



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



In the matter of: )  
 )  
 ) ISCR Case No. 23-02228  
 )  
Applicant for Security Clearance )

## **Appearances**

For Government: Troy L. Nussbaum, Esq., Department Counsel  
For Applicant: *Pro se*

05/16/2025

## 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 February 21, 2023, Applicant completed an Electronic Questionnaires for Investigations Processing or security clearance application (SCA). (Government Exhibit (GE) 1) On February 22, 2024, 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 the DCSA did not find under the Directive that it is clearly consistent with the interests of national security to grant or continue a security clearance for Applicant and recommended referral to an administrative judge to determine

whether a clearance should be granted, continued, denied, or revoked. Specifically, the SOR set forth security concerns arising under Guideline F. (HE 2) On April 10, 2024, Applicant provided his response to the SOR. On May 29, 2024, Department Counsel was ready to proceed. On January 3, 2025, the case was assigned to an administrative judge. On February 10, 2025, the case was transferred to me for administrative reasons.

On January 28, 2025, the Defense Office of Hearings and Appeals (DOHA) issued a notice scheduling the hearing on February 25, 2025. On February 10, 2025, DOHA issued a notice rescheduling the hearing on March 5, 2025. (HE 1) The hearing was held as scheduled on March 5, 2025, using the Microsoft Teams video teleconference system.

During the hearing, Department Counsel offered six exhibits into evidence, and Applicant did not offer any exhibits into evidence. (Tr. 11-12, 16-19; GE 1-GE 6) Applicant objected to some of the information in the government exhibits because they were out of date and current information was more favorable to him. (Tr. 16-17) His objections go to the weight of the evidence and not to admissibility. (Tr. 17-18) There were no other objections, and all proffered exhibits were admitted into evidence. (Tr. 18) On March 17, 2025, DOHA received a copy of the transcript. Applicant did not provide any exhibits after the hearing. The record closed on May 5, 2025. (Tr. 38-39)

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 denied the SOR allegations in ¶¶ 1.a-1.l, and he admitted the allegations in SOR ¶¶ 1.m-1.o. (HE 3) He also provided mitigating information. His admissions are accepted as findings of fact.

Applicant is a 47-year-old security and access control officer, and he worked for a government contractor from January of 2023 to June of 2024. He recently returned to employment with the same government contractor. (Tr. 6, 8) In 1996, he graduated from high school, and he did not attend college. (Tr. 6-7) He served in the military from 1999 to 2000, and he received an honorable discharge. (Tr. 7) He was discharged for failure to adapt. (Tr. 7) In 2001, he married, and in 2004, he divorced. (Tr. 8-9) In 2016, he married, and in 2017, he divorced. (GE 1) He has a 22-year-old daughter. (Tr. 9)

## **Financial Considerations**

Applicant's February 22, 2024 SOR alleges, and his credit bureau reports (CBRs) state, he has 13 delinquent debts totaling \$17,622. The status of the SOR debts is as follows:

SOR ¶¶ 1.a and 1.d allege two debts totaling \$3,911 owed to the U.S. Department of the Treasury for \$3,036 and \$875, respectively. Applicant was unsure of the basis for the two debts. (Tr. 22) It may have been related to a leave payment when he was

employed by a federal agency. He said he appealed, and he received a letter stating the debts were dismissed. (Tr. 25)

SOR ¶¶ 1.b, 1.c, 1.e-1.g, 1.j and 1.k allege seven debts placed for collection totaling \$3,801 as follows: \$1,173; \$884; \$736; \$482; \$340; \$103; and \$83, respectively. Applicant was unsure of the basis of the debts. (Tr. 22) SOR ¶¶ 1.b (\$1,173) and 1.c (\$884) were debts related to communications companies. (Tr. 25) He believed one communications company was supposed to pay his debt when he signed a contract with the other communications company. (Tr. 25) He believed Worker's Compensation should have paid the medical debt in SOR ¶ 1.e (\$736), and he disputed his responsibility for the debt. (Tr. 28) He disputed his responsibility for the medical debts in SOR ¶¶ 1.f (\$482), 1.g (\$340), and 1.k (\$83) by communicating with the CBRs. (Tr. 28, 32) He has not checked to determine whether his disputes were successful at having the debts removed from his CBRs. (Tr. 29)

SOR ¶¶ 1.h and 1.i are two charged-off debts totaling \$315 for \$158 and \$157, respectively. Applicant disputed his responsibility for the two debts. (Tr. 29-30)

In general, when Applicant contacted SOR creditors, they were unable to assist him with the debts because they were transferred to a collection agent. (Tr. 23) Sometimes the collection agent transferred the collection to a different company. (Tr. 24) He sent some communications to the CBRs to dispute the debts; however, he noted that sometimes the debt would be deleted, and they would reappear on another CBR. (Tr. 26)

SOR ¶ 1.l alleges a child-support debt for \$2,433. Applicant said he paid his child-support debt. (Tr. 32)

As part of his responses to interrogatories, Applicant provided IRS tax transcripts, which indicated: TY 2013 balance due: \$0, tax return timely filed; TY 2014 balance due \$0, tax return timely filed; TY 2015 balance due \$2,250, tax return received April 3, 2017; TY 2016 balance due \$7,085, tax return filed January 12, 2018; and TYS 2017-2022, balances due \$0, tax returns not filed. (GE 2 at 24-38)

SOR ¶ 1.m alleges a federal income tax debt for \$7,162. Applicant said the amount he provided of \$7,162 was an estimate. (Tr. 32) On November 18, 2023, he signed an agreement with a tax advocate company (TAC). (Tr. 32; GE 2 at 40-46) He did not believe the assistance he received from TAC was adequate. (Tr. 32) He said he would check with TAC to find out the status of his tax debt or he might seek assistance from another tax specialist. (Tr. 32-34)

SOR ¶¶ 1.n and 1.o allege Applicant failed to file, as required, his federal and state income tax returns for tax years (TYS) 2016 through 2022. His income tax returns were filed for TY 2016; however, the income tax returns for TYS 2017 through 2022 were possibly not filed. (Tr. 34; GE 2) The TAC was also supposed to help get his overdue income tax returns filed. (Tr. 34-35) Applicant said he was unaware of the TAC's progress getting his tax issues resolved. (Tr. 35) He did not sign any income tax returns; however,

he gave a TAC employee a power of attorney so perhaps the income tax returns are filed. (Tr. 36; GE 2 at 44-45)

Applicant did not file his income tax returns for TY 2023. (Tr. 37) His failure to timely file his income tax returns for TY 2023 will not be considered for disqualification purposes because it is not alleged in the SOR; however, it will be considered under the whole-person concept. He moved, and he did not receive documents showing his income from his employer. (Tr. 37) Because he lacked income information, he was unable to file the TY 2023 income tax returns.

I asked Applicant to provide the following documents after his hearing: income tax returns or IRS tax transcripts showing the status of his federal and state income tax returns; proof of any payments; payment plans; and offers to settle SOR debts. (Tr. 38-39) I asked him to provide a recent CBR. (Tr. 39) As indicated previously, he did not provide any post-hearing documents.

## 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 applicant’s eligibility for access to classified information “only upon a finding that it is clearly consistent with the national interest to do so.” Exec. Or. 10865, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended.

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the adjudicative guidelines. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with an evaluation of the whole person. An administrative judge’s overarching adjudicative goal is a fair, impartial, and commonsense decision. An administrative judge must consider all available, reliable information about the person, past and present, favorable, and unfavorable.

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of classified information. Clearance decisions must be “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See Exec. Or. 10865 § 7. Thus, nothing in this decision should be construed to suggest that it is based, in whole or in part, 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 disqualifying conditions that could raise a security concern and may be disqualifying in this case:

- (a) inability to satisfy debts;
- (c) a history of not meeting financial obligations; and
- (f) failure to file or fraudulently filing annual Federal, state, or local income tax returns or failure to pay annual Federal, state, or local income tax as required.

The record establishes the disqualifying conditions in AG ¶¶ 19(a), 19(c), and 19(f), requiring additional inquiry about the possible applicability of mitigating conditions. Discussion of the disqualifying conditions are 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).

"It is also well established that an applicant's ongoing, unpaid debts demonstrate a continuing course of conduct and can be viewed as recent for purposes of the Guideline F mitigating conditions." ISCR Case No. 22-02226 at 2 (App. Bd. Oct. 27, 2023) (citing ISCR Case No. 15-06532 at 3 (App. Bd. Feb. 16, 2017)).

Applicant's February 22, 2024 SOR alleges, and his CBRs state, he has 13 delinquent debts totaling \$17,622. Applicant said he disputed his responsibility for payment of most of his debts. AG ¶ 20(e) governs mitigation of disputed debts. Applicant has the burden of showing he "has a reasonable basis to dispute the legitimacy of the past-due debt . . . and **provides documented proof to substantiate the basis of the dispute or provides evidence of actions to resolve the issue.**" (emphasis added) An applicant who claims that a debt has been resolved is expected to provide documentary evidence to support that claim. See ISCR Case No. 15-03363 at 2 (App. Bd. Oct. 19, 2016).

Applicant did not provide copies of the documents he filed to dispute the debts on his CBRs. AG ¶ 20(e) is not established. He said he paid his child support debt; however, he did not provide proof of payments, such as debits from a checking account or allotments from his pay. He did not provide the letter he said he received indicating the debts in SOR ¶¶ 1.a and 1.d were resolved. He should have been able to obtain documentation from the child-support agency to show payment of the debt in SOR ¶ 1.l. He did not provide reasonably available documentation to prove payment of his child-support debt.

Applicant failed to provide proof that he filed his federal and state income tax returns for TYs 2017 through 2022. IRS tax transcripts and records from the state tax authority would show whether he filed his tax returns. In ISCR Case No. 16-02322 at 4 (App. Bd. Mar. 14, 2018), the Appeal Board discussed the absence of mitigating

information and noted that applicant failed to provide an IRS transcript “without explaining why it was that such a document was not available.” Applicant in this case failed to provide any evidence that he filed his income tax returns for TYs 2017 through 2022.

Recently, the Appeal Board in ISCR Case No. 23-00254 at 3 (App. Bd. Sept. 9, 2024) said:

A security clearance adjudication is not a proceeding aimed at inducing an applicant to meet his or her duty to file tax returns. Rather, it is a proceeding aimed at evaluating an applicant’s judgment, reliability, and trustworthiness. E.g., ISCR Case No. 07-08049 at 5 (App. Bd. Jul. 22, 2008). Accordingly, even though Applicant eventually filed his tax returns [in the case under appeal], the Judge was obligated to consider the facts and circumstances surrounding the failure to timely meet tax obligations. *Id.*

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 (9<sup>th</sup> Cir. 1973); *United States v. McCabe*, 416 F.2d 957 (7<sup>th</sup> Cir. 1969); *O’Brien v. United States*, 51 F.2d 193 (7<sup>th</sup> 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. Regarding the failure to timely file a federal income tax return, 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 Appeal Board in ISCR Case No. 15-01031 (App. Bd. June 15, 2016) explained that in some situations, even if no taxes are owed when income tax returns are not timely filed, grant of access to classified information is inappropriate. In that case, the applicant filed his 2011 federal income tax return in December 2013, his 2012 federal income tax return in September 2014, and his 2013 federal income tax return in October 2015. He received federal income tax refunds of at least \$1,000 for each year. Nevertheless, the Appeal Board reversed the administrative judge’s decision to grant access to classified information. *Id.*

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 [f]ederal 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 case, Applicant’s February 22, 2024 SOR alleged he had 13 delinquent debts totaling \$17,622. Some of those 13 debts do not appear on his most recent credit report of record. “[T]hat some debts have dropped off his [or her] credit report is not meaningful evidence of debt resolution.” ISCR Case No. 14-05803 at 3 (App. Bd. July 7, 2016) (citing ISCR Case No. 14-03612 at 3 (App. Bd. Aug. 25, 2015)). The Fair Credit Reporting Act requires removal of most negative financial items from a credit report seven years from the first date of delinquency or the debt becoming collection barred because of a state statute of limitations, whichever is longer. See Title 15 U.S.C. § 1681c. Debts may be dropped from a credit report upon dispute when creditors believe the debt is not

going to be paid, a creditor fails to timely respond to a credit reporting company's request for information, or when the debt has been charged off.

"[U]ntil an applicant has a meaningful financial track record, it cannot be said as a matter of law that he has initiated a good-faith effort to repay overdue creditors or otherwise resolved debts. The phrase 'meaningful track record' necessarily includes evidence of actual debt reduction through payment on debts." ISCR 22-02226 at 2 (App. Bd. Oct. 27, 2023) (citing ISCR Case No. 05-01920 at 5 (App. Bd. Mar. 1, 2007)).

Applicant did not provide documentary evidence that he maintained contact with several of his creditors. He does not have a payment plan to address most of his delinquent debts, and he has not provided documentary evidence that he made any payments to his SOR creditors. I am not confident that he will timely establish payment plans, pay, or otherwise resolve his SOR debts, and maintain his financial responsibility. Under all the circumstances, none of the mitigating conditions fully apply to the SOR allegations. Financial considerations security concerns are not mitigated.

### **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 47-year-old security and access control officer. He worked for a government contractor from January of 2023 to June of 2024. He recently returned to employment with the same government contractor. He received an honorable discharge from the military.

The evidence against grant of a security clearance is detailed in the financial considerations section, *supra*, and the evidence against mitigation is more persuasive. Applicant did not establish that he was making payments to his SOR creditors or that he

is establishing payment plans to address his SOR debts. He failed to timely file his federal and state income tax returns for TYs 2017 through 2023. His failure to take timely, prudent, responsible, and good-faith actions regarding his taxes and other debts raise 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)).

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 financial considerations 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 through 1.o:**

## Against Applicant

## Conclusion

Considering all of the circumstances in this case, it is not clearly consistent with the interests of national security to grant Applicant eligibility for a security clearance. Eligibility for access to classified information is denied.

Mark Harvey  
Administrative Judge