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**United States Department of Energy  
Office of Hearings and Appeals**

In the Matter of: Personnel Security Hearing )  
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Filing Date: October 21, 2025 ) Case No.: PSH-26-0010  
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Issued: May 8, 2026

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**Administrative Judge Decision**

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Noorassa A. Rahimzadeh, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXX (the Individual) to hold an access authorization under the United States Department of Energy’s (DOE) regulations, set forth at 10 C.F.R. Part 710, “Procedures for Determining Eligibility for Access to Classified Matter and Special Nuclear Material or Eligibility to Hold a Sensitive Position.”<sup>1</sup> As discussed below, after carefully considering the record before me in light of the relevant regulations and the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (June 8, 2017) (Adjudicative Guidelines), I conclude that the Individual’s access authorization should not be restored.

**I. Background**

As part of a routine reinvestigation of the Individual’s eligibility for access authorization, the Individual, an employee of a DOE contractor, completed, signed, and submitted a Questionnaire for National Security Positions (QNSP) in July 2025. Exhibit (Ex.) 4.<sup>2</sup> When asked whether he had “failed to file or pay Federal, state, or other taxes when required by law or ordinance[,]” the Individual marked “yes.” *Id.* at 57. The Individual indicated that he failed to file tax returns or pay his taxes for tax years 2020, 2021, 2022, 2023, and 2024. *Id.* at 57–60. He explained in the QNSP that he did not have a “good reason” for his failure to file or pay his income taxes, but that he had moved to a different state in 2020, and he was “waiting for [his] contract company to change [his] state withholdings” from his former state (State 1) of residence to his current state (State 2) of residence. *Id.* The contractor changed his state withholdings from State 1 to State 2 in 2022. *Id.* He also stated that when he was gathering documents for his tax filings in 2023, his computer “hard drive[] failed[,]” and accordingly, he had to “order printouts” of the documents for the

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<sup>1</sup> The regulations define access authorization as “an administrative determination that an individual is eligible for access to classified matter or is eligible for access to, or control over, special nuclear material.” 10 C.F.R. § 710.5(a). This Decision will refer to such authorization as access authorization or security clearance.

<sup>2</sup> The exhibits submitted by DOE were Bates numbered in the upper right corner of each page. This Decision will refer to the Bates numbering when citing to exhibits submitted by DOE.

outstanding tax years. *Id.* He then delayed beginning the process of filing his outstanding income taxes “until about a month ago[.]” *Id.* At the time he completed the QNSP, he was “working with [his] tax preparer to get all of [his]” tax filings completed. *Id.*

The LSO began the present administrative review proceeding by issuing a letter (Notification Letter) to the Individual in which it notified him that it possessed reliable information that created a substantial doubt regarding his continued eligibility for access authorization. In a Summary of Security Concerns (SSC) attached to the Notification Letter, the LSO explained that the derogatory information raised security concerns under Guideline F (Financial Considerations) of the Adjudicative Guidelines. Ex. 1. The Notification Letter informed the Individual that he was entitled to a hearing before an Administrative Judge to resolve the substantial doubt regarding his eligibility to hold a security clearance. *See* 10 C.F.R. § 710.21.

The Individual requested a hearing, and the LSO forwarded the Individual’s request to the Office of Hearings and Appeals (OHA). The Director of OHA appointed me as Administrative Judge in this matter. At the hearing I convened pursuant to 10 C.F.R. § 710.25(d), (e), and (g), the Individual testified on his own behalf. *See* Transcript of Hearing, OHA Case No. PSH-26-0010 (hereinafter cited as “Tr.”) The Individual also submitted nine exhibits, marked Exhibits A through I. The DOE Counsel submitted six exhibits marked as Exhibits 1 through 6.

## **II. Notification Letter**

Guideline F provides that “[f]ailure 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.” Adjudicative Guidelines at ¶ 18. Conditions that could raise a security concern include an individual’s “failure to file . . . annual Federal, state, or local income tax returns or failure to pay annual Federal, state, or local income tax as required[.]” *Id.* at ¶ 19(f). Under Guideline F, the LSO alleged that the Individual admitted in the QNSP that he failed to file his federal income tax returns or pay Federal income taxes for tax years 2020, 2021, 2022, 2023, and 2024. Ex. 1 at 5. The LSO also alleged that the Individual admitted in the QNSP that he failed to file his State 1 income tax returns or pay taxes for tax years 2020 and 2021 and failed to file his State 2 income tax returns or pay taxes for tax years 2021, 2022, 2023, and 2024. *Id.* The LSO’s invocation of Guideline F is justified.

## **III. Regulatory Standards**

A DOE administrative review proceeding under Part 710 requires me, as the Administrative Judge, to issue a decision that reflects my comprehensive, common-sense judgment, made after consideration of all the relevant evidence, favorable and unfavorable, as to whether the granting or continuation of a person’s access authorization will not endanger the common defense and security and is clearly consistent with the national interest. 10 C.F.R. § 710.7(a). The regulatory standard implies that there is a presumption against granting or restoring a security clearance. *See Department of Navy v. Egan*, 484 U.S. 518, 531 (1988) (“clearly consistent with the national interest” standard for granting security clearances indicates “that security determinations should

err, if they must, on the side of denials”); *Dorfmont v. Brown*, 913 F.2d 1399, 1403 (9th Cir. 1990) (strong presumption against the issuance of a security clearance).

The individual must come forward at the hearing with evidence to convince the DOE that granting or restoring access authorization “will not endanger the common defense and security and will be clearly consistent with the national interest.” 10 C.F.R. § 710.27(d). The individual is afforded a full opportunity to present evidence supporting his eligibility for an access authorization. The Part 710 regulations are drafted so as to permit the introduction of a very broad range of evidence at personnel security hearings. Even appropriate hearsay evidence may be admitted. *Id.* § 710.26(h). Hence, an individual is afforded the utmost latitude in the presentation of evidence to mitigate the security concerns at issue.

#### IV. Findings of Fact and Hearing Testimony

During the hearing, the Individual admitted that he has been working for a DOE contractor for almost thirty years, and that he obtained his access authorization soon after being hired. Tr. at 12–13. Accordingly, he has held an access authorization for approximately twenty-seven years. *Id.* at 13. The Individual completes an annual security training to maintain his access authorization. *Id.* at 31. When asked how many QNSPs he had completed during the course of his employment, he indicated that he completed approximately five. *Id.* Accordingly, he was aware that the failure to file tax returns or pay his tax obligations could pose a security concern. *Id.*

At the hearing, the Individual confirmed that he began filing his outstanding income tax returns in October 2025, and when asked whether he had filed his Federal income tax returns for tax years 2020 through 2024, the Individual stated that they had been “filed, received, and processed.” *Id.* at 14, 23–24. The Individual submitted a copy of his Internal Revenue Service (IRS) tax transcripts for tax years 2020 through 2024 confirming the same. Ex. C. He admitted during the hearing that his income taxes accrued “pretty severe” penalties and that he currently owes approximately \$50,000 in unpaid Federal income taxes, penalties, and interest. Tr. at 14–15. He stated that had he filed his Federal income tax returns in a timely fashion, his tax obligation “would have been half of that.” *Id.* at 15. He explained that he has since “worked with the IRS and set up a payment plan.” *Id.* at 15, 24. The aforementioned payment plan was established in January 2026, and per the plan, his bank account will be automatically debited about \$1,300 every month.<sup>3</sup> *Id.* at 15–16, 24; Ex. F. At the time of the hearing, the IRS had only debited one payment from the Individual’s account, which occurred in March 2026. Tr. at 16, 24; Ex. G. He explained that if he “get[s] additional money,” he will “pay it off sooner.”<sup>4</sup> Tr. at 16, 24. Although not a concern that was alleged in the SSC, and although the hearing took place days prior to “Tax Day” in April 2026, the Individual had not yet filed his 2025 Federal income tax returns at the time of the hearing.

Regarding his State 1 income tax returns, the Individual testified that they had also been “filed, received, and processed.” *Id.* He submitted a screenshot of an online tax portal for the State 1 tax authority indicating that he filed his State 1 tax returns for tax years 2020, 2021, and 2022. Ex. E. He testified that he does not owe any taxes to State 1. Tr. at 17.

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<sup>3</sup> The payments satisfy the oldest debt first. Tr. at 30.

<sup>4</sup> The Individual explained that he occasionally consults for other entities as a secondary source of income. Tr. at 38.

He also confirmed that his outstanding State 2 income tax returns were filed, received, and processed. *Id.* He also submitted a screenshot of an online tax portal for the State 2 tax authority, indicating that the Individual had filed his income tax returns for tax years 2020 through 2024. Ex. D. He stated that he owes approximately \$13,000 to State 2 for tax year 2021. Tr. at 17. The Individual explained that at the end of 2020, he and his family moved to State 2 to care for a family member in her older age. *Id.* at 14. When he moved to State 2, his employer “kept withholding for [State 1].” *Id.* at 17–18. He further confirmed via his testimony that for tax year 2021, not only did his employer withhold for the incorrect state, but he also paid income taxes to the incorrect state, State 1. *Id.* at 18. His employer began withholding for the correct state, State 2, in calendar year 2022.<sup>5</sup> *Id.* at 35. He stated that he is going to try to “re-file” with State 1 to recover his tax overpayments, and in the meantime, he has established a payment plan with State 2. *Id.* at 18. Per the terms of the payment plan with State 2, \$350 is withdrawn from his account every month. *Id.* at 18–19; Ex. H. At the time of the hearing, the Individual had made one payment. Tr. at 19; Ex. I.

The Individual stated that “[e]very year at tax time, [he] would . . . remind[] [his employer] that [he] need[ed] them to withhold for a different state[.]” Tr. at 19. Also, in an attempt to save money, he tried to prepare his taxes himself, but he “kept getting stuck” in terms of having the appropriate paperwork for his wife’s business.<sup>6</sup> *Id.* He stated that “in hindsight,” it was a bad idea to try and file his taxes himself. *Id.* at 20. He understood that it was his responsibility to file his income tax returns, and he understood that “there would be penalties and interest,” but he did not realize that “they would be so much.” *Id.* To file his outstanding income tax returns, he sought assistance from a previously used tax service in May or June 2025, and he intends to continue using that service in the years to come.<sup>7</sup> *Id.* at 20–21, 38. He also intends to file his taxes every February to avoid running the risk of filing his taxes in an untimely manner. *Id.* at 21.

## V. Analysis

Conditions that could mitigate Guideline F concerns include:

- 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;

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<sup>5</sup> He did not reach out to the State 2 tax authority to see what he could do regarding his taxes while his employer solved the matter of his withholdings. Tr. at 36.

<sup>6</sup> His wife was missing tax documents for tax years 2020 and 2021. Tr. at 22. He learned that one could acquire missing tax documents from the Social Security Administration (SSA), so he sent the SSA a check and a description of the requested documents so that the SSA could fulfill his request for missing documents. *Id.* at 20, 33. He never received any of the missing documents, and the check was never cashed. *Id.* at 20, 32. Accordingly, he failed to file for subsequent tax years because he was under the impression that he had to file his taxes “sequentially.” *Id.* at 22. He also stated that “[i]f [he] had to do it all over again,” he would file his income taxes separately from his wife. *Id.* at 23.

<sup>7</sup> The tax service charges patrons per document that is prepared and filed which, for the Individual, amounts to approximately \$900 to \$1,000 per tax year. Tr. at 38.

- 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 debt;
- 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;
- f) The affluence resulted from a legal source of income; and
- g) The individual has made arrangements with the appropriate with the appropriate tax authority to file or pay the amount owed and is in compliance with those arrangements.

Adjudicative Guidelines at ¶ 20.

Under 10 C.F.R. § 710.7(c), in considering whether or not the Individual has resolved the alleged security concerns, I shall consider, among other things, “the frequency and recency of the conduct[.]” as well as “the likelihood of continuation or recurrence[.]” In the matter before me, the record reveals that the Individual failed to file tax returns or pay his Federal and state income taxes for a number of years. It bears noting that at the time of the hearing, the Individual had held an access authorization for over twenty years and, by his own report, had completed a QNSP approximately five times. He admitted that he understood that a failure to file tax returns or pay his taxes could pose a security concern. Despite this, the Individual engaged in a pattern of failing to file tax returns over the span of years. Also, the Individual had not yet filed his 2025 income tax returns at the time of the hearing, just days before “Tax Day,” despite testifying that he would do so by February each year going forward. This fact, coupled with years of failing to file his income tax returns, only serves to intensify my concern that the Individual will fall back into his former pattern and fail to comply with the requirement to file tax returns.

At the time of the hearing, the Individual had filed his outstanding tax returns less than one year prior, and further, his obligation to pay his state and Federal income taxes were ongoing, as the Individual owed approximately \$50,000 in Federal income taxes and \$13,000 in state income taxes. Additionally, the Individual did not allege circumstances that would cause me to believe that his failure to file taxes is unlikely to recur. Missing tax documents and withholding mistakes made by his employer, both of which the Individual cites as circumstances that excuse his delayed

tax filings, are not so unusual that the Individual would never experience them again. Therefore, I cannot conclude that 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. Mitigating factor (a) has not been met.

As stated above, the Individual expressed some difficulties or hurdles to filing his income tax returns, like his wife's missing tax documents and his employer's failure to correctly implement his state tax withholdings. However, I cannot conclude that the Individual acted in a responsible manner under the circumstances. As stated previously, the Individual could have taken certain actions to ensure that his tax returns were filed on time. He could have, for instance, retained the services of the tax service that he had previously used. He could have been more engaged with his employer, possibly prompting them to take swift action to correct his withholdings. Further, as his employer corrected the withholding in calendar year 2022, it was irresponsible of the Individual to wait until 2025 to begin the process of filing and paying his outstanding tax obligations. It was also irresponsible of him to fail to file his tax returns separately after learning that his wife's tax documents were missing. Mitigating factor (b) has not been met.

At the time of the hearing, the Individual still owed a total of approximately \$63,000 in unpaid income taxes to the IRS and the State 2 tax authority. While he testified that he had established payment plans, at the time of the hearing in April 2026, only one payment had been withdrawn from his account pursuant to each of the plans. I cannot conclude that the Individual "is in compliance" with a payment plan if I only have evidence of one payment, especially in light of the Individual's past behavior with regard to his ongoing tax obligations. Rather, I would need to see a history of payments made to each tax authority to satisfy my concerns over whether the Individual could adhere to the arrangements. Accordingly, I cannot conclude that the Individual has mitigated the stated concerns pursuant to mitigating factor (g).

As the SSC did not allege any kind of outstanding debt outside of what the Individual owed in income taxes, mitigating factors (c) and (d) are not applicable.

The Individual did not dispute the legitimacy of the past-due debt. Mitigating factor (e) is not applicable. The SSC did not allege any unexplained affluence. Mitigating factor (f) is not applicable.

## **VI. Conclusion**

For the reasons set forth above, I conclude that the LSO properly invoked Guideline F of the Adjudicative Guidelines. After considering all the evidence, both favorable and unfavorable, in a comprehensive, common-sense manner, including weighing all the testimony and other evidence presented at the hearing, I find that the Individual has not brought forth sufficient evidence to resolve the Guideline F concerns set forth in the SSC. Accordingly, the Individual has not demonstrated that restoring his security clearance would not endanger the common defense and security and would be clearly consistent with the national interest. Therefore, I find that the Individual's access authorization should not be restored. This Decision may be appealed in accordance with the procedures set forth at 10 C.F.R. § 710.28.

Noorassa A. Rahimzadeh  
Administrative Judge  
Office of Hearings and Appeals