DEFENSE LEGAL SERVICES AGENCY
DEFENSE OFFICE OF HEARINGS AND APPEALS

In the matter of:	)	
	)	
	)	ISCR Case No. 25-01015
	)	
Applicant for Security Clearance	)	

Appearances

For Government: Jenny Bayer, Esq., Department Counsel
For Applicant: *Pro se*

08/31/2026

Decision

HOGAN, Erin C., Administrative Judge:

This case involves security concerns raised under Guideline F (Financial Considerations). Eligibility for access to classified information is denied.

Statement of the Case

Applicant submitted a security clearance application (SCA) on May 2, 2024. (GE 1) On August 14, 2025, the Defense Counterintelligence and Security Agency (DCSA) sent him a Statement of Reasons (SOR) alleging security concerns under Guideline F. The DCSA acted 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 adjudicative guidelines (AG) implemented by the DOD on June 8, 2017.

On November 27, 2025, Applicant answered the SOR and requested a hearing before an administrative judge. Department Counsel forwarded the case to the DOHA Hearing Office on March 2, 2026. The case was assigned to me on March 27, 2026. On April 7, 2026, a notice was issued scheduling the hearing on May 6, 2026, via video-teleconference. The hearing was held on that date. The Government offered 12 exhibits, which were admitted in evidence as Government Exhibits (GE) 1-12 without objection.

Applicant offered 11 exhibits, which were marked as Applicant Exhibits (AE) A-K and admitted without objection. The record was held open until May 20, 2026, to allow Applicant to submit additional exhibits. He submitted a 13-page exhibit, which was marked and admitted as AE L without objection. The transcript (Tr.) was received on May 21, 2026.

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

Findings of Fact

Applicant, age 52, has been a subcontractor of a non-DOD government contractor since August 2024 and is seeking a security clearance. He needs a security clearance because it is required to work in a government building. In the evening, he is a driver for a car driving service. He has no military service. He was born in Ghana and immigrated to the United States in November 2000 and became a naturalized U.S. citizen in September 2010. He graduated from high school in Ghana. He has earned three master's degrees in the United States, in May 2004, May 2009 and May 2013. He is single. His only marriage ended in divorce in 2013. A daughter was born during the marriage. She is a 19-year-old college student. (Tr. 24, 33, 36-38, 111; GE 1; GE 2)

The SOR alleged that Applicant owes delinquent federal and state income tax debts totaling about $79,518 and has six delinquent consumer accounts, totaling an additional $18,101. Applicant admitted all the allegations in the SOR. The SOR allegations are as follows:

SOR ¶ 1.a: Applicant is indebted to the federal government for delinquent taxes in the approximate amount of $65,000. (GE 1 at 40; GE 2 at 20-23; GE 3 at 24, 223-227; GE 4)

SOR ¶ 1.b: Applicant owes delinquent state income taxes in the approximate amount of $14,518 for tax years 2021, 2022 and 2023. (GE 2 at 20-23, GE 3 at 18, 211-216, 229-235)

SOR ¶ 1.c: Applicant owes approximately $12,526 for a delinquent credit card account placed for collection. (GE 3 at 5; GE 8 at 2; GE 9 at 2, 5; GE 10 at 2; GE 11 at 8)

SOR ¶ 1.d: Applicant owes approximately $801 for a delinquent credit card account that was placed for collection. (GE 3 at 16, 25; GE 9 at 47; GE 10 at 2-3; GE 11 at 6-7)

SOR ¶ 1.e: Applicant owes approximately $656 for a delinquent credit card account that was placed for collection. (GE 10 at 3; GE 11 at 6-7)

SOR ¶ 1.f: Applicant owes approximately $281 for a delinquent credit card account that was placed for collection. (GE 9 at 3; GE 10 at 3)

SOR ¶ 1.g: Applicant owes approximately $120 for a delinquent credit card account that was placed for collection. (GE 9 at 2,4; GE 9 at 3,4; GE 10 at 3-4)

SOR ¶ 1.h: Department Counsel withdrew this debt because it was a duplicate of the debt alleged in SOR ¶ 1.g above. (Tr. 93)

SOR ¶ 1.i: Applicant owes a delinquent debt that was charged off. (GE 8 at 4; 9 at 4; GE 10 at 4) The specific amount of the debt was not alleged. The record evidence indicated the total approximate balance of the debt was $3,717.

Applicant's mother passed away when he was 16. A few years later in 1996, his father suffered a stroke. He had to provide for his five younger siblings, beginning at age 21. He continued to send them support when he moved to the United States in 2000. He struggled with paying his debts, in part, because he had to care for his father for about 15 years, until he passed away in 2011 and for his siblings. (Tr. 10, 15, 24, 30-31; GE 3 at 23)

When Applicant began to support his siblings in Ghana in late 1996 after his father had a stroke, he initially provided between $1,000 to $1,500 each month. When his father was alive most of the support went to him. Between 2015 to 2018, he would send his siblings about $700 to $1,000 a month. At one point, his older brother was diagnosed with a serious health condition and was hospitalized. Applicant took out a $10,000 loan from a program his employer at the time offered. Employees of the company could take out loans against their salary. He took out the loan to pay for his older brother's hospitalization. From 2018 to 2022, he occasionally supported his siblings. Payments varied between $200 to $1,500 per month. His siblings are now all grown, and they have stopped asking him for money. (Tr. 45-53; GE 3 at 23)

Applicant was responsible for the costs of his father's funeral in 2011. He took out a loan from his 401(k) account at the time. Applicant and his wife divorced in 2013. This created additional financial issues for him. In 2018, Applicant's twin brother passed away. Once again, Applicant was responsible for the costs of his funeral. He claims that funerals in Ghana are very expensive. He took out a $14,000 loan to pay for his twin brother's funeral. He claims that he is not an irresponsible person. It's just that "sometimes life happens." (Tr. 30-31, 35-36)

Applicant always intended to resolve his financial situation. He recently had several medical issues that caused him to delay his plans to resolve his delinquent debts. In 2022, he had a stroke that caused him to miss work for eight months in order to recover. In July 2025, he suffered another medical setback when he was diagnosed with squamous cell carcinoma. After three surgeries, he is now cancer free but is undergoing immunotherapy treatment every three weeks to prevent the cancer from coming back. (Tr. 26-29; GE 3 at 23)

Applicant is back at work and started to get his financial situation in order. In addition to his full-time job, he drives for a car driving service in the evenings so that he can make payments on his delinquent accounts and his tax debts. (Tr. 39-40)

The status of the SOR debts are as follows.

SOR ¶ 1.a: $65,000 federal tax debt. Applicant has been attempting to resolve his federal tax debts for several years. His tax issues began after his divorce in 2014, his accountant gave both Applicant and his ex-wife conflicting advice resulting in Applicant owing the IRS additional money for improperly claiming Head of Household status. (Tr. 57; GE 3 at 21-22) In his response to the SOR, Applicant indicated that he entered into a repayment agreement with payments to start in November 2025 for tax years (TY) 2015, 2017, 2018, 2020, 2021 and 2022. (AE K at 21-30)

All of Applicant's income tax returns are filed. He admits that several of his federal income tax returns were filed late. He filed his federal income tax returns for TY 2021 in 2023 (Tr. 57, GE 3 at 225); his federal income tax returns for TY 2022 were filed on December 2, 2024. (GE 4 at 4) The filing was delayed because of his stroke. When he recovered, he contacted his accountant to begin preparing his tax returns. It was discovered that someone had stolen Applicant's identity. He had to apply for a personal identification number (PIN) to file his tax returns. He did not receive the PIN from the Internal Revenue Service (IRS) until later in the year. He mailed his TY 2022 return to the IRS. When he contacted the IRS about whether they received it, they responded on several occasions that they did not have it. They finally located his 2022 federal income tax return. Applicant tried to contact the IRS on numerous occasions for over a year. It was difficult to reach a person at the IRS. At times, he would be on a call for three hours and the call would unexpectedly end. (Tr. 62-65; GE 3 at 21-23, 231)

Applicant filed his TY 2023 federal income tax return several months later in December 2024. (Tr. 65; GE 4 at 6) He is now serious about making sure that his tax returns are filed on time. He filed his federal income tax return for TY 2025 in February 2026. (Tr. 55, 65-66; AE D)

When Applicant negotiated his payment agreement with the IRS, he initially requested that he pay $500 a month. The IRS informed him that the payments need to be higher. On October 29, 2025, the IRS sent a letter to Applicant outlining the terms of his installment agreement. He agreed to pay $1,186 a month on the 25th of each month starting on November 25, 2025. He provided proof that he made payments on January 26, 2026, February 3, 2026, March 23, 2026, and April 22, 2026. He began to drive for the car driving service in the evenings, in part, so he could make his monthly payments to the IRS. He testified that his payment to the IRS is the first bill he pays each month. (Tr. 14, 53; AE I; AE K at 21-29)

SOR ¶ 1.b: $14,518 income tax debt owed to the state for TY 2021, 2022, and 2023. On September 4, 2025, Applicant entered into a repayment agreement with the state. He agreed to pay $352 each month over a period of 48 months. His first payment was due on October 15, 2025. He provided proof that he made the required payments on a regular basis from November 2025 to April 2026. He testified that the balance on the account has been reduced to about $13,000. He also indicated that he has filed his state income tax returns on a timely basis since 2022. (Tr. 68-74; AE K at 3; AE H; AE L at 12-13)

SOR ¶ 1.c: $12,526 delinquent credit card account placed for collection. Applicant entered into a payment agreement for this debt on December 12, 2024. (GE 3 at 46) The account was satisfied on October 12, 2025. (Tr. 75-78; GE 11 at 8; AE K at 31)

SOR ¶ 1.d: $801 delinquent credit card account placed for collection. In January 2025, Applicant entered into a payment agreement to pay $100 a month towards this debt. (GE 3 at 25) The account was satisfied in November 2025. (Tr. 80-85; AE K at 4; AE L at 2)

SOR ¶ 1.e: $656 delinquent credit card account placed for collection. Applicant entered into a payment agreement for this debt in October 2025. (GE 3 at 46) The account was satisfied on December 8, 2025. (Tr. 86-87; GE 11 at 8; AE K at 32-33; AE L at 8)

SOR ¶ 1.f: $281 delinquent credit card account placed for collection. Applicant entered into a payment agreement for this debt on December 12, 2024. (GE 3 at 42) The account was satisfied on August 29, 2025. (Tr. 75-78; AE K at 12)

SOR ¶ 1.g: $120 delinquent credit card account placed for collection. Applicant entered into a payment agreement for this debt beginning in 2024. (Tr. at 93; GE 3 at 41) The account was satisfied on August 29, 2025. (AE K at 34)

SOR ¶ 1.h: This debt is withdrawn. It is a duplicate of SOR ¶ 1.g. (Tr. 93)

SOR ¶ 1.i: The allegation stated Applicant was indebted to a collection agency for a delinquent debt that was charged off. The SOR did not allege the amount of the debt. During the hearing, Applicant acknowledged the original amount of the debt was $4,478. He first entered into a payment plan to make six monthly payments of $100 each from January 2025 to June 2025. The second stage of the payment arrangement began in July 2025. He will make monthly payments of $200 per for the next few months. He testified that he will satisfy the debt within the next few months. The record evidence indicated the current amount of the debt was $3,717. (Tr. 94-102; GE 3 at 36; GE 10 at 4)

On March 11, 2025, Applicant provided a Personal Financial Statement (PFS) in response to the DOHA interrogatories. His net monthly salary was approximately $6,765. He also listed approximately $2,000 in additional income, which is likely his income working for a car driving service. His total monthly income was approximately $8,765. His total monthly expenses were $4,060. His total monthly debt payments were approximately $1,514. He had a net remainder of approximately $3,190. (GE 3 at 14-15) His PFS included his payments to the state for his delinquent state income tax debt. He indicated that he was waiting for a response from the IRS related to an installment agreement for his delinquent federal income tax debt. He also had a federal student loan balance of approximately $342,000 which was currently in forbearance. He will not know what his monthly payments will be until the student loan comes out of forbearance. The record is unclear when this will occur. (GE 3 at 24)

Applicant testified during the hearing that his current annual salary is $120,000. His net monthly income is $7,060. He pays his daughter about $1,200 a month for her college expenses. He also tries to earn approximately $2,000 a week driving for a car service. On the date of the hearing, he had approximately $1,000 in his checking account and has about $20 in savings. He deposits money in his savings account for his federal and state tax payments each month and then immediately pays his monthly payments to the IRS and the state for his delinquent tax debts. He does not have an active 401(k) retirement account. (Tr. 34-41, 53)

Between 2018 to 2022, Applicant traveled to Ghana once or twice a year, each time for about ten days. His purpose was to see family and to volunteer at a conference in Africa. He would teach a course during the conference and the organization would pay for his plane ticket. When he paid, the trip cost approximately $3,000 per trip. (Tr. 103-106)

Whole-Person Factors

Applicant's close friend and former roommate wrote a letter in support of Applicant. He is a reverend. He and Applicant attended boarding school in Ghana. They immigrated to the United States around the same time and were roommates from 2001 to early 2004. They live about ten minutes away from each other. He says that Applicant demonstrated resilience and strength of character under difficult circumstances when he assumed responsibility for his siblings after the loss of his mother and his father's stroke. He has faced significant personal and health problems as an adult, to include a divorce, a stroke, and cancer. Despite these setbacks, Applicant has persevered. His friend states, "I know him to be a man of honesty, sound judgment, and reliability, someone who can always be trusted to do what is right." Applicant's financial hardships resulted from events beyond his control rather than poor character or judgment. He strongly recommends Applicant for any position of trust or responsibility. (AE B at 1)

Applicant's younger sister wrote that Applicant became the family's primary support system after their mother passed away and during their father's long-term disability. Even after he moved to the United States, he continued to fund his siblings' education, healthcare, and other family necessities. As a result, he stretched himself financially. She states that he is a man of firm moral conviction who has demonstrated his ability to hold positions of trust. (AE B at 2)

Applicant received several awards and certificates of appreciation. (AE A) He is well regarded at his place of employment.

Policies

"[N]o 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." (*Egan* at 527). The President has authorized the Secretary of Defense or his designee to grant applicants eligibility for access to classified information "only upon a finding that it is clearly consistent with the national interest to do so." (EO 10865 § 2)

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the AG. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, an administrative judge applies these guidelines 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 and 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 that 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 made "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." (EO 10865 § 7). Thus, a decision to deny a security clearance is merely an indication the applicant has not met the strict guidelines the President and the Secretary of Defense 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. (*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. (ISCR Case No. 15-01253 at 3 (App. Bd. Apr. 20, 2016)). 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 burden of proving a mitigating condition, and the burden of disproving it never shifts to the Government. (ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005))

An applicant "has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance." (ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002)). "[S]ecurity clearance determinations should err, if they must, on the side of denials." (*Egan*, 484 U.S. at 531; AG ¶ 2(b))

Analysis

Guideline F: Financial Considerations

The concern under this guideline is set out in AG ¶ 19:

> 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.

This concern is broader than the possibility that a person might knowingly compromise classified information to raise money. It encompasses concerns about a person's self-control, judgment, and other qualities essential to protecting classified information. A person who is financially irresponsible may also be irresponsible, unconcerned, or negligent in handling and safeguarding classified information. (ISCR Case No. 11-05365 at 3 (App. Bd. May 1, 2012)).

AG ¶ 19 notes several disqualifying conditions that could raise security concerns. The disqualifying conditions that are relevant to Applicant's case are:

(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.

AG ¶ ¶19(a) and 19(c) apply with regard to Applicant's delinquent debts. The SOR alleged six delinquent consumer debts with an approximate total of over $18,101. He had a history of not meeting his financial obligations and an inability to satisfy debts. AG ¶¶ 19(a), 19(c), and 19(f) apply to Applicant's failure to pay his federal and state income tax debts. He incurred approximately $65,000 in delinquent federal tax debt which included

TY 2015, 2017, 2018, 2020, 2021 and 2022. He incurred approximately $14,518 in delinquent state tax debt which included TY 2021, 2022, and 2023.

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).

AG ¶ 20 describes conditions that could mitigate security concerns. The following are potentially applicable in this case:

> (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 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.

AG ¶ 20(a) does not apply because his financial problems are ongoing. While he is making regular payments on his installment agreements for both his federal and state income tax debts, it will take time to pay off these debts. Applicant also indicated that he has over $340,000 in student loans in deferment. Once the deferment period ends, Applicant will have to begin paying his student loan debts, which may complicate his financial situation.

AG ¶ 20(b) applies because Applicant had a lot of circumstances beyond his control that contributed to his financial problems. His mother passed away when he was 16 and his father had a debilitating stroke a few years later. As a result, he became responsible for providing support to his family. He paid for his younger siblings' education. He took out loans to pay for his father and his brother's medical expenses when they became ill. He paid for their funeral expenses. Applicant's divorce in 2013 aggravated his financial problems. He began to have federal tax issues when his accountant gave both Applicant and his ex-wife conflicting advice resulting in Applicant owing the IRS for improperly claiming Head of Household status. However, this mitigating condition is given less weight because he continued to incur federal and state income tax debts for several years after the tax issue arose. His federal income tax debt rose to approximately $65,000 and covered TY 2015, 2017, 2018, 2020, 2021, and 2022. His state income tax debt rose to approximately $14,000 and covered TY 2021, 2022, and 2023. His tax issues and the delinquent debts show that he did not act responsibly under the circumstances. Applicant's recent health problems were circumstances beyond his control and explain why he was unable to resolve his debts immediately. After his recovery, his attempt to file his federal income tax return for TY 2022 was delayed further after discovering that he was a victim of identity theft. All of these factors were considered as well as the fact that Applicant had serious tax issues and financial problems for many years before his serious health issues happened. For these reasons, this mitigating condition is given less weight.

AG ¶ 20(c) partially applies because Applicant consulted an accountant to assist him with filing his income tax returns. He is aware of his overall financial situation. While Applicant has taken steps to resolve his financial problems, significant federal and state tax debt remain and will take years to resolve. The problem is not under control.

AG ¶ 20(d) applies regarding the consumer debts alleged in SOR ¶¶ 1.c – 1.g, and 1.i. Applicant provided sufficient proof that he resolved the debts alleged in SOR ¶¶ 1.c – 1.g. Most of the debts were resolved through payment plans. He is in an active payment plan for the debt alleged in SOR ¶ 1.i. He demonstrated that he is making a good-faith effort to resolve these delinquent debts.

AG ¶ 20(g) partially applies because Applicant has entered into installment agreements with federal and state tax authorities to resolve his delinquent tax debts. This mitigating condition is given less weight because Applicant ignored his federal and state income tax debts for years. He neglected his federal income tax debts beginning in 2015 over ten years have passed since he began to have issues with his federal tax debts. Applicant incurred delinquent state tax debts for tax years 2021, 2022, and 2023. He did not enter into an installment agreement with the state until September 2025 and with the IRS until October 2025. While he appears to be making consistent payments on both installment plans, it does not negate the fact that he ignored his federal and state tax debts for years. AG ¶ 20(g) only partially applies.

The DOHA Appeal Board has held that failure to comply with tax laws suggests that an applicant has a problem with abiding by well-established government rules and systems. Voluntary compliance with rules and systems is essential for protecting classified information. (*See, e.g.,* ISCR Case No. 16-01726 at 5 (App. Bd. Feb. 28, 2018)). A person who fails repeatedly to fulfill his or her legal obligations, such as filing tax returns and paying taxes when due, 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. 17-01382 at 4 (App. Bd. May 16, 2018)).

> 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) (emphasis in original). *See* ISCR Case No. 15-01031 at 4 (App. Bd. June 15, 2016) (citations omitted); ISCR Case No. 14-05476 at 5 (App. Bd. Mar. 25, 2016) (citing ISCR Case No. 01-05340 at 3 (App. Bd. Dec. 20, 2002)); ISCR Case No. 14-01894 at 4-5 (App. Bd. Aug. 18, 2015). The Appeal Board clarified that even in instances where an "[a]pplicant has purportedly corrected [his or her] federal tax problem, and the fact that [applicant] is now motivated to prevent such problems in the future, does not preclude careful consideration of [a]pplicant's security worthiness in light of [his or her] longstanding prior behavior evidencing irresponsibility" including a failure to timely file federal income tax returns. *See* ISCR Case No. 15-01031 at 3 & n.3 (App. Bd. June 15, 2016) (characterizing "no harm, no foul" approach to an applicant's course of conduct and employing an "all's well that ends well" analysis as inadequate to support approval of access to classified information with focus on timing of filing of tax returns after receipt of the SOR).

In ISCR Case No. 15-06440 at 4 (App. Bd. Dec. 26, 2017) the Appeal Board reversed the grant of a security clearance, discussed how AG ¶ 20(g) applied, and noted:

> The timing of the resolution of financial problems is an important factor in evaluating an applicant's case for mitigation because an applicant who begins to resolve financial problems only after being placed on notice that his clearance was in jeopardy may lack the judgment and self-discipline to

> follow rules and regulations over time or when there is no immediate threat to his own interests.

While Applicant resolved his delinquent consumer accounts and is making progress towards his federal and state tax debts, not enough time has passed to conclude he can continue to routinely make required payments on his federal and state installment agreements. At the close of the record, there is insufficient evidence to mitigate the security concerns raised under Financial Considerations.

Whole-Person Concept

Under AG ¶ 2(c), the ultimate determination of whether the granting or continuing of national security eligibility is clearly consistent with the interests of national security must be an overall commonsense judgment based upon careful consideration of the adjudicative guidelines, each of which is to be evaluated in the context of the whole person. An 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.

I have incorporated my comments under Guideline F in my whole-person analysis, and I have considered the factors in AG ¶ 2(d). After weighing the disqualifying and mitigating conditions under Guideline F and evaluating all the evidence in the context of the whole person, I conclude that Applicant did not mitigate the security concerns raised under financial considerations.

Applicant did an admirable thing when he took responsibility for his younger siblings after his parents passed away when he was a young man. However, this came at a cost to his own financial well-being. He neglected paying his federal and state income taxes for years. While Applicant's serious health conditions delayed his efforts to resolve his income tax situation, his delinquent federal tax debts date back to TY 2015. It is too soon to conclude that he will continue to successfully make timely payments towards his federal and state income tax installment agreements. The Financial Considerations concerns are not mitigated.

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 resolve his tax debts and establish and maintain his financial responsibility he may well be able to demonstrate persuasive evidence of his security clearance worthiness.

Formal Findings

Formal findings 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 – 1.b:	Against Applicant
Subparagraphs 1.c – 1.g, 1.i:	For Applicant
Subparagraph 1.h:	Withdrawn

Conclusion

I conclude that it is not clearly consistent with the interests of national security to grant Applicant eligibility for access to classified information. Clearance is denied.

Erin C. Hogan
Administrative Judge