United States Department of Energy
Office of Hearings and Appeals

In the Matter of: Personnel Security Hearing	)	
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Filing Date: May 20, 2026	)	Case No.: PSH-26-0125
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	)	

Issued: July 17, 2026

Administrative Judge Decision

Erin C. Weinstock, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXXXXX (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."[1] 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 granted.

I. BACKGROUND

The Individual applied for access authorization in connection to his employment with a DOE contractor. Exhibit (Ex.) 1 at 1. In January 2026, the Individual completed a Questionnaire for National Security Positions (QNSP). Ex. 3. In his QNSP, the Individual reported that he had failed to file his Federal tax returns or pay Federal personal income taxes for tax years 2019, 2020, 2021, 2022, 2023, and 2024 but represented that his Federal tax return for the 2019 tax year was "complete" and "in the process of being filed." *Id.* at 44–47. After completing his QNSP, the Individual underwent an enhanced subject interview (First ESI), where he was confronted about three delinquent financial accounts that he had not disclosed in his QNSP. *Id.* at 61. The Individual gathered information about these accounts and had a second interview with the investigator where he provided additional information (Second ESI). *Id.* at 63. As a result of these interviews, the Individual was asked to complete a letter of interrogatory (LOI) in March 2026. Ex. 4. In the LOI, when asked about if he had a payment plan to satisfy his tax debt, the Individual stated that he and

[1] 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.

his wife were "in the process of hiring someone to prepare [their] returns for the years 2019 through 2024." Ex. 4 at 5.

The LSO subsequently issued the Individual a Notification Letter advising him that it possessed reliable information that created substantial doubt regarding his eligibility for access authorization. Ex. 1 at 1–3. In a Summary of Security Concerns (SSC) attached to the letter, the LSO explained that the derogatory information raised security concerns under Guideline E and Guideline F of the Adjudicative Guidelines. *Id.* at 4–6.

The Individual exercised his right to request an administrative review hearing pursuant to 10 C.F.R. Part 710. Ex. 2 at 10. The Director of the Office of Hearings and Appeals (OHA) appointed me as the Administrative Judge in this matter, and I conducted an administrative hearing. The LSO submitted five exhibits (Ex. 1–5). The Individual submitted twelve exhibits (Ex. A–L). The Individual testified on his own behalf, and no other witnesses were called. Hearing Transcript, OHA Case No. PSH-26-0125 (Tr.).

II. THE SECURITY CONCERNS

Under Guideline E, "[c]onduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information." Adjudicative Guidelines at ¶ 15. In citing Guideline E, the LSO relied upon the discrepancy between the Individual's January 2026 statement on the QNSP that his 2019 tax returns were completed and were being filed and his March 2026 statement that he and his wife were in the process of hiring a professional to file their taxes from 2019 to 2024. Ex. 1 at 6. The LSO also relied upon the Individual's failure to disclose his delinquent financial accounts. *Id.* The information cited by the LSO justifies its invocation of Guideline E. *See* Adjudicative Guidelines at ¶ 16(a) (indicating that "deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire . . . or similar form" may raise a security concern under Guideline E).[2]

Guideline F, under which the LSO raised security concerns, relates to security risks arising from financial concerns. "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." Adjudicative Guidelines at ¶ 18. Conditions that may raise a security concern include "inability . . . [or] unwillingness to satisfy debts regardless of the ability to do so" and "failure to file . . . annual Federal, state, or local income tax returns or [] pay annual Federal, state, or local income tax as required." *Id.* at ¶ 19(a)–(b) (f). In citing Guideline F, the LSO relied upon the Individual's admission that he had failed to file his Federal tax returns or pay Federal personal income taxes for tax years 2019, 2020, 2021, 2022,

[2] In laying out its Guideline E concerns, the LSO also stated that "Paragraphs I.A and I.B are incorporated herein by reference as if fully set forth in its entirety." Ex. 1 at 6. Paragraphs I.A and I.B raise the allegations that the Individual failed to pay his Federal taxes for a period of six years and had three delinquent financial accounts. *Id.* at 4–5. Because this credible adverse information can be raised under Guideline F, it does not raise a security concern under Guideline E. *See* Adjudicative Guidelines at ¶ 16(d) (explaining "credible adverse information that is not explicitly covered under any other guideline" may raise a security concern). As such, I do not consider it in my analysis of the Guideline E concerns.

2023, and 2024. Ex. 1 at 4–5. The LSO also relied upon the three delinquent financial accounts that the Individual had not paid. *Id.* at 5–6.The information cited by the LSO justifies its invocation of Guideline F.

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 Dep't 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).

An 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). An individual is afforded a full opportunity to present evidence supporting their eligibility for an access authorization. The Part 710 regulations are drafted to permit the introduction of a very broad range of evidence at personnel security hearings. Even appropriate hearsay evidence may be admitted. *Id.* at § 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

Since the Individual was married about thirty years ago, his wife has managed his family's finances, including completing Federal tax returns.[3] Tr. at 17, 26. When it was time for the Individual to file his 2019 Federal tax return, the Individual's wife completed the tax return, and the Individual signed it. *Id.* at 9; Ex. 3 at 44. Neither the Individual nor his wife ever filed the tax return. Tr. at 9. The Individual testified that the same thing happened with his tax return for 2020. *Id.* at 10.

When the Individual and his wife were gathering materials to file their 2021 tax return, the Individual learned that his 2019 and 2020 tax returns had not been filed. *Id.* The Individual found getting the back taxes settled to be a "daunting situation," and he "kind of stuck [his] head in the sand." *Id.* From tax year 2021 to tax year 2024, the Individual did not file his Federal income tax return on time. *Id.* at 10–11.

The Individual claimed in his hearing testimony, but provided no evidence to corroborate, that he mailed his tax returns for tax years 2019 to 2025 to the IRS from May 9 to May 11, 2026. Tr. at 11; Ex. B (2019 Federal tax return); Ex. C (2020 Federal tax return); Ex. D (2021 Federal tax return); Ex. E (2022 Federal tax return); Ex. F (2023 Federal tax return); Ex. G (2024 Federal tax

[3] From 2019 to 2024, the Individual lived in a state that does not require residents to file a state tax return. Tr. at 43.

return); Ex. H (2025 Federal tax return). He and his wife completed the returns on their own. Tr. at 13–14. According to the Individual's completed returns, he and his wife owe the IRS approximately $28,000. *Id.* at 10–11. However, he does not know how much he will owe in interest and penalties. *Id.* at 34. When the IRS processes his returns, he plans to make a payment plan to pay off the amount he owes. *Id.* at 13. When asked if he knew why the issues began in 2019, the Individual theorized that it was because his wife's career was "taking off" around that time, and her increased workload meant she had less time for other tasks. *Id.* at 27–28.

The Individual explained that even though the 2019 and 2020 tax returns had been completed around the time that they were due, the actual forms were in an unknown box in a storage unit because he and his wife had moved several times since 2020. *Id.* at 12. When the Individual set out to file his tax returns after completing his QNSP, he was living in a hotel in a different city than where the storage unit was located and was unable to help his wife attempt to locate the tax documents in the storage unit. *Id.* According to the Individual, the issues finding those documents caused a delay in the filing of those tax returns. *Id.* The Individual and his wife considered engaging a tax professional to handle their filings, but decided that because they already had the 2019 and 2020 tax returns completed, and the hearing concerning this matter was shortly after the busy season for tax professionals, it would be best for him to complete the tax returns so that they could be submitted as exhibits in this proceeding. *Id.* at 14. The Individual has not received confirmation that the IRS has received his tax returns, but he testified that he has been calling them on a weekly basis since June. *Id.* at 12–13.

The Individual testified that he was unaware of the three past due debts that he owed until he was confronted about them during an ESI. *Id.* at 14–15. The first debt was a credit card that he and his wife had opened when they purchased furniture for a new home. *Id.* at 15. The Individual explained that his wife usually takes care of their credit card payments, so he was not keeping track of the debt and did not know when they stopped paying the balance. *Id.* He testified that he learned that the account was charged off when the investigator asked him about it, and shortly after that he called his wife to attempt to discover what had happened. *Id.* They budgeted to pay the debt off, and he testified that they did so in March 2026. *Id.*; Ex. I (record of payment to a collection company matching the amount listed in the SSC, but not to the creditor listed in the SSC).

The second debt was a personal loan that the Individual and his wife took out to help one of his children cover expenses. Tr. at 15. As with the first debt, the Individual testified that he was unaware of this debt until the investigator confronted him and eventually discussed it with his wife. *Id.* at 16. The Individual provided a letter from the collection company that owned the debt showing he had paid the amount listed in the SSC. Ex. J.

The third debt was a final electricity bill for an apartment where the Individual and his wife lived. *Id.* at 16. The Individual's wife thought the bill was unusually high and had intended to dispute it, but she forgot to do so. *Id.* He testified that he was unaware of this bill until the investigator raised it. *Id.* The Individual stated that this bill was paid off in March 2026. *Id.*; Ex. K (copy of check showing payment to a collection company matching the amount listed in the SSC, but not to the creditor listed in the SSC).

V. ANALYSIS

A. Guideline E

Conditions that can mitigate security concerns based on personal conduct include the following:

(a) The individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;

(b) The refusal or failure to cooperate, omission, or concealment was caused or significantly contributed to by advice of legal counsel or of a person with professional responsibilities for advising or instructing the individual specifically concerning security processes. Upon being made aware of the requirement to cooperate or provide the information, the individual cooperated fully and truthfully;

(c) The offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;

(d) The individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that contributed to untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur;

(e) The individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress;

(f) The information was unsubstantiated or from a source of questionable reliability; and

(g) Association with persons involved in criminal activities was unwitting, has ceased, or occurs under circumstances that do not cast doubt upon the individual's reliability, trustworthiness, judgment, or willingness to comply with rules and regulations.

Adjudicative Guidelines at ¶ 17.

The Individual resolved the security concerns raised under Guideline E pursuant to mitigating factor (c). The two issues here are so minor that they do not cast doubt on the Individual's reliability, trustworthiness, or good judgment. As to the discrepancy in the Individual's statements on the QNSP and in answer to the LOI regarding his 2019 tax returns, I do not find that the fact that the Individual said he was going to engage a tax professional to be contradictory to his previous statements that he had completed his 2019 tax returns or that those returns were in the process of being filed. As the Individual admitted in the QNSP that his 2020 to 2024 tax returns were incomplete and had not been filed, I find that the Individual would have nothing to gain from falsely claiming his 2019 tax returns were completed and in the process of being filed, and the inconsistency between the two documents is minor. As to his failure to disclose the delinquent debts, I find the Individual's testimony that he did not know about the debts to be credible, largely due to the actions he took after learning about the debts from the investigator. He promptly asked his wife about the debts and provided that information to the investigator. Further, the Individual had already affirmatively disclosed significant derogatory information about his unfiled tax returns, and I have no reason to believe that the Individual would intentionally hide these financial issues when he had already alerted the LSO to the issues with his tax returns. As such, I do not believe these issues call his reliability, trustworthiness, or good judgment into question.

The Individual resolved the security concerns raised under Guideline E.

B. Guideline F

An individual may be able to mitigate security concerns under Guideline F through the following conditions:

> (a) the behavior happened so long ago, was so infrequent, or it happened under such unusual circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or 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 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 action to solve the issue;
>
> (f) the affluence resulted from a legal form or income; and
>
> (g) the individual made arrangements with the appropriate tax authority to file or pay the amount owed and is in compliance with those arrangements.

Adjudicative Guidelines at ¶ 20.

There are two separate Guideline F concerns here, the Individual's past due debts and his failure to file his federal tax returns. The Individual has not mitigated the security concerns on either issue.

As to mitigating factor (a), the Individual failed to file his tax returns for six consecutive tax years, from 2019 to 2024. The Individual did not allege that there were any unusual circumstances involved here. Further, as the conduct was both recent and repeated, I cannot find that the security concerns are mitigated pursuant to mitigating factor (a).

Mitigating factors (b) and (f) do not apply to either issue here. There is no allegation that the Individual had a financial problem beyond his control or had any unexplained affluence.

Further, mitigating factor (c) is inapplicable because the Individual has not alleged that he is receiving financial counseling or that he has a problem that would require such counseling.

The security concerns are not resolved pursuant to mitigating factor (d). Although the Individual provided documentation showing he had made payments to companies in amounts equal to those listed in the SSC, he did not provide documentation from any of the companies that held his debts showing that the accounts were paid off or an updated credit report to corroborate the same. Thus, I cannot conclude that the payments in question were made to resolve the debts specifically cited in the SSC or that the balances of those debts did not increase in the time since the LSO learned of them. Without evidence that these accounts are fully satisfied, I cannot say that "the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts."

Mitigating factor (e) does not apply here because the Individual has not disputed that he owed the delinquent debts.

As to mitigating factor (g), the Individual has provided documentation showing that he prepared all of his required Federal tax returns. However, he provided no evidence to corroborate that he filed them with the IRS and, at the time of the hearing, was unable to provide evidence that the IRS had received his tax returns, let alone processed them. Further, because the tax returns have not been processed, and penalties and interest have yet to be calculated, the Individual does not know his total tax liability and has not made arrangements to pay the amount owed. Even had he done so, I would harbor concerns regarding the Individual's judgment and reliability based on his testimony that he "stuck his head in the sand" and disregarded his responsibility to file tax returns for years. Considering the lengthy period for which the Individual knowingly disregarded his tax-filing obligations, there is substantial doubt that he will comply with other rules for which he finds compliance burdensome. As such, the Individual has not mitigated the security concerns pursuant to mitigating factor (g).

Therefore, I find that the Individual has not mitigated the security concerns raised under Guideline F.

VI. CONCLUSION

In the above analysis, I found that there was sufficient derogatory information in the possession of DOE to raise security concerns under Guideline E and Guideline F of the Adjudicative Guidelines. After considering all the relevant information, 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 brought forth sufficient evidence to resolve the security concerns set forth in the Summary of Security Concerns under Guideline E, but not those asserted under Guideline F. Accordingly, I have determined that the Individual should not be granted access authorization. This Decision may be appealed in accordance with the procedures set forth at 10 C.F.R. § 710.28.

Erin C. Weinstock
Administrative Judge
Office of Hearings and Appeals