



**DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS**



In the matter of:)
)
) ISCR Case No. 25-00339
)
Applicant for Security Clearance)

Appearances

For Government: Brian L. Farrell, Esq., Department Counsel
For Applicant: Todd A. Hull, Esq.¹

11/14/2025

Decision

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 March 4, 2024, Applicant completed a security clearance application (SCA) (Government Exhibit (GE) 1). On April 11, 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) 2)

The SOR detailed reasons why DOHA 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 recommended referral to an administrative judge to determine whether a clearance should be granted, continued, denied, or revoked. Specifically, the

¹ On September 17, 2025, Mr. Hull advised that Mr. Aidan P. Connor, Esq., at aconnor@berrylegal.com, would be representing Applicant as of September 17, 2025. (HE 4)

SOR set forth security concerns arising under Guideline F. (HE 2) On April 28, 2025, Applicant responded to the SOR, and he requested a hearing. On May 29, 2025, Department Counsel was ready to proceed. On June 2, 2025, the case was assigned to me. On June 20, 2025, DOHA issued a notice setting the hearing for July 18, 2025. (HE 1) The hearing was held as scheduled, using the Microsoft Teams video teleconference system. (HE 1)

During the hearing, Department Counsel offered six exhibits; Applicant offered seven exhibits; and all proffered exhibits were admitted into evidence without objection. (Tr. 35-39; GE 1-GE 6; Applicant Exhibit (AE) A-AE G) On July 28, 2025, DOHA received a copy of the transcript. Two exhibits were received and admitted into evidence without objection after the hearing. (AE H; AE I) The record closed on September 18, 2025. (Tr. 76)

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 SOR allegations in ¶¶ 1.a and 1.b. (HE 3) He also provided mitigating information. His admissions are accepted as findings of fact.

Applicant is a 36-year-old program manager, and a government contractor has employed him since January 2024. (Tr. 40-41) He is engaged to be married. (Tr. 40) He does not have any children. (Tr. 40) He has an associate degree in education and an associate degree in applied sciences with an emphasis in accounting. (Tr. 40-41)

Financial Considerations

In his March 4, 2024 SCA, Applicant disclosed he had not timely filed his federal and state income tax returns for tax years (TYs) 2017, 2018, 2019, 2020, and 2021. (GE 1 at 28-29) His reason for not filing those tax returns was "anxiety" regarding the filing process. He said he "filed all unfiled tax returns in 2023." (GE 1 at 28-29)

In Applicant's April 4, 2025, responses to DOHA interrogatories, he disclosed that he had not filed his TYs 2017, 2018, and 2019 federal income tax returns, and he filed his state income tax returns for TYs 2017 through 2023 on April 2, 2025. (GE 2 at 5, 9)

SOR ¶ 1.a alleges Applicant failed to timely file as required his federal income tax returns for TYs 2017, 2018, and 2019. As of the date of this statement of reasons, these three tax returns remain unfiled.

An undated Internal Revenue Service (IRS) document stated that Applicant either filed his tax returns late or may "be required to file a return based on reported income." (AE B) An IRS report indicated the returns were filed the following number of days late: TY 2020 (680 days); TY 2021 (347 days); TY 2022 (491 days); and TY 2023 (334 days).

(AE B) The IRS document did not address his TYs 2017 through 2019 federal income tax returns.

Applicant's IRS tax transcripts indicate no taxes are owed, and his federal income tax returns were filed or received by the IRS on the following dates: TY 2017 on July 28, 2025; TY 2019 on May 1, 2025; TY 2020 on March 28, 2023; TY 2021 on March 28, 2023; TY 2022 on August 18, 2024; TY 2023 on March 15, 2025; and TY 2024 on April 15, 2025. (AE C) He was unsure why he did not receive an IRS tax transcript for TY 2018 from the IRS. (Tr. 53) He contacted the IRS the week before his hearing, and an IRS representative told him to fax his TY 2018 federal income tax return to the IRS. (Tr. 54) His August 5, 2025 IRS tax transcript for TY 2018 indicates no federal income tax return filed. (AE H) Applicant said he did not timely file his federal income tax returns because he believed it was unnecessary due to not having a tax liability. (Tr. 45)

In 2023, Applicant realized he needed to file his federal income tax returns. He was aware that he could not receive a refund for tax returns filed more than three years after the due dates, and he decided not to file his federal income tax returns for TYs 2017 through 2019 because he believed he would not owe any taxes. (Tr. 46) He suffers from anxiety related to filing tax documents, and he received mental-health counseling. (Tr. 46-47) He sees a therapist every two weeks, and he receives medication to treat his anxiety. (Tr. 51)

SOR ¶ 1.b alleges Applicant failed to timely file, as required, state income tax returns for TYs 2017 through 2023. As of the date of the statement of reasons, he reported mailing the above returns to the state tax authority on April 2, 2025.

Applicant admitted in his SOR response that he did not timely file his state income tax returns. (HE 3) He believed if he was not going to receive a refund, if the refund was below a certain level, or if he did not owe any taxes, then he did not need to file a state income tax return. (Tr. 46) On April 22, 2025, and August 27, 2025, the state tax authority certified that Applicant "has taken the necessary action to be in tax compliance with the Department as of the date of this letter." (Tr. 55; AE D; AE I)

In March of 2025, Applicant received a letter from the state tax authority indicating he owed about \$1,500 to the state tax authority for 2022, and he decided to ensure his state tax records were correct. (Tr. 56-57, 69) He said after he filed his state income tax returns, the state revoked the letter he received in March of 2025. (Tr. 56-57)

All of Applicant's required tax returns are filed, and he does not owe any taxes. (Tr. 52-53) He received some counseling about filing tax returns from his tax service. (Tr. 63-64) He understands now that he is required to file his federal income tax returns when due regardless of whether taxes are owed. (Tr. 48-50) He acknowledged that he was looking for reasons not to file his income tax returns, and he made a mistake when he failed to timely file his tax returns. (Tr. 49, 72) He said, "I was able to delude myself into thinking I didn't really need to file the paperwork, so - - and I think that's really the core of what the issue was." (Tr. 72)

Applicant promised to timely file his tax returns in the future. (Tr. 58) He is careful with his finances; he does not have any delinquent debts; and he ensures that he has sufficient income to address his expenses. (Tr. 60; AE F)

Character Evidence

Applicant's performance evaluations and character statements indicate he is an excellent employee. (Tr. 42; AE A) He received two spotlight awards at his current employment. (Tr. 43) He has no adverse employment actions. (Tr. 44) His facility security manager and a coworker and friend made statements on Applicant's behalf. (Tr. 6-24) The general sense of their statements is that Applicant is diligent, trustworthy, reliable, and responsible. Their statements support his access to classified information. His supervisor at his current employment said:

On many occasions over the course of [Applicant's] employment [he has] demonstrated honesty and openness when many would not. [Applicant] holds himself accountable and has shown [he takes] his role very seriously. I believe [he] genuinely understands and has fully taken responsibility for the situations brought to question regarding his clearance request.

While certainly not rising to the level of security classifications, during his time thus far, he has had access to sensitive business information including financials and individual salaries, and has given me no pause about his ability to maintain the confidentiality of the information and acknowledges the need to maintain proper control of information where needed. (AE G)

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 applicants 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, this decision should not be construed to suggest that it is based on any express or implied determination about applicant’s allegiance, loyalty, or patriotism. It 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. Sep. 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, 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 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 in order 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 one disqualifying condition that could raise a security concern and may be disqualifying in this case: "(f) failure to file . . . annual Federal, state, or local income tax returns . . . as required." The record establishes the disqualifying condition in AG ¶ 19(f), requiring additional inquiry about the possible applicability of mitigating conditions. Discussion of the disqualifying condition 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 Applicant's responsibility for proving the applicability of mitigating conditions 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).

Several circumstances beyond Applicant's control affected his ability to timely file his federal and state income tax returns. He has anxiety about filing his tax returns, and he initially believed he did not need to file his tax returns if he did not owe any taxes. However, "[e]ven if [an applicant's] financial difficulties initially arose, in whole or in part, due to circumstances outside his [or her] control, the [administrative judge] could still consider whether [the applicant] has since acted in a reasonable manner when dealing with those financial difficulties." ISCR Case No. 05-11366 at 4 n.9 (App. Bd. Jan. 12, 2007) (citing ISCR Case No. 03-13096 at 4 (App. Bd. Nov. 29, 2005); ISCR Case No. 99-0462 at 4 (App. Bd. May 25, 2000); ISCR Case No. 99-0012 at 4 (App. Bd. Dec. 1, 1999)). Applicant did not establish that he acted responsibly under the circumstances. He should have sought advice or assistance from someone with more expertise in tax matters. He could have reduced his anxiety by hiring someone to complete his tax returns. He did not prove he was unable to file his tax returns sooner. AG ¶ 20(b) is partially established.

Applicant failed to timely file as required his federal income tax returns for TYs 2017, 2018, and 2019 and his state income tax returns for TYs 2017 through 2023. His federal and state income tax returns for those years were filed before his hearing in 2025. His anxiety and erroneous beliefs about filing not being required for tax returns if no taxes are owed warrant some delay in the filing of required tax returns; however, he did not provide sufficient justification for not filing his tax returns for such a long period of time. He acknowledged he was looking for an excuse not to file his required tax returns.

In his March 4, 2024 SCA, Applicant disclosed he had not timely filed his TYs 2017, 2018, 2019, 2020, and 2021 federal and state income tax returns. His reason for not filing was "anxiety regarding filing process," and he said he "filed all unfiled tax returns in 2023."

(GE 1 at 28-29) He had not filed all unfiled tax returns in 2023. This issue was not alleged in the SOR. In ISCR Case No. 03-20327 at 4 (App. Bd. Oct. 26, 2006), the Appeal Board listed five circumstances in which conduct not alleged in an SOR may be considered stating:

- (a) to assess an applicant's credibility; (b) to evaluate an applicant's evidence of extenuation, mitigation, or changed circumstances; (c) to consider whether an applicant has demonstrated successful rehabilitation; (d) to decide whether a particular provision of the Adjudicative Guidelines is applicable; or (e) to provide evidence for whole person analysis under Directive Section 6.3.

Id. (citing ISCR Case No. 02-07218 at 3 (App. Bd. Mar. 15, 2004); ISCR Case No. 00-0633 at 3 (App. Bd. Oct. 24, 2003)). See also ISCR Case No. 12-09719 at 3 (App. Bd. Apr. 6, 2016) (citing ISCR Case No. 14-00151 at 3, n. 1 (App. Bd. Sept. 12, 2014); ISCR Case No. 03-20327 at 4 (App. Bd. Oct. 26, 2006)). This non-SOR allegation (false information on his SCA) will be considered in the credibility assessment and under the whole-person concept. It will not be considered for disqualification purposes.

A willful failure to timely make (means complete and file with the IRS) a federal income tax 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 return, keep records, or supply information when required, is a misdemeanor 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 weighing Applicant's failure to timely file his federal income tax returns against him as a crime or as disqualifying information. Regarding the failure to timely file his federal income tax 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) (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).

The facts and disposition of ISCR Case No. 15-01031 (App. Bd. June 15, 2016) clarify that even if no taxes are owed when tax returns are not timely filed, grant of access to classified information may be inappropriate. In that case, the applicant filed his 2011 federal income tax return in December 2013, his 2012 federal tax return in September 2014, and his 2013 federal tax return in October 2015. He received federal tax refunds of at least \$1,000 for each year. The Appeal Board noted:

In his response to the SOR, Applicant stated, “my decision to delay filing was completely unrelated to any financial over-extension or unpaid debt circumstances encountered on my behalf. I delayed filing a tax return specifically due to the fact that, in each case, I pre-determined that I would receive a tax refund. The pre-determined calculation was based on my known tax deductions for each year.” He also stated he regretted failing to file his tax returns in a timely manner, understood that filing late because he expected a refund was an unacceptable practice, and pledged to file his tax return before the April 15 deadline.

Nevertheless, the Appeal Board reversed the administrative judge’s decision to grant access to classified information in ISCR Case No. 15-01031 at 4-5 (App. Bd. June 15, 2016) to the Applicant who did not owe any taxes; only three tax returns were late; and no tax returns were filed more than 20 months late.

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. In this case, applicant's filing of his Federal income tax returns for 2009-2014 after submitting his SCA, undergoing his background interview, or receiving the SOR undercuts the weight such remedial action might otherwise merit.

In this instance, Applicant failed to timely file multiple federal and state income tax returns, and some were filed after he completed his SCA. The information in his SCA about unfiled tax returns was not accurate. Applying the Appeal Board's jurisprudence, he did not prove that he was unable to make greater progress sooner in the filing of his tax returns. Under all the circumstances, Applicant's failures to timely file his federal and state income tax returns 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 common-sense 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 36-year-old program manager, and a government contractor has employed him since January 2024. He has an associate degree in education and an associate degree in applied sciences with an emphasis in accounting. Applicant's performance evaluations and character statements indicate he is an excellent employee. He received two spotlight awards at his current employment. He has no adverse employment actions. The general sense of his character statements is that Applicant is diligent, trustworthy, reliable, and responsible. The character evidence supports his access to classified information.

The evidence against grant of a security clearance is detailed in the financial considerations section, *supra*, and this evidence is more substantial than the evidence of mitigation. Applicant did not establish that he was unable to file his overdue federal and state income tax returns sooner. His failure to take timely, prudent, responsible, good-faith actions from April 2018 (when his TY 2017 tax returns were due) to 2025 (when his TY 2017 tax returns were filed), raises unmitigated questions about his reliability, trustworthiness, and ability to protect classified information. See AG ¶ 18.

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)).

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 establishment of a track record of timely resolution of his tax issues, he may well be able to demonstrate persuasive evidence of his security clearance worthiness.

I have carefully applied the law, as set forth in *Egan*, 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 Guideline F security concerns.

Formal Findings

Formal findings For or Against Applicant on the allegations set forth in the SOR, as required by Section E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1, Guideline F: AGAINST APPLICANT

Subparagraphs 1.a and 1.b: 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