DEFENSE LEGAL SERVICES AGENCY
DEFENSE OFFICE OF HEARINGS AND APPEALS

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| In the matter of: | ) | |
| | ) | |
| | ) | ISCR Case No. 25-01184 |
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| | ) | |
| Applicant for Security Clearance | ) | |

**Appearances**

For the Government: Brittany White, Esq., Department Counsel
For Applicant: *Pro se*

07/22/2026

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**Decision**

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NAGEL, Jeff A., Administrative Judge:

Applicant did not mitigate the security concerns under Guidelines E (Personal Conduct), F (Financial Considerations), and J (Criminal Conduct). Eligibility for access to classified information is denied.

**Statement of the Case**

Applicant submitted his latest Questionnaire for National Security Positions on June 6, 2024 (Questionnaire). On December 31, 2025, the Defense Counterintelligence and Security Agency (DCSA) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline F (Financial Considerations); Guideline J (Criminal Conduct and Guideline E (Personal Conduct). The action was taken under Executive Order 10865, *Safeguarding Classified Information Within Industry* (February 20, 1960), as amended; Department of Defense (DoD) Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) effective within DoD after June 8, 2017.

On January 13, 2026, Applicant responded to the SOR in writing (Answer) and requested a hearing before an administrative judge. The department counsel was prepared to proceed on March 27, 2026. The case was assigned to me on April 6, 2026. The Defense Office of Hearings and Appeals (DOHA) issued a Notice of Hearing on May 3, 2026, scheduling the Hearing for June 3, 2026. Applicant failed to appear, so the case was rescheduled.

I convened the hearing as rescheduled on June 30, 2026. The Government called no witnesses and submitted Government Exhibits (GE) 1 through 10, which I admitted into evidence without objection. Applicant testified on his own behalf, called no witnesses, and submitted no evidence. I left the record open until July 10, 2026, in order for him to submit post-hearing exhibits, if he chose. Applicant did not submit any documents and the record closed as scheduled. DOHA received the electronic transcript of the hearing (TR) on July 9, 2026

## Findings of Fact

Applicant is 32 years old and is self-trained in Information Technology. He also possesses several certificates in the field. He worked for a defense contractor until being terminated in April of 2026. Applicant is subject to recall. He is single with no children. Applicant has a history of financial problems which date back prior to his relocation from San Diego, California to Hawaii. (Tr. at 16-18, GE 1)

The SOR alleges under paragraph one that Applicant has fifteen consumer account debts in the approximate amount of $47,500, consisting of a vehicle repossession, collections, and charge-offs. The SOR also alleges the Applicant failed to file, as required, both Federal and State income tax returns for tax years 2020 through 2023, and is subject to a State of California tax lien in the approximate amount of $2,284. In his Answer, Applicant admitted to all the allegations.

The SOR alleges under paragraph two that Applicant was arrested on or about October 14, 2023, and charged with cyberstalking and cyber harassment, and was arrested in May of 2020 and charged with domestic disorderly conduct.

The SOR alleges under paragraph three that Applicant falsified material facts on his June 6, 2024, Questionnaire under Section 22: POLICE RECORD; Applicant answered, “NO”, to all questions and failed to disclose that he was arrested in both May of 2020 and October of 2023. He also failed to disclose under Section 26: FINANCIAL RECORD that he failed to file state and Federal tax returns from about 2020 through about 2023.

The Applicant did not provide any documentation that could be seen as extenuating or mitigating for any of the Guidelines.

Appellant has a history of financial problems which date well over 10 years. Right after Applicant graduated high school he ended up investing heavily in Bitcoin assuming it was going to continue going up. “I was young. And those decisions kind of messed everything up.” Applicant admitted during his testimony that he has not paid off, made payment arrangements, or even reached out to any of the creditors listed on the SOR. Applicant also stated that he has not filed his Federal or state taxes and he still has not paid on his California State tax lien, GE 6-9. (Tr. at 19, 20)

**GUIDELINE F: SOR Financial Considerations**

The following debts were cited in the SOR:

a. Applicant is indebted on an account placed for collection in the approximate amount of $15,708.00. Applicant has not paid on this debt or contacted the creditor to make payment arrangements. This debt remains delinquent. (Tr. at 20, GE’s 3, 6-9)

b. Applicant is indebted on an account placed for collection in the approximate amount of $10,408.00. Applicant has not paid on this debt or contacted the creditor to make payment arrangements. This debt remains delinquent. (Tr. at 20, GE’s 3, 6-9)

c. Applicant is indebted on an account placed for collection in the approximate amount of $6,964.00. Applicant has not paid on this debt or contacted the creditor to make payment arrangements. This debt remains delinquent. (Tr. at 20, GE’s 3, 6-9)

d. Applicant is indebted on an account placed for collection in the approximate amount of $4,366.00. Applicant has not paid on this debt or contacted the creditor to make payment arrangements. This debt remains delinquent. (Tr. at 20 GE’s 3, 6-9)

e. Applicant is indebted on an account placed for collection in the approximate amount of $2,437.00. Applicant has not paid on this debt or contacted the creditor to make payment arrangements. This debt remains delinquent. (Tr. at 20, GE’s 3, 6-9)

f. Applicant is indebted on an account placed for collection in the approximate amount of $1,441.00. Applicant has not paid on this debt or contacted the creditor to make payment arrangements. This debt remains delinquent. (Tr. at 20, GE’s 3, 6-9)

g. Applicant is indebted on an account placed for collection in the approximate amount of $1,415.00. Applicant has not paid on this debt or contacted the creditor to make payment arrangements. This debt remains delinquent. (Tr. at 20, GE’s 3, 6-9)

h. Applicant is indebted on an account that has been charged off in the approximate amount of $1,166.00. Applicant has not paid on this debt or contacted the creditor to make payment arrangements. This debt remains delinquent. (Tr. at 20, GE’s 3, 6-9)

i. Applicant is indebted on an account placed for collection in the approximate amount of $719.00. Applicant has not paid on this debt or contacted the creditor to make payment arrangements. This debt remains delinquent. (Tr. at 20, GE’s 3, 6-9)

j. Applicant is indebted on an account placed for collection in the approximate amount of $540.00. Applicant has not paid on this debt or contacted the creditor to make payment arrangements. This debt remains delinquent. (Tr. at 20, GE’s 3, 6-9)

k. Applicant is indebted on an account that has been charged off in the approximate amount of $527.00. Applicant has not paid on this debt or contacted the creditor to make payment arrangements. This debt remains delinquent. (Tr. at 20, GE’s 3, 6-9)

l. Applicant is indebted on an account that has been charged off in the approximate amount of $477.00. Applicant has not paid on this debt or contacted the creditor to make payment arrangements. This debt remains delinquent. (Tr. at 20, GE’s 3, 6-9)

m. Applicant is indebted on an account that has been charged off in the approximate amount of $415.00. Applicant has not paid on this debt or contacted the creditor to make payment arrangements. This debt remains delinquent. (Tr. at 20, GE’s 3, 6-9)

n. Applicant is indebted on an account placed for collection in the approximate amount of $355.00. Applicant has not paid on this debt or contacted the creditor to make payment arrangements. This debt remains delinquent. (Tr. at 20, GE’s 3, 6-9)

o. Applicant is indebted on an account placed for collection in the approximate amount of $55.00. Applicant has not paid on this debt or contacted the creditor to make payment arrangements. This debt remains delinquent. (Tr. at 20, GE’s 3, 6-9)

p. Applicant failed to file, as required, Federal income tax returns for the tax years 2020 through 2023. As of the date of Applicant’s hearing, the tax returns remain unfiled and unpaid. (Tr. at 20, GE 10)

q. Applicant failed to file, as required, state income tax returns for the tax years 2020 through 2023. As of the date of Applicant’s hearing, the tax returns remain unfiled and unpaid. (Tr. at 20, GE 10)

r. Applicant is indebted on a state tax lien filed against him on about September 18, 2024, in the approximate amount of $2,284.00. As of the date of Applicant’s Hearing, this lien remains unpaid. (Tr. at 20, GE 10)

**GUIDELINE J: SOR Criminal Conduct**

At his hearing Applicant testified that he was only trying to help out someone he knew from elementary school and when she felt he was standing in the way of her drug use she filed the charges against him. Regardless of whether the Applicant was "trying to help" or whether charges were dismissed Applicant's conduct was still egregious and was less than three years ago. (Tr. at 25, 26)

Appellant testified during his Hearing:

> **Applicant** - But pretty much the totality of that situation was there was an individual that I have known from elementary school, and she was an amazing singer, pretty much. If you went around town in Rhode Island, in Providence, everybody would be like, are you Faith? You're that singer. Because she used to sing. And, anyways, crazy, crazy crap. I had come home and visited family. Next thing I know, this person is -- after it's been five years -- she's a junkie. My parents are Catholics. They go to church every single Sunday. My dad opens the door, every door for my mom. And, so, my dad -- they're still married. So, like, I was like, what can I do to help this girl? So, I did my best to try to help her. She was homeless. I let her live with me. I was like, crap, you know, I was homeless for a period in Hawaii. And needless to say, I got in the way of her addiction to the point where she kind of just turned against me. And, I kind of went overboard too because I was really fearing for her life. And, then, it was crazy because at the same exact time, my best friend died. … **Administrative Judge** - It's very difficult. Terrible. So, with this Cyber Stalking and Harassment, did she end up filing charges against you, calling the Police and filing charges? **Applicant** - Yeah. And, then, they – eventually it all got dismissed. (Tr. at 25, 26)

The May of 2020, charge of domestic disorderly conduct for an "altercation" between Applicant and his father transpired over different views about the COVID virus. The circumstances of the "altercation" and the fact that over six years has transpired fall in Applicant's favor. (Tr. at 28-30)

> **Administrative Judge** - Okay. Now, there's another charge here, North Smithfield, Rhode Island. In 15 May of 2020, what's this charge with Domestic Disorderly Conduct? **Applicant** - Yeah. So, pretty much this was during the COVID debacle. And my dad kind of was in the house for a really long time. And me and him weren't getting along. And, I was trying to tell him like my views on the thing. Like, dad, it's not real, things like that. And he kept on saying like, things like he was going to die, like if he dies. And I got -- my views are like, dad, just turn the TV off. Just don't watch this stuff. And he was really into the COVID thing. And I was just trying to tell him like, it's not real, like my personal views. And, then eventually, things got better over the years. But, at that time, he was upset because I was hanging out

> with my friends during that time. And he was thinking that he was going to die because I was going to bring COVID home. **Administrative Judge** - So, you're going out unmasked, doing whatever you wanted to do, which I'm not going to hold that against you. A lot of people did that. But your father was probably one of these guys was panicked about it. So, this caused agitation between you two? **Applicant** - Yeah. Yeah. He was a little panicked. My mom was trying to tell him too. But he was a little panicked. You know, I mean, it surprised me because he's, he's an independent individual. He's not -- he doesn't usually pick left or right or watch the news like crazy -- but the news got ahold of him. … **Administrative Judge -** This Disorderly Domestic, did you and your father have a physical altercation? What happened? **Applicant** - No. Pretty much, I was just -- I think I was -- I was yelling and then I was -- and then he kind of just -- I don't know. I think he kind of just had like this moment of teaching me a lesson for, you know, the rest of my life. I mean, because he always said that when I was younger, his method of kicking us out of the house would be calling the cops. (Tr. at 29, 30)

**GUIDELINE E: SOR Personal Conduct**

Applicant answered, “No,” to the question under Section 22: POLICE RECORD; He failed to disclose that he was arrested in both May of 2020 and October of 2023. He also answered, “No,” to the question under Section 26: FINANCIAL RECORD; He failed to disclose that he had not filed, as required both his state and Federal tax returns from about 2020 through about 2023. (GE 1)

Applicant testified regarding his arrests that he thought since his charges were expunged, he did not have to put them down. (Tr. at 31)

> **Applicant -** So, the reason why I said I never did was because I was under the assumption that after you get something expunged, it kind of just evaporates or just disintegrates as if it never even happened. I was thinking that if this is expunged, then it never happened. **Administrative Judge -** So, you didn't think you had to put it down? **Applicant -** Yeah. I figured it was expunged. So, like, by definition, it would be, you know, all records destroyed. (Tr. at 30, 31)

## Policies

This case is adjudicated under DoD Manual 5200.02 (Manual), which became effective on April 3, 2017, and the adjudicative guidelines (AG), which became effective on June 8, 2017. When evaluating an Applicant’s suitability for a security clearance, the administrative judge must consider the adjudicative guidelines. In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are to be used in evaluating an Applicant's eligibility for access to classified information.

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, administrative judges apply the guidelines in conjunction with the factors listed in the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(c), the entire process is a conscientious scrutiny of a number of variables known as the "whole-person concept." The administrative judge must consider all available, reliable information about the person, past and present, favorable, and unfavorable, in making a decision.

The objective of the security clearance process is the fair-minded, commonsense assessment of a person's life to make an affirmative determination that the person is eligible for a security clearance. Indeed, the adjudicative process is a careful weighing of a number of variables in considering the "whole-person" concept. It recognizes that we should view an Applicant by the totality of his or her acts, omissions, motivations, and other variables. Each case must be adjudged on its own merits, taking into consideration all relevant circumstances, and applying sound judgment, mature thinking, and careful analysis. No unfavorable personnel security clearance or access determination may be made without granting the individual concerned the procedural benefits set forth in the Manual.

In all adjudications, the protection of the national security is the paramount consideration. Therefore, any doubt concerning personnel being considered for access to classified information is resolved in favor of national security.

## Analysis

### GUIDELINE F, Financial Considerations

The security concern for financial considerations is set out in AG ¶ 18:

> Failure to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. 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 guideline notes several conditions that could raise security concerns under AG ¶ 19. The following are potentially applicable 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 security concerns are established by the credit reports, interrogatories, and Appellant's admissions. AG ¶¶ 19(a), 19(c), and 19(f) apply.

Conditions that could mitigate the financial considerations security concern are provided under AG ¶ 20. The following are potentially applicable:

(a) the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;

(b) the conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, a death, divorce, or separation, clear victimization by predatory lending practices, or identity theft), and the individual acted responsibly under the circumstances;

(c) the individual has received or is receiving financial counseling for the problem from a legitimate and credible source, such as a non-profit credit counseling service, and there are clear indications that the problem is being resolved or is under control;

(d) the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts; and

(f) the individual has made arrangements with the appropriate tax authority to file or pay the amount owed and is in compliance with those arrangements.

Applicant failed to establish mitigation. His financial issues began years ago, are ongoing, and he has taken absolutely no action to resolve them. Applicant's debts and tax issues continue to cast doubt on his current reliability, trustworthiness, and good judgment. None of the mitigating conditions taken separately or together are sufficiently applicable to mitigate the security concerns.

**GUIDELINE J, Criminal Conduct**

The security concern for criminal conduct is set out in AG ¶ 30:

> Criminal activity creates doubt about a person's judgment, reliability, and trustworthiness. By its very nature, it calls into question a person's ability or willingness to comply with laws, rules, and regulations.

AG ¶ 31 describes conditions that could raise a security concern and may be disqualifying. The following are potentially applicable:

> (a) a pattern of minor offenses, any one of which on its own would be unlikely to affect a national security eligibility decision, but which in combination cast doubt on the individual's judgment, reliability, or trustworthiness; and
>
> (c) evidence (including, but not limited to, a credible allegation, admission, and matters of official record) of criminal conduct, regardless of whether the individual was formally charged, prosecuted, or convicted.

Applicant was arrested on or about October 14, 2023, and charged with cyberstalking and cyber harassment. He was also arrested in May of 2020 and charged with domestic disorderly conduct. Both are sufficient to establish AG ¶ 31(a) and (b) as disqualifying conditions.

Conditions that could mitigate criminal conduct security concerns are provided under AG ¶ 32. The following are potentially applicable:

> (a) so much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment; and
>
> (d) there is evidence of successful rehabilitation; including, but not limited to, the passage of time without recurrence of criminal activity, restitution, compliance with the terms of parole or probation, job training or higher

> education, good employment record, or constructive community involvement.

Applicant was arrested on or about October 14, 2023, and charged with cyberstalking and cyber harassment after the woman he was attempting to “help” filed charges against him. Even if his testimony is true and he had nothing but good intentions, his actions were deemed to have reached the level of justifying an arrest warrant being issued in his name. His actions also occurred less than three years ago, so I cannot find mitigation, and I find against the Applicant on this allegation.

However, his arrest and charge in May of 2020 for domestic disorderly conduct happened under such unusual circumstances, and more than six years have now passed, so I find mitigation and for the Applicant on this allegation.

**GUIDELINE E, Personal Conduct**

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

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

AG ¶ 16 describes conditions that could raise a security concern and may be disqualifying. The following disqualifying condition is potentially applicable:

> (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.

Applicant intentionally falsified his June 6, 2024, Questionnaire when under Section 22: POLICE RECORD; Applicant answered “NO” to all questions and failed to disclose that he was arrested in both May of 2020 and October of 2023. Applicant also intentionally falsified his Questionnaire when under Section 26: FINANCIAL RECORD he failed to state that he had not filed his state and Federal tax returns from about 2020 through about 2023. AG ¶¶ 16(a) and 16(c) are applicable.

AG ¶ 17 provides conditions that could mitigate security concerns. The following are potentially applicable:

> (a) the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;
>
> (c) the offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;
>
> (d) the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that contributed to untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur; and
>
> (e) the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress.

I had the opportunity to observe Applicant and evaluate his credibility and sincerity during the hearing. I found his testimony concerning why he failed to admit his arrests, as well as his tax situation, to be rambling, convoluted, and it ultimately left me with more questions than answers. Personal conduct is not mitigated and continues to cast doubt on his current reliability, trustworthiness, and good judgment. Currently none of the mitigating conditions, individually or collectively, are sufficiently applicable to overcome the intentional falsifications.

**Whole-Person Concept**

Under the whole-person concept, the administrative judge must evaluate an Applicant's security eligibility by considering the totality of an Applicant's conduct and all relevant 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), the ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept. I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case. I have incorporated my comments under Guidelines F, J, and E in my whole-person analysis. I considered Applicant's educational level and background.

Overall, however, the record evidence leaves me with questions and doubts about Applicant's eligibility and suitability for a security clearance. I conclude Applicant did not mitigate the security concerns under Guidelines F, E, and J.

## Formal Findings

Formal findings for or against Applicant on the allegations set forth in the SOR, as required by ¶ 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.r: | Against Applicant |
| Paragraph 2, Guideline J: | AGAINST APPLICANT |
| Subparagraph 2.a: | Against Applicant |
| Subparagraph 2.b: | For Applicant |
| Paragraph 3, Guideline E: | AGAINST APPLICANT |
| Subparagraphs 3.a through 3.d: | Against Applicant |

## Conclusion

In light of all of the circumstances presented by the record in this case, I conclude that it is not clearly consistent with the interests of national security to grant Applicant's eligibility for a security clearance. Eligibility for access to classified information is denied.

Jeff A. Nagel
Administrative Judge