DEFENSE LEGAL SERVICES AGENCY
DEFENSE OFFICE OF HEARINGS AND APPEALS

In the matter of:	)	
	)	
	)	ISCR Case No. 24-01243
	)	
Applicant for Security Clearance	)	

Appearances

For Government: Karen Moreno-Sayles, Esq., Department Counsel
For Applicant: Sean Rogers, Esq.

07/23/2026

Decision

Curry, Marc E., Administrative Judge:

Given the cause of Applicant's financial problems, the steps he has taken to resolve them, and his current financial stability, I conclude he has mitigated the financial considerations security concern. Clearance is granted.

Statement of the Case

On December 27, 2024, the Defense Counterintelligence and Security Agency Adjudicative Vetting Services (AVS) issued a statement of reasons (SOR) under Guideline F, financial considerations, as to why it was unable to find it clearly consistent with the national security to grant security clearance eligibility. The AVS took the action under Executive Order (EO) 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 National Adjudicative Guidelines (AG) effective for any adjudication made on or after June 8, 2017. On February 7, 2025, Applicant answered the SOR, denying the allegations and requesting a hearing, whereupon the case was assigned to another judge on April 7, 2025. On May 2, 2025, the Defense Office of Hearings and Appeals (DOHA) issued a notice of video teleconference hearing, scheduling the case for December 2, 2025. While the hearing was pending, the case was re-assigned to me on August 6, 2025.

On November 21, 2025, DOHA amended the SOR, adding seven allegations (SOR ¶¶ 1.e. – 1.k. In an undated Answer, Applicant admitted all the allegations in the amended SOR.

The hearing was held as scheduled. At the hearing, I received six government exhibits, marked as Government Exhibit (GE) 1 through GE 6, 32 Applicant exhibits, marked as Applicant Exhibit (AE) A through AE FF, and the testimony of Applicant and three character witnesses. The transcript was received on December 11, 2025.

Findings of Fact

Applicant is a 56-year-old married man. He was married previously in 1997, divorcing in 2019 after a lengthy separation. He has been remarried since 2019. (GE 1 at 31; Tr. 7) He has three adult children from his first marriage and two children from his current marriage. (Tr. 80) He has held a security clearance for 21 years. (Tr. 49) He earned an undergraduate degree in 1998 (GE 1 at 14), and over the years, he has earned multiple certifications in cybersecurity and information technology. (AE R)

Applicant is a veteran. He served in the U.S. Navy on active duty from 1990 to 1994, and on Navy reserve duty from 2004 through 2007. (GE 1 at 25) He served in the U.S. Air National Guard from 2007 to 2012, and he then enlisted in the Army Reserves, serving from 2012 to his retirement in 2023. (GE 1 at 27; Tr. 29) In 2018, Applicant completed the requirements to become a commissioned officer. (GE 1 at 30) He has held a security clearance for 21 years. (Tr. 57)

Before enlisting in the Army Reserves, Applicant's work with the military was in the field of aviation electronics, and later, cybersecurity. While in the Army Reserves, Applicant enrolled in Officer Candidate School (OCS) to receive training to become a chaplain. (Tr. 17; 21; AE W) As part of his officer training, he returned to school and earned a degree in divinity studies in 2019. (AE R) Applicant's chaplain duties include providing counseling for soldiers and civilians with "extreme" cases of post-traumatic stress disorder and suicide ideation. (AE T at 9) He spent his last four years in the Army Reserves serving in this capacity. (GE 1 at 27)

Applicant has spent his civilian career working in the field of cybersecurity. He has been working for a federal government contractor since 2019. (GE 1 at 14) He is highly respected on the job and in his community. A former colleague characterized him as kind, trustworthy, and honest. (AE BB) A friend characterized him as "a great source of encouragement and support for those around him." (AE C)

For the first 15 years after finishing college in 1998, Applicant was financially stable. Then, he began experiencing marital problems. In 2014, during income tax filing season, Applicant's then-wife, shortly after they separated, went to their accountant without Applicant's knowledge and requested for her and their children not to be included on Applicant's income tax return. (Answer at 1; GE 4 at 2; AE J at 1) Before then, Applicant was anticipating receiving a refund. Having lost significant tax deductions after his then-wife and children were omitted from his tax return, he owed $50,000 and was not prepared to satisfy this debt. (GE 3 at 7)

Applicant's finances were strained further by the lengthy, contentious divorce process. During the period between Applicant and his then-wife's separation and the finalization of their divorce in February 2019, she lived in their house while he was stationed elsewhere. She did not process the mortgage payments, and "gutted" the house of all appliances, lighting, and fixtures. (Tr. 27; GE 4 at 4) In addition, she stopped making lease payments on an automobile for which they were jointly responsible, in violation of a pre-trial mediation agreement. (Tr. 42)

At or about the time Applicant's marriage began deteriorating in late 2014, he experienced a significant decrease in pay when his guard command re-assigned him to another location. He was unable to perform his day job, and although his civilian employer eventually transferred him to a job near the area where he had been reassigned, the process took five months. (AE P) Ultimately, Applicant experienced a significant pay decrease from September 2014 to February 2015. (AE 15)

In addition to the divorce costs, Applicant was paying the rent and living expenses of his elderly, infirm parents. (AE J at 2; AE I at 2) By 2020, Applicant had incurred approximately $91,000 of delinquent debt, as set forth in the SOR and the amended SOR.

The debt alleged in subparagraph 1.a is a delinquent federal income tax debt from tax years 2014, 2017, and 2022, totaling approximately $43,728. In April 2025, a tax refund of approximately $28,600 was credited to this delinquency. (AE A) Also that month, Applicant made a payment of approximately $5,700. As of November 2025, Applicant's outstanding federal income tax balance was $12,853. (AE A) Applicant has been working with a tax resolution firm to resolve this delinquency.

Subparagraph 1.b, as duplicated in subparagraph 1.c, is a delinquent state tax totaling approximately $4,000. (Tr. 38-39) It is unclear from the record what year that this debt stems from. By June 2025, Applicant had satisfied this debt through monthly $886 payments that he had initiated in December 2024. (AE G at 1)

The debt alleged in subparagraph 1.d, totaling $24,058, is a delinquent car lease. He incurred this debt when his estranged wife, unbeknownst to him, reneged on her agreement to pay it, which they had reached during a mediation in 2014, as noted above. (GE 3 at 2) In 2025, Applicant reached out to the creditor and negotiated a settlement for $6,500. (AE H; Tr. 42) He satisfied it, as agreed. (AE H)

Subparagraphs 1.e through 1.g are delinquent student loan accounts, totaling approximately $21,000. Applicant retained a law firm that is helping him to petition for a discharge of the student loans, based on his adjudicated Department of Veterans Affairs, disability rating. (AE I) Per Applicant, he is eligible for a discharge if his disability rating is 100%. (Tr. 46-47) The military has currently adjudicated him at 70% disabled, and his application is pending for a 100% disability rating. (AE T) While the application is pending, Applicant has been making monthly payments on his student loans through a payment plan. (AE F; AE D at 9) These debts are in current status. (AE F; AE K at 1)

Subparagraphs 1.h and 1.i, collectively totaling approximately $240, are delinquent credit card debts. On August 25, 2025, Applicant retained a debt counseling company. (AE D at 23) Subparagraphs 1.h and 1.i were two of several debts that were consolidated into a payment plan developed by the debt consolidation company. They were paid through the plan in October 2025 and November 2025, respectively. (AE K at 2)

Subparagraph 1.j is a monthly car payment that is for a luxury vehicle that Applicant financed the purchase of with a loan of approximately $78,000 in October 2021. (GE 6 at 2; Tr. 49; Tr. 88) As of February 2025, Applicant was one month behind on his $1,301 car payment, (GE 6 at 2) Subparagraph 1.k is a monthly car payment for a luxury vehicle that Applicant purchased in July 2022 with a car loan totaling approximately $69,000. (GE 6 at 2) As of March 2025, the monthly payment, totaling $1,180, was late. Applicant admits sometimes falling behind on these payments while pre-occupied with paying the larger, older SOR debts. (Tr. 50) He is now current on these debts. (Tr. 50) With the help of a financial planner, he has enrolled in a savings account where he can deposit income "to pay off any debt that might surprise [him]." (Tr. 50)

Applicant earns $411,000 per year. His income includes $293,000 annually from his primary job and $118,000 from a second job. (AE J; Tr. 53) In addition, he has approximately $8,000 invested in a diversified stock portfolio. (AE J at 3) He maintains a budget. His net monthly income totals $5,917. (AE FF)

In addition to working with a law firm to help him petition for a discharge of his student loans, a tax preparer, and a financial planner, Applicant works with a financial manager. (AE J at 3) The manager helps him with his day-to-day financial issues, and the planner helps him with long-term financial issues. (AE J at 3)

Applicant has continued working in the ministry profession since retiring from the ministry. Currently, he leads a ministry "committed to consistently aiding poor families across the globe . . . ." (AE T at 9)

Policies

The U.S. Supreme Court has recognized the substantial discretion the Executive Branch has in regulating access to information pertaining to national security, emphasizing that "no one has a 'right' to a security clearance." *Department of the Navy* *v. Egan*, 484 U.S. 518, 528 (1988). 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 required to be considered 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, these guidelines are applied in conjunction with the factors listed in the adjudicative process. The administrative judge's overall adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(a), the entire process is a conscientious scrutiny of several variables collectively 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 protection of the national security is the paramount consideration. AG ¶ 1(d) requires that "[a]ny doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security." In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record. Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, the applicant is responsible for presenting "witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by applicant or proven by Department Counsel. . .." The applicant has the ultimate burden of persuasion to obtain a favorable security decision.

Under the whole-person concept, the administrative judge must consider the totality of an applicant's conduct and all relevant circumstances considering the nine adjudicative process factors in AG ¶ 2(d). They are as follows:

(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.

Analysis

Guideline F, Financial Considerations

Under this guideline, "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." (AG ¶ 18) Applicant's history of financial problems and his outstanding federal income tax delinquency trigger the application of the following disqualifying conditions under AG ¶ 19, as follows:

(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 following mitigating conditions under AG ¶ 20 are potentially applicable:

(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 thert), and the individual acted responsibly under the circumstances;

(c) the individual has received or is receiving financial counseling for the problems 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

(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

Applicant satisfied the state income tax debt as alleged in subparagraph 1.b and duplicated in 1.c. He settled and paid the outstanding car loan, as alleged in subparagraph 1.d, and he is current on his student loan accounts and his car notes, as alleged in subparagraphs 1.f through 1.k. I resolve subparagraphs 1.b through 1.k in his favor.

Applicant's federal income tax delinquency, as alleged in subparagraph 1.a, is the only remaining SOR debt that is outstanding, and Applicant has satisfied nearly 80 per cent of it through a $28,600 tax refund credit and a $5,600 payment. Applicant maintains a budget, has nearly $6,000 of monthly discretionary income, $8,000 invested in a stock portfolio, and he is working with multiple financial and tax experts to ensure that his financial problems do not recur. Under these circumstances, AG ¶¶ 20(c), 20(d), and 20(e) apply.

Applicant's financial problems began at or about the time his first marriage began deteriorating in 2014. His debts were compounded by the court costs related to his divorce. Moreover, Applicant's financial stability was stressed by the costs of taking care of his elderly, infirm relatives, and a five-month employment downturn from September 2014 to February 2015.

Conversely, Applicant's divorce was seven years ago, and he just began implementing a tax debt payment plan in November 2025, six months after the SOR. Further, since Applicant has been estranged from his first wife, he has financed the purchase of two luxury vehicles with two car loans totaling approximately $150,000. Under these circumstances, Applicant's financial problems were caused by circumstances beyond his control, but he did not act responsibly to trigger the application of AG ¶ 20(b).

Whole-Person Concept

Applicant has satisfied nearly all of the delinquent debt alleged in the SOR. However, the one debt that remains outstanding is his federal income tax delinquency. As a legal obligation owed to the federal government, it is the most significant of the debts alleged. Although circumstances beyond his control certainly contributed to the incurrence of this debt, it has been outstanding for nearly ten years. The nature and seriousness of this problem is compounded by his decision to purchase two luxury vehicles while this tax debt was outstanding.

Conversely, there is significant evidence of rehabilitation as Applicant is working with a tax planner, a financial planner, and a debt payment company to assist him in keeping his finances organized and keeping his payments on track. Given the amount of delinquent debt that he has resolved, the assistance of these experts is clearly working.

Given Applicant's monthly net income, he has ample money to keep up with incoming bills and satisfy his tax delinquency. Under these circumstances, I conclude that the nature and seriousness of the security concern is outweighed by the presence of reform and rehabilitation, thus rendering the possibility of recurrence minimal. In sum, I conclude Applicant has mitigated the security concerns.

In reaching this decision, I was favorably influenced by Applicant's possession of a security clearance for 21 years, his service in three branches of the armed services, his stellar references from both former coworkers and friends, and his ongoing work as a chaplain.

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:	FOR APPLICANT
Subparagraph 1.a – 1.k:	For Applicant

Conclusion

Considering all the circumstances presented by the record in this case, it is clearly consistent with the interests of national security to grant or continue Applicant's eligibility for a security clearance. Eligibility for access to classified information is granted.

Marc E. Curry
Administrative Judge