Tr. 34-35) He noted that several years ago he was moving between several different jobs. (Tr. 40) About six weeks before his hearing, he started working with a tax preparer to prepare his unfiled FIT and SIT returns. (Tr. 45) He said that his FIT and SIT returns for TY 2018 were filed, and he had a tax preparer working on the tax returns for the other TYs. (Tr. 35) He owed about $9,764 for TY 2018. (Tr. 36) He is in the midst of preparing and filing his tax returns for TYs 2023, 2024, and 2025. (Tr. 44-45) He might not have been required to file a 2019 tax return because his unemployment may have kept his income below the IRS income threshold to require a filing. (Tr. 57) However, he did not know the amount of income he had in TY 2019. (Tr. 57)

SOR ¶ 1.j alleges, and Applicant admits that he is indebted for delinquent FIT for about $24,864 for TYs 2013, 2015, 2017, and 2022. Starting in 2013, he failed to withhold sufficient funds from his income to pay his FIT when due. (Tr. 41) From about 2014 to about 2017, he had an IRS payment plan. (Tr. 41-42) The IRS deferred payments when he was unemployed in TY 2019. (Tr. 43) After the IRS deferment ended, he did not resume his IRS payment plan. (Tr. 43) On September 29, 2025, the IRS issued a letter stating that he owes the FIT of $24,864 for the following TYs: 2013 ($4,773); 2015 ($2,794); 2017 ($5,591); and 2022 ($11,706) (GE 2 at 16) One reason his recent FIT debt is of a greater magnitude for TY 2022 is he withdrew $26,343 from his 401(k) account. (Tr. 36, 43-44)

Personal Conduct

SOR ¶ 2.a alleges, and Applicant admits that he falsified material facts on his May 8, 2024 SCA about leaving his employment in 2024. It alleges that he said his reason for quitting was "wanting better pay," and thereby he deliberately failed to disclose that he was fired after testing positive for marijuana in about February of 2024. (Tr. 47; HE 2)

Applicant passed a drug test for preemployment screening. (Tr. 47-48) He was using CBD gummies, which contained tetrahydrocannabinol (THC) for a few years. (Tr. 49, 51) He purchased CBDs about once a week, and he spent about a hundred dollars a month on the gummies. (Tr. 50-51) He did not have a security clearance when he tested positive for marijuana. (Tr. 49) He stated that he left employment because he wanted better pay, and he was very embarrassed and upset. (Tr. 52) He was aware that he was providing a false answer to the question at the time he completed the SCA. (Tr. 52)

SOR ¶ 2.b alleges, and Applicant admits that he deliberately falsified material facts on his May 8, 2024 SCA about use of illegal drugs controlled substances. It alleges he denied use of illegal drugs and controlled substances and deliberately failed to disclose that he had used marijuana with varying frequency since April of 2004.

Applicant said he smoked marijuana up until 2018, and he used CBDs as indicated in the discussion of SOR ¶ 2.a, *supra*. (Tr. 53-54) He acknowledged that he should have answered, "Yes" to the question in SOR ¶ 2.b. (Tr. 54) He answered, "No" because he did not use harder drugs such as cocaine and heroin. (Tr. 55)

On November 19, 2024, a government background investigator interviewed Applicant. The summary of interview states:

> Subject was queried regarding his reason for termination. Subject advised that [at] the end of February 2024, he was selected for a random drug screening. A few weeks later, Subject received a phone call from the drug screening facility that he had THC in his system. The drug screening facility also notified [his employer] of the results. Subject received an email from his supervisor [name omitted], stating that he was being terminated for failing a drug test.
>
> Subject was queried [about] why he listed the reason for quitting as he wanted a better paying job, [instead of stating that] he quit after being told he was fired. Subject advised that he was not being deceptive but did not list the truth. Subject could not provide any other reason. . . . Subject did not have any other details to provide regarding his termination.

* * *

> DEVELOPED THC USE: While discussing Subject's termination from [his employment], he disclosed that he failed a drug test. Subject was queried about his drug use in the last seven years. From 2017 to 2018, Subject used marijuana every other day. He used marijuana in a joint. Marijuana gave him a sense of euphoria.
>
> PURCHASE OF THC: Subject advised that between 2017 to 2018 he purchased marijuana ten to twenty times and paid $20.00 each time. . . . From 2018 to the end of March 2024, Subject consumed CBD gummies two to three times a month on the weekends. Subject used oil drops and gummies. Subject would consume two to three gummies each use. . . . Subject purchased CBD gummies at [name omitted]. He spent $100.00 a month for CBD gummies. Subject stopped using marijuana and CBD because he wants to have a career with the government, and he knows he is not allowed to use marijuana and CBD. . . . Subject has not failed any other drug test. In the future, Subject intends to never use any illegal drugs including marijuana or CBD. Subject has not grown, sold, cultivated, or manufactured any illegal drugs. Subject does not feel as if he was dependent on drugs. Subject has not misused prescription medication. Subject has not incurred any financial hardship due to his use of illegal drugs. (GE 2 at 3-4)

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 Defense 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. Thus, nothing in an unfavorable decision should be construed to suggest that it is based on any express or implied determination about an 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 Defense, 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, 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 an applicant's responsibility for proving the applicability of mitigating conditions is 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).

The SOR alleges, and Applicant admits that he has seven non-tax delinquent debts totaling $16,516. He has not made any payments, paid, or otherwise resolved any of the seven non-tax delinquent debts. The SOR also alleges, and Applicant admits that he failed to file, as required, FIT and SIT returns for TYs 2019, 2020, 2021, and 2023. He filed the TY 2018 tax returns shortly before his hearing. On September 29, 2025, the IRS issued a letter stating he owes the FIT of $24,864 for the following TYs: 2013 ($4,773); 2015 ($2,794); 2017 ($5,591); and 2022 ($11,706). These FIT debts are not being addressed with a current payment plan.

AG ¶ 20(a) does not apply to the SOR allegations. "It is also well established that an applicant's ongoing, unpaid debts [and history of not timely filing tax returns and paying taxes] demonstrate a continuing course of conduct and can be viewed as recent for purposes of the Guideline F mitigating conditions." ISCR Case No. 22-02226 at 2 (App. Bd. Oct. 27, 2023) (citing ISCR Case No. 15-06532 at 3 (App. Bd. Feb. 16, 2017)).

AG ¶ 20(b) does not fully apply. Applicant had periods of unemployment and changes in employment. These circumstances adversely affected his income; however, they do not fully mitigate his tax issues. He did not provide good enough reasons or other circumstances partially or fully beyond his control, which caused him not to make any payments on his SOR debts and not to timely file and pay required FIT and SIT for such long periods of time.

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 and file 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. Regarding 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); ISCR Case No. 14-01894 at 4-5 (App. Bd. Aug. 18, 2015).

Applicant's failures to timely file FIT and SIT returns for TYs 2024 and 2025 are not alleged in the SOR. The failures to timely file these two tax returns will not be considered for disqualification purposes; however, they will be considered in the mitigation assessment and under the whole-person concept.

AG ¶ 20(g) is not applicable. Applicant does not have a current payment plan with the IRS. He has owed delinquent FIT since 2014 (for TY 2013). He may owe additional FIT and SIT when his tax returns are all filed. Applicant failed to prove that he took sufficient timely, prudent, responsible, and good-faith actions regarding payment of his FIT and SIT from TY 2013 to present. His financial behavior over multiple years raises unmitigated questions about his reliability, trustworthiness, and ability to protect classified information. Under all the circumstances, and considering the evidence "as a whole," Applicant's failures regarding his FIT and SIT issues and seven delinquent non-tax debts are not mitigated at this time.

Personal Conduct

AG ¶ 15 explains why personal conduct is a security concern stating:

> 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.

AG ¶ 16 provides one personal conduct condition that could raise a security concern in this case:

> (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; and

AG ¶ 16(a) is established. SOR ¶¶ 2.a and 2.b allege, and the record establishes, that Applicant falsified material facts in his May 8, 2024 SCA in his responses to two questions. He did not provide accurate information about his termination from employment in February of 2024, and about his history of marijuana or THC use.

Mitigating Conditions

AG ¶ 17 provides one condition that could mitigate security concerns in this case, "(a) the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts."

After Applicant falsified his SCA on May 8, 2024, he had an opportunity to disclose the facts when he had his November 19, 2024 background interview, and he did disclose the correct information about being fired and involvement with illegal drugs before he was confronted with the facts. This disclosure during his November 19, 2024 SCA background interview implicates AG ¶ 17(a). In ISCR Case No. 22-02601 at 5-6 (App. Bd. Feb. 22, 2024) (reversing denial of security clearance), the Appeal Board discussed application of AG ¶ 17(a). The Appeal Board said:

> The words "prompt" and "good faith" are not defined in the Guidelines, and the Board has declined to establish a bright line definition of either term as they relate to Guideline E. We have, however, interpreted "prompt" to mean acting within a reasonable time. . . . Turning to the second element of the mitigating condition, the concept of "good faith" requires a showing that a person acts in a way that reflects reasonableness, prudence, honesty, and adherence to duty or obligation. Just as with the term "prompt," what constitutes a "good faith" effort will depend on the particular facts of the case.
>
> Applicants have a duty to provide full, frank, and truthful answers to relevant and material questions during a security clearance investigation. Directive ¶ 6.2. It is preferable that applicants self-report any omission, falsification, or concealment of requested information through the appropriate channel sooner versus later. We are aware of no DoD rule, however, that imposes an obligation or duty on an applicant to self-disclose an SCA omission at a particular time or through a particular channel outside of the investigation and adjudication processes. Absent evidence that an applicant had such a formal duty, his or her correction of the omission at the initial security clearance interview, done prior to being confronted with the information, should be afforded significant weight in mitigation. . . . Applicant's decision to wait what was ultimately seven weeks to report the omission during her interview was not in conflict with any known duty to self-report, was reasonable considering the circumstances, and amounts to a prompt, good-faith correction that should have been afforded mitigation under AG ¶ 17(a).

Id. (citations modified).

AG ¶ 17(a) applies to SOR ¶¶ 2.a and 2.b. Personal conduct security concerns related to the falsification of his May 8, 2024 SCA are 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 commonsense judgment based upon careful consideration of the guidelines" and the whole-person concept. My comments under Guidelines F and E are incorporated in my whole-person analysis. Some of the factors in AG ¶ 2(d) were addressed under those guidelines but some warrant additional comment.

Applicant is a 35-year-old materials specialist, and he has been working for a government contractor for two years. In 2009, he graduated from high school, and he completed two semesters of college.

The evidence supporting denial of Applicant's security clearance is detailed in the financial considerations section, *supra,* and this evidence is more persuasive 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)).

I have carefully applied the law, as set forth in *Egan*, *Dorfmont*, 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 mitigated personal conduct security concerns; however, he 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 continued effort to establish and maintain his financial responsibility and conscientious compliance with rules, such as providing full and accurate information in response to questions on his SCA, 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.i:	Against Applicant
Paragraph 2, Guideline E:	FOR APPLICANT
Subparagraphs 2.a and 2.b:	For 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