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United States Department of Energy
Office of Hearings and Appeals

In the Matter of: Personnel Security Hearing	)		
	)		
Filing Date: March 31, 2026	)	Case No.:	PSH-26-0087
	)		
	)		

Issued:

Administrative Judge Decision

Noorassa A. Rahimzadeh, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXX (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

As part of the clearance process, the Individual completed and submitted a Questionnaire for National Security Positions (QNSP) in April 2025. Exhibit (Ex.) 6.[2] The Individual disclosed that in January 2012, he had been charged with Felony Sale/Offer to Sell/Transportation of Controlled Substance. *Id.* at 54. He entered a plea of Nolo Contendere in March 2012 and was sentenced to three years of probation. *Id.* The Individual also disclosed that in May 2012, he was charged with Felony Sale/Offer to Sell/Transportation of a Controlled Substance, to which he entered a plea. *Id.* at 55. He disclosed that in May 2015, he was charged with Felony Sale/Offer to Sell/Transportation of a Controlled Substance. *Id.* at 56. A criminal record that was obtained in conjunction with the subsequent background investigation of the Individual's eligibility for access authorization revealed that the Individual was also charged with felony Possession of Controlled Substance for Sale, felony Possession of Ammunition, Use of Cell Phone While Driving, Driving While License Suspended, and felony Bring Controlled Substance/Etc. into Prison/Jail/Etc. in May 2012. Ex. 8

[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.

[2] 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.

at 153, 165. After the Individual failed to make a court appearance, a bench warrant for the Individual's arrest was issued in June 2015, and a bond was set at $100,000. *Id.* at 153–54; *see also* Ex. 6 at 56 (Individual denying knowledge of the May 2015 charge in the April 2025 QNSP and representing that his "attorney is working on getting [the matter] resolved"). The record also indicated that in July 2012, the Individual, subsequent to being detained, was denied bail, his probation remained revoked, and he was remanded to custody. Ex. 8 at 149. In December 2012, as the Individual had violated the terms of his probation, he was sentenced to serve four years in county jail, "less credit for 430 days in custody[.]" *Id.* The Individual was incarcerated from December 2012 to March 2014. Ex. 6 at 55. The record also indicated that the Individual was arrested in November 2016 for one count of Transport/Etc. Controlled Substance. Ex. 8 at 167–68.

The Individual subsequently underwent an Enhanced Subject Interview (ESI) in May 2025, which was conducted by an investigator. *Id.* at 129. The Individual told the investigator that he had been stopped by law enforcement officers in January 2012, and when the officers received his permission to conduct a search of his vehicle, they found illicit drugs. *Id.* at 131. He explained to the investigator that he had "the intention of distributing [the substance] to earn money to contribute to his income." *Id.* He stated that he no longer associates with the person from whom he received the illicit substance. *Id.*

The investigator discussed the May 2012 charge of Felony Sale/Offer to Sell/Transportation of Controlled Substance with the Individual, to which the Individual entered a plea, and the fact that he was "sentenced to [twenty] months of prison." *Id.* at 132. The Individual was on a beach cruiser and using a cellphone that was not "hands free," causing police to stop him. *Id.* The Individual attempted to hide the illicit substance that he had with him from police, but the substance was discovered following a search. *Id.* The Individual was also confronted with the remainder of the May 2012 charges, which included Possession Controlled Substance for Sale for Sale, Use of Cell Phone while Driving without Hands Free Device, Driving while License Suspended, Bring Controlled Substance/Etc. into Prison/Jail/Etc. and Possession of Ammunition, some of which were felonies. *Id.* at 133. The Individual explained that he understood that these charges stemmed from the same aforementioned May 2012 incident, which is why he failed to disclose these specific charges on his QNSP. *Id.*

The investigator also confronted the Individual with a July 2012 arrest and charge of two counts of Transportation/Etc. Controlled Substance and the November 2016 charge of Transportation/Etc. Controlled Substance. *Id.* at 134. The Individual indicated that he was unaware of these charges. *Id.*

At the behest of the LSO, the Individual completed and submitted the LOI in January 2026. Ex. 5. In the LOI, the Individual explained that he had not timely filed his federal and state tax returns for tax year 2024. *Id.* at 24.

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 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) and Guideline J (Criminal Conduct) of the Adjudicative Guidelines, and prohibited the LSO from granting him a security clearance pursuant to the Bond Amendment. 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-26-0087 (hereinafter cited as "Tr.") The Individual also submitted three exhibits, marked Exhibits A through C. The DOE Counsel submitted eight exhibits marked as Exhibits 1 through 8.

II. Notification Letter

Bond Amendment

The Bond Amendment provides that a Federal agency may not grant or renew a security clearance for a covered person who has been convicted of a crime, was sentenced to imprisonment for a term exceeding one year for that crime, and was incarcerated as a result of that sentence for not less than one year. 50 U.S.C. § 3343(c)(1)(A). Pursuant to the Bond Amendment, the LSO alleged that in May 2012, the Individual was arrested and charged with Sale/Offer to Sell/Transportation of a Controlled Substance, Possess Controlled Substance for Sale, Bring Controlled Substance/Etc. into Prison/Jail/Etc. and Possession of Ammunition, all of which are felony offenses. Ex. 1 at 5. The Individual was sentenced to four years in a correctional facility, and "was incarcerated from approximately December 2012 to March 2014." *Id.* The LSO's invocation of the Bond Amendment is justified.

Guideline F

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 the "failure to file . . . annual [f]ederal, state, or local income tax returns or failure to pay annual [f]ederal, state, or local income tax as required[.]" *Id.* at ¶ 19(f). Under Guideline F, the LSO alleged that the Individual admitted in the January 2026 LOI that he failed to timely file his federal and state tax returns for tax year 2024. Ex 1 at 5. The LSO's invocation of Guideline F is justified.

Guideline J

Guideline J states that "[c]riminal activity creates doubt about a person's judgment, reliability, and trustworthiness" and that, "[b]y its very nature, it calls into question a person's ability or willingness to comply with laws, rules, and regulations." *Id.* at ¶ 30. Conditions that could raise a security concern under Guideline J include "[e]vidence . . . of criminal conduct, regardless of whether the individual was formally charged, prosecuted, or convicted[.]" *Id.* at ¶ 31(b). The LSO alleged that:

1. The Individual was arrested and charged with Transportation/Etc. Controlled Substance in November 2016. Ex. 1 at 6.

2. The Individual was arrested and charged with Felony Sale/Offer to Sell/Transportation of a Controlled Substance in May 2015. *Id.* In June 2015, "an arrest warrant with a bond of $100,000 was issued" and "remains outstanding." *Id.*

3. The Individual was arrested and charged with "two counts of Transportation/Etc. Controlled Substance" in July 2012. *Id.*

4. The Individual was arrested and charged with the felonies Sale/Offer to Sell/Transportation of a Controlled Substance, Possession of a Controlled Substance for Sale, Bring Controlled Substance/Etc. into Prison/Jail/Etc. and Possession of Ammunition in May 2012. *Id.* The Individual was also charged with Use of a Cell Phone while Driving and Driving while License Suspended, which constituted a violation of the terms of his probation "stemming from a prior arrest which occurred" in January 2012. *Id.* "[H]is probation was revoked after he failed to appear in court and a warrant for his arrest was issued" in May 2012. *Id.*

5. The Individual was arrested and charged with Felony Sale/Offer to Sell/Transportation of a Controlled Substance and Possession of a Controlled Substance for Sale in January 2012. *Id.*

The LSO's invocation of Guideline J 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

The Individual explained that when he was charged with the drug-related criminal activity, he "did not understand the severity of [his] actions because" at the time, he "was living on the streets." Ex. 6 at 25–26. With respect to the January 2012 criminal charges, the Individual explained that narcotics were found in his car before he was arrested, but that because the event took place some time ago, he had difficulty remember the details. Tr. at 14. He did not have a job at the time, and he was driving his former girlfriend's car. *Id.* at 14–15. He was living with his girlfriend on an "[o]n and off" basis. *Id.* at 15. He got the drugs from an old friend, with whom he is no longer in touch. *Id.* He was sentenced to probation for the January 2012 criminal matter and failed to successfully complete the terms of his probation, as he was arrested later that year. *Id.* at 16. When asked why he committed a crime while on probation, the Individual stated that he "just [did not] care at the time." *Id.* at 17. He "was in a bad, bad situation, hanging out with the wrong people." *Id.* He did try to secure employment and worked for "a little bit" but "even that environment was bad[,]" as "[t]here were people . . . trying to do drugs" in the location he was stationed to work. *Id.* at 17–18. He worked at that job for approximately five months before he was arrested in May 2012 for drug-related offenses, violating the terms of his probation. *Id.* at 18. The Individual posted bond, and after he failed to appear, a warrant was issued to for his arrest, resulting in him being picked up by "bounty hunters" in July 2012, whereafter he remained in custody until December 2012, when he received his sentence. *Id.* at 40–42, 44–46; Ex. 5 at 26. He was sentenced to four years in prison but was released in March2014 after serving approximately fifteen months.[3] Tr. at 19, 38–39, 41; Ex. 5 at 26.

With respect to the May 2015 arrest, the Individual made "an illegal U-turn" causing law enforcement personnel to pull him over. Tr. at 20. At some point during the stop, his car was searched, drugs were discovered, and he was taken to a detention center. *Id.* at 20–21; Ex. 5 at 27; Ex. 8 at 134. The Individual stated that the arresting officer insisted that the Individual was on parole, which is why he was making the arrest. Tr. at 22–23, 43. The Individual attempted to explain to the arresting officer that he had served his time and had been released without parole, which the officer did not believe. *Id.* at 22–23; Ex. 5 at 28. Charges were not pressed and he "was released two days later," so he "assumed it was taken care of." Tr. at 20–21. It was while he was going through the access authorization process that he learned that a warrant for his arrest had been issued subsequent to his release in May 2015. Tr. at 20–21, 43; Ex. 5 at 27. The Individual hired counsel to handle the matter of the outstanding warrant, which was ultimately dismissed due to lack of speedy trial. Tr. at 21; Ex. A; Ex. 5 at 28. In later testimony, the Individual explained that his attorney informed him that the charging documents indicated that the Individual was "found [with] 2.5 grams of methamphetamine and cash[.]"[4] Tr. at 53.

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[3] The record indicates that the Individual was incarcerated from December 2012 to March 2014. Ex. 6 at 55.

[4] During testimony, the Individual was asked whether he was doing anything drug-related with respect to the May 2015 incident, and he simply responded, "[n]o." Tr. at 23.

A friend helped get the Individual employment with a traveling carnival in approximately 2016. *Id.* at 20, 25–26. He explained that this employment "kept [him] out of trouble." *Id.* In November 2016, the Individual was in a motel with a girlfriend when law enforcement was performing "warrant sweeps." *Id.* at 24. The Individual was arrested once law enforcement tracked him down to the motel. *Id.* The Individual was taken into custody and kept at a detention center for "a day and a half or [two] days." *Id.* Law enforcement told him that they were waiting on a different jurisdiction to "pick [him] up[,]" but personnel from the jurisdiction never came to retrieve him. *Id.* He was subsequently "released with no court date or no hearing or anything." *Id.* The Individual denied any drug-related activity in 2016. *Id.* While the Individual was working for the traveling carnival, he did not have a permanent address, so he used an address belonging to the business for which he worked as his permanent address. *Id.* at 25–26. He explained that a court summons would likely not have reached him. *Id.* at 25. The Individual stopped working for the traveling carnival around November 2024 and took employment with the DOE contractor to accommodate his growing family. *Id.* at 27–28. The Individual tries to be active in the education of his children, "[b]ut for the most part, [he is] . . . going to work and [that is] it." *Id.* at 48. The Individual does not owe any restitution. *Id.* at 49. In his current position with the DOE contractor, the Individual has received a "couple of" "spot award[s]" for positive work performance. *Id.* He denied being forced or coerced into selling drugs, indicating that it was "just [his] stupid decision." *Id.* at 50. The Individual explained in the LOI that he had not "been arrested for over [ten] years" and that he had "two kids and . . . no intention [of] committing" another crime.[5] Ex. 5 at 28.

With respect to the unfiled 2024 tax returns, the Individual explained that because he was working for the traveling carnival, he was paid in cash. Tr. at 30. He denied ever receiving a W-2 form. *Id.* He testified that he subsequently filed his federal and state income tax returns for tax year 2024 and received a refund. *Id.* at 30, 34. When asked whether he filed his 2023 income tax returns, the Individual indicated that he "[did not] because they were paying [him] in cash, and" he did not receive a W-2" or 1099. *Id.* at 36–37. When asked when he last filed his taxes before 2024, the Individual stated that he "[could not] remember" but that it was "probably '20[.]" *Id.* He "[could not] give . . . an exact date, or year[.]" *Id.* Following the hearing, the Individual submitted a tax transcript provided by the Internal Revenue Service (IRS) indicating that for the tax period ending December 31, 2025, the Individual does not have an account balance, that he filed his tax return in March 2026, and that he was issued a refund.[6] Ex. C.

V. Analysis

Guideline J

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[5] The Individual submitted an undated and unsigned character letter that purports to be from a superintendent in the employ of the DOE contactor. Ex. C. It states that the Individual has "demonstrated an exceptional work ethic and collaborative spirit." *Id.* It describes the Individual as "reliable," "prepared," "professional," and a "role model." *Id.* As this letter is unsigned and undated, I am affording it minimal weight.

[6] Following my receipt of the hearing transcript, the Individual submitted documents from his tax preparer indicating that he received a refund from the state and federal tax authorities for tax years 2024 and 2025. As this information was submitted following my receipt of the hearing transcript, the record was closed and I am not able to accept this information into the record. *See* Tr. at 35 (Administrative Judge informing the parties that the record would close upon receipt of the hearing transcript).

Conditions that can mitigate security concerns under Guideline J include:

(a) So much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;

(b) The individual was pressured or coerced into committing the act and those pressures are no longer present in the person's life;

(c) No reliable evidence to support that the individual committed the offense; and

(d) There is evidence of successful rehabilitation; including, but not limited to, the passage of time without recurrence of criminal activity, restitution, compliance with the terms of parole or probation, job training or higher education, good employment record, or constructive community involvement.

Adjudicative Guidelines at ¶ 32.

The record contains a convoluted narrative of the crimes the Individual committed, and those that he insists he did not. The Individual testified that he did commit two drug-related offenses in January and May 2012. However, he also explained that the July 2012 allegation, as stated in the SSC, was not, in fact, an arrest for a new or previously uncharged drug-related offense. Rather, the Individual asserts that it was an arrest made due to the fact that he failed to appear on his assigned court date in connection with the May 2012 arrest and charges. He also initially explained that in 2015, law enforcement personnel pulled him over due to an illegal U-turn and did not believe him when he explained that he was not on parole, causing his arrest. In later testimony, he explained that his attorney told him that the charging documents indicated that he was found with 2.5 grams of methamphetamines on his person, though he denied that he was engaged in conduct "related to drugs" at the time of his arrest. He also stated during his testimony that in 2016, he was arrested on a warrant that had been issued following the 2015 arrest. Under 10 C.F.R. § 710.7(c), I am tasked with considering, among other things, "the likelihood of continuation or recurrence" of the alleged behavior, as well as "the circumstances surrounding the conduct[.]" Irrespective of whether the Individual did or did not commit all the crimes alleged in the SSC, the last alleged act was committed approximately ten years ago. Furthermore, the Individual lived under very different circumstances. In 2012, he was unhoused on an "on and off" basis. He explained that he was making poor decisions at the time, and I credit his testimony that these misguided decisions were based on his unfortunate circumstances at the time. When he secured employment, he was a transient worker who used his employer's address as a mailing address. Since then, the Individual has left that employment for the benefit of his growing family. He tries to remain active in the education of his children, and as he stated, his life consists mostly of making a living in the employ of the DOE contractor. He testified that he has been successful enough in his employment to earn two spot awards. Importantly, he is no longer under the influence of the alleged friends for whom he admitted that he was transporting illicit substances. I am, therefore, satisfied that enough time has elapsed and the behavior happened under such circumstances that it is unlikely to recur and does not cast doubt on the Individual's current reliability, trustworthiness, and good judgment. The Individual has mitigated the stated concerns pursuant to mitigating factor (a). Further, as one can glean from the record, the Individual understands that he was exhibiting poor judgment and took great strides in altering the circumstances of his life, allowing him to remove himself from the circumstances that resulted in criminal activity. I find that the Individual has shown adequate evidence of rehabilitation and has mitigated the stated concerns pursuant to mitigating factor (d).

The Individual did not allege that he was pressured or coerced into committing the acts. Mitigating factor (b) is not applicable.

With respect to mitigating factor (c), the Individual did allege that he did not commit some of the alleged crimes, as listed in the SSC. I have no corroborating evidence before me and the testimony remains somewhat clouded. I cannot, therefore, conclude that the Individual has mitigated the stated concerns pursuant to this mitigating factor.

Bond Amendment

Pursuant to the Bond Amendment, an agency may not grant or renew a security clearance to a person who "has been convicted in any court of the United States of a crime, was sentenced to imprisonment for a term exceeding 1 year, and was incarcerated as a result of that sentence for not less than 1 year." 50 U.S.C. § 3343(c)(1)(A). However, a waiver may be authorized in meritorious cases if doing so would be in accordance with "(A) standards and procedures prescribed by, or under the authority of an Executive order or other guidance issued by the President; or (B) the [A]djudicative [G]uidelines[.]" *Id.* at § 3343(c)(2)(A)–(B).

As stated above, the Individual was committing the alleged criminal acts when he was unhoused and in a transient state of employment. Further, the last criminal act occurred approximately ten years ago. The Individual has successfully altered the trajectory of his life. He is no longer in contact with the people for whom he sold the illicit substances. He secured a job with the DOE contractor that offers him the kind of stability that he did not have before, effectively erasing the circumstances surrounding and even causing the alleged criminal activity. He has expanded his family, tries to remain involved in his children's education, and took stable employment to offer them stability. The Individual testified that he has received spot awards from his employer, and importantly, there is no evidence in the record alleging that the Individual has been charged with anything since 2016. The Individual completed his term of imprisonment and admitted at the hearing that he exhibited poor judgment, showing an appropriate understanding of the situation and remorse. Based on the information before me, the Individual has reformed and is a contributing member of society. I find that the Individual's disqualification from holding a security clearance pursuant to the Bond Amendment is eligible for a waiver. 50 U.S.C. § 3343(c)(2)(B).

Guideline F

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;

(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.

The SSC alleges that the Individual failed to file his state and federal income tax returns for tax year 2024, as he admitted in his LOI. The Individual testified that he satisfied his 2024 federal and state income tax obligations, and I have a tax transcript for tax year 2025 from the IRS indicating that the Individual filed his federal income tax return for that tax year and received a refund. However, the Individual provided concerning testimony that I am not able to ignore. Specifically, he stated that he cannot remember the last time he filed his income taxes prior to 2024. Under 10 C.F.R. § 710.7(c), I am tasked with considering "the circumstances surrounding the conduct" and "the frequency and recency of the conduct[.]" The Individual went years without filing his federal and state income tax returns because he only received cash and did not receive any relevant tax forms from his employer. The Individual's obligation to satisfy his federal and state income taxes was not excused by the fact that his employer failed to provide adequate tax forms. Furthermore, his failure to file went on for years, and there is nothing in the record indicating that he satisfied his tax obligations between 2021 and 2023 or that he did not earn over the gross minimum income levels set by the IRS, which would excuse his failure to file his income taxes. The Individual claimed that he addressed the 2024 tax issues specifically identified in the SSC and yet testified at the hearing that he had not filed tax returns or paid taxes for prior tax years. The fact that the Individual was aware that his tax practices presented concerns but willfully failed to address the exact same issue for tax years prior to 2024 which were not cited in the SSC, leads me to conclude that the Individual will not follow rules and regulations when doing so is not to his advantage and he is not being strictly monitored. Thus, while the Individual claimed to have addressed the specific tax return cited in the SSC, he has not addressed the concerning behavior because he has continued to fail to pay taxes for years in which he received his income in cash. Therefore, I cannot conclude that the Individual mitigated the stated Guideline F concern pursuant to mitigating factor (g).

Although not listed in the SSC, as indicated above, the Individual admitted that he did not file his income taxes for some years prior to 2024. He stated during the hearing that his previous employer failed to provide him with appropriate tax documents, as he was paid in cash. Even if I were to accept the Individual's testimony that he satisfied his 2024 tax obligations, as the Individual did not discharge the obligation to file his income taxes for years at a time when he was not being monitored for such behavior by the LSO, I cannot conclude that the behavior happened so long ago, was so infrequent, or occurred under circumstances that it is unlikely to recur and does not cast doubt on his current reliability, trustworthiness, or good judgment. Mitigating factor (a) has not been satisfied.

The Individual did not allege that his financial problems were beyond his control. Mitigating factor (b) is not applicable.

The Individual did not indicate that he is receiving any financial counseling. Mitigating factor (c) is not applicable.

The LSO did not allege any past-due debt. Mitigating factors (d) and (e) are not applicable.

The LSO did not allege any affluence from any source. Mitigating factor (f) is not applicable.

VI. Conclusion

For the reasons set forth above, I conclude that the LSO properly invoked the Bond Amendment and Guidelines J and 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 brought forth sufficient evidence to establish that a waiver of the Bond Amendment is appropriate in this case and has brought forth enough evidence to resolve the Guideline J concerns set forth in the SSC. However, I also 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 granting 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 granted. 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