**DEFENSE LEGAL SERVICES AGENCY**
**DEFENSE OFFICE OF HEARINGS AND APPEALS**

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| In the matter of: | ) | |
| | ) | |
| | ) | ISCR Case No. 24-02360 |
| | ) | |
| Applicant for Security Clearance | ) | |

**Appearances**

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

07/23/2026

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**Decision**

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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 February 28, 2024, Applicant completed a security clearance application (SCA). (Government Exhibit (GE) 1) On September 17, 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 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 Guideline F. (HE 1) On September 25, 2025, Applicant responded to the SOR and requested a hearing. (HE 2) On March 5, 2026, Department Counsel was ready to proceed. On March 19, 2026, the case was assigned to me. On May 6, 2026, DOHA issued a notice scheduling the hearing for May 12, 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 admitted into evidence. (Tr. 9, 16-19, GE 1-GE 6) On May 12, 2026, DOHA received a copy of the transcript. The record closed on July 15, 2026. (Tr. 78-79) He 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.m, 1.o through 1.q, and 1.s through 1.u. (HE 2) He denied SOR ¶¶ 1.n, 1.r, and 1.v. He also provided mitigating information.

Applicant is a 39-year-old operating engineer who performs facility maintenance, and he has been working for a government contractor for 30 months. (Tr. 6, 8) In 2006, he graduated from high school. (Tr. 7) He has not attended college or served in the military. (Tr. 7) In 2006, he married, and in 2016, he was divorced. (Tr. 7, 38) His three children are ages 15, 17, and 18. (Tr. 7)

### Financial Considerations

Applicant lives with his grandmother in a residence owned by his uncle, and he takes care of her because she has dementia. (Tr. 27, 29) He provides some financial assistance to support his grandmother. (Tr. 29)

Applicant was unemployed for about six weeks at the end of 2023 because he caught COVID. (Tr. 33) His gross salary is from about $52,000 to about $61,000. (Tr. 35-36) He saves about $500 monthly. (Tr. 37) He intends to obtain financial counseling and eventually resolve his SOR debts. (Tr. 67) He would have filed for bankruptcy; however, he was worried about the negative impact on his security clearance. (Tr. 67) He has about $3,000 in his savings account, and he is considering whether to use some of his savings to pay or start payments to address some of his delinquent SOR debts. (Tr. 68)

When he was divorced in 2016, Applicant took responsibility for all of the marital debt; his spouse did not work outside their home; and he was making $12 an hour. (Tr. 40)

The SOR lists 15 non-tax delinquent debts totaling $48,901. Three credit bureau reports (CBRs) from 2024 to 2026 support the existence of the delinquent debts listed in the SOR. (Tr. 41-42; GE 4-6; HE 2) He has not made any payments to address any of the SOR debts, except for the child support debt. More information about the status of the SOR debts and financial issues is as follows:

SOR ¶ 1.a alleges, and Applicant admits that he failed to timely file, as required, Federal income tax (FIT) returns for tax years (TYs) 2018 through 2023. He filed his FIT returns for TYs 2018 through 2023, except for TY 2021, around April 24, 2025. SOR ¶ 1.a alleges that as of the date of this SOR his FIT for TY 2021 remained unfiled.

Applicant's August 25, 2025 IRS tax transcripts for TYs 2018 through 2023, except for TY 2021, indicate he filed those FIT returns on April 24, 2025. (Tr. 47-48; GE 2) For TY 2021, the IRS tax transcript states, "no tax return filed." (GE 2)

Applicant said he believed all of his FIT returns were filed. (Tr. 46-47) He said the completed returns were available, and he was asked to provide them after his hearing. (Tr. 47)

SOR ¶¶ 1.b through 1.f allege, and Applicant admits he is indebted to the Federal Government for delinquent FIT in the amounts: TY 2018 ($1,839); TY 2019 ($2,214); TY 2022 ($5,771); TY 2023 ($4,165); and TY 2024 ($152), respectively. Applicant agreed that the IRS said he owed these amounts; however, he said he did not understand how or why he owed those amounts. (Tr. 49-50) He said the IRS told him he owed "30-something thousand dollars"; however, Applicant believed that was more than he actually owed. (Tr. 47) It is unclear how he could owe "30-something thousand dollars," to the IRS when these five accounts total $14,141. He may owe FIT from previous tax years; however, this possibility is speculative at this time. He did not provide correspondence from the IRS showing the amounts the IRS was seeking from him.

SOR ¶ 1.g alleges, and Applicant admits he failed to file, as required, state income tax (SIT) returns for TYs 2018 through 2023. He said all SIT returns are filed. (Tr. 50-51) He heard from the state that he might owe some SIT; however, he was unclear about how much he might owe. (Tr. 51) He did not provide correspondence from the SIT authority showing the amounts the SIT authority was seeking from him.

SOR ¶ 1.h alleges, and Applicant admits he has a charged-off debt for $29,252. He said he had a vehicle which was voluntarily repossessed. He replaced the repossessed vehicle with a less-expensive vehicle to reduce his monthly vehicle payments by $300 from the amount needed for the monthly payment when he owned the repossessed vehicle. (Tr. 24-27, 53-54) He has not made any payments to address this debt. (Tr. 53-54) He is current on his payments for the new vehicle. (GE 6) He said after he pays off all of his child support responsibilities, he intends to address this debt. (Tr. 53-54)

SOR ¶ 1.i alleges, and Applicant admits he has a charged-off debt for $6,621. He said the debt resulted from a vehicle loan. (Tr. 54-57) The vehicle had serious mechanical problems, and he no longer has the vehicle. (Tr. 55)

SOR ¶ 1.j alleges, and Applicant admits that he has a child support debt placed for collection for about $3,419. His current monthly child support payment is $800. (Tr. 32, 41) At his hearing, he said he has paid down his outstanding child support arrearage from about $3,419 to $1,369. (Tr. 30; GE 6) He has not missed any payments for the last two years. (Tr. 57) He pays the amount the state requires him to pay. (Tr. 30-32) The payments are taken out of his paycheck. (Tr. 57) His May 11, 2026 CBR lists the debt in SOR ¶ 1.j with a balance of $1,369. (GE 6 at 3-4)

SOR ¶¶ 1.k, 1.l, 1.m, 1.o, 1.p, and 1.u allege, and Applicant admits he has six medical accounts, which were placed for collection for about $1,751, $1,636, $1,458, $658, $658, and $663 respectively. He said he had several medical issues and went to the emergency room for treatments. (Tr. 58, 65) He acknowledged that he had an obligation to pay these debts even if they were dropped from his credit report. (Tr. 59) His May 11, 2026 CBR lists the debts in SOR ¶ 1.k, 1.m, 1.o, and 1.p (GE 6 at 3-4); however, it does not list the SOR medical debts in 1.l and 1.u. (GE 6)

SOR ¶ 1.n alleges, and Applicant owed a telecommunications debt for $1,324. He denied he owed the debt because he returned the equipment. (Tr. 44-45; HE 2) He said he disputed the debt several times. (Tr. 60) His May 11, 2026 CBR does not list this debt. (GE 6)

SOR ¶ 1.q alleges, and Applicant admits he has a charged-off debt for about $497. He said he overdrew his bank account. (Tr. 61)

SOR ¶ 1.r alleges Applicant has a telecommunications debt for $300. He denied responsibility for the debt. He said his former girlfriend told him that she returned the telecommunications equipment, and he believed her. (Tr. 44, 61-63; HE 2) His May 11, 2026 CBR does not list this debt. (GE 6)

SOR ¶ 1.s alleges, and Applicant admitted the debt in his SOR response for an account placed for collection for about $183. (HE 2) At his hearing, he said he did not recognize the debt, and he disputed his responsibility for it. (Tr. 64) His May 11, 2026 CBR lists the debt in SOR ¶ 1.s. (GE 6 at 4)

SOR ¶ 1.t alleges, and Applicant admitted the debt in his SOR response for an account placed for collection for $149. At his hearing, he said the creditor increased the cost for his vehicle insurance, and he terminated the contract. (Tr. 65) He disputed his responsibility for the debt. (Tr. 65) His May 11, 2026 CBR does not list this debt. (GE 6)

SOR ¶ 1.v alleges Applicant has a telecommunications debt for $332. At his hearing, he said he was not responsible for the debt because he returned the equipment. (Tr. 44-45, 66; HE 2) His May 11, 2026 CBR does not list this debt. (GE 6)

The record was held open until July 15, 2026, to enable Applicant to provide evidence that he filed his FIT return for 2021, information about his SIT debt, and any other evidence he wanted to submit. (Tr. 71-72, 79)

## 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 an 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 15 non-tax delinquent debts totaling $48,901. Applicant made payments on his child support debt, which is SOR ¶ 1.j for $3,419, and he is credited with mitigation of this debt.

Some SOR debts were disputed and removed from his CBR. Others may have been removed from his credit report even though they were not disputed. The Appeal Board in ISCR Case No. 14-03612 at 3 (App. Bd. Aug. 15, 2015) said:

> A credit report, in and of itself, may not be sufficient to meet an applicant's burden of persuasion as to mitigation, insofar as it provides little evidence regarding the underlying circumstances of the debt. *See, e.g.,* ISCR Case No. 08-11735 at 2 (App. Bd. Sep. 21, 2010). The fact that a debt no longer appears on a credit report does not establish any meaningful, independent evidence as to the disposition of the debt. Indeed, even if a credit report states that a debt has been paid, that fact alone does not, in and of itself, resolve concerns arising from the dilatory nature of an applicant's response to his debts or other circumstances that detract from an applicant's judgment and reliability.

*See also* ISCR Case No. 21-00261 2-3 (App. Bd. June 6, 2022) ("the absence of unsatisfied debts from an applicant's credit report does not extenuate or mitigate an overall history of financial difficulties or constitute evidence of financial reform or rehabilitation"); ISCR Case No. 14-05803 at 3 (App. Bd. July 7, 2016) (citing ISCR Case No. 14-03612 at 3 (App. Bd. Aug. 25, 2015)). The Fair Credit Reporting Act requires removal of most negative financial items from a credit report seven years from the first date of delinquency or the debt becoming collection barred because of a state statute of limitations, whichever is longer. *See* Title 15 U.S.C. § 1681c. Debts may be dropped from a credit report upon dispute when a creditor believes the debt is not going to be paid, a creditor fails to timely respond to a CBR's request for information, or when the debt has been charged off. There may be other reasons a disputed debt may be dropped from a CBR that does not show meaningful mitigation.

Applicant said telecommunications equipment was returned for the three accounts in SOR ¶¶ 1.n ($1,324), 1.r ($300), and 1.v ($332), and these debts were disputed and removed from his most recent credit report. I have credited him with mitigation of these three SOR allegations. He also disputed a vehicle insurance debt in SOR ¶ 1.t ($149), and this debt is mitigated. This leaves 10 non-tax delinquent SOR debts totaling $43,377. He has not made any payments, paid, or otherwise resolved any of the 10 non-tax delinquent SOR debts. He did not give good enough reasons for not making any progress on any of these 10 debts in the last 30 months.

The SOR also alleges, and Applicant admits that he failed to **timely** file, as required, FIT and SIT returns for TYs 2018 through 2023. He filed his FIT returns for TYs 2018 through 2023, except for TY 2021, on or about April 24, 2025, which is not timely. He said he filed the FIT return for TY 2021, and he was provided time after his hearing to provide the FIT return for TY 2021; however, he did not provide proof of filing. He provided IRS tax transcripts which show he owes the IRS about $14,000 in FIT, and he was unsure about how much he owes for SIT.

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 was divorced and had significant child support responsibilities, periods of unemployment, and underemployment. These circumstances adversely affected his income and available funds; however, they do not fully mitigate his financial and 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 for the last 30 months when he was working for his current employer and not to timely file tax returns and to pay required FIT and SIT or at least to start payment plans.

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).

AG ¶ 20(g) is not applicable. Applicant does not have a current payment plan with the IRS. He has owed delinquent FIT since 2019 (for TY 2018). He may owe additional FIT and SIT because tax debts continue to accrue interest charges. Applicant failed to prove that he took sufficient timely, prudent, responsible, and good-faith actions regarding payment of his FIT and SIT from TY 2019 to present. He has 10 non-tax delinquent SOR debts totaling $43,377. 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 10 delinquent non-tax SOR debts are not mitigated at this time.

**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 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 39-year-old operating engineer who performs facility maintenance, and he has been working for a government contractor for 30 months. I found Applicant to be a credible witness.

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 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 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:

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| Paragraph 1, Guideline F: | AGAINST APPLICANT |
| Subparagraphs 1.a through 1.i: | Against Applicant |
| Subparagraphs 1.j, 1.n, 1.r, 1.t, and 1.v: | For Applicant |
| Subparagraphs 1.k, 1.l, 1.m, 1.o, 1.p, 1.q, 1.s, and 1.u: | 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