

Date: August 11, 2022

In the matter of:)
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)
 -----) ISCR Case No. 19-03562
)
 Applicant for Security Clearance)
)
)

APPEAL BOARD DECISION

APPEARANCES

FOR GOVERNMENT

James B. Norman, Esq., Chief Department Counsel

FOR APPLICANT

Pro se

The Department of Defense (DoD) declined to grant Applicant a security clearance. On April 22, 2020, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline B (Foreign Influence) of DoD Directive 5220.6 (January 2, 1992, as amended) (Directive). Applicant requested a hearing. On April 21, 2022, after close of the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Carol G. Ricciardello denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30. For reasons stated below, we affirm the decision.

The SOR alleged that Applicant has siblings and a parent-in-law who are citizens and residents of Iraq, that he co-owns a home with his siblings in Iraq, and that he maintains close contact with friends and relatives who are citizens and residents of Iraq. The Judge found in favor of Applicant on the allegation concerning the parent-in-law and against him on the other allegations.

In his appeal brief, Applicant does not specifically assert the Judge committed any error in the decision. Rather, Applicant's brief highlights that he has coworkers from Middle Eastern countries who have been granted security clearances. This assertion is not sufficient to show unfair or discriminatory handling of his case. The Directive provides that each case must be judged on its own merits. *See* Directive, Encl. 2, App. A ¶ 2(b). Additionally, Applicant makes other arguments for why he should be granted a security clearance, but none of them are sufficient to show the Judge committed any harmful error in the decision.

The Judge examined the relevant evidence and articulated a satisfactory explanation for the decision. The decision is sustainable on the record. "The general standard is that a clearance may be granted only when 'clearly consistent with national security.'" *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). *See also*, Directive, Encl. 2, App. A ¶ 2(b): "Any doubt concerning personnel being considered for national security eligibility will be resolved in favor of national security."

Order

The decision is **AFFIRMED**.

Signed: James F. Duffy
James F. Duffy
Administrative Judge
Chairperson, Appeal Board

Signed: Jennifer I. Goldstein
Jennifer I. Goldstein
Administrative Judge
Member, Appeal Board

Signed: Moira Modzelewski
Moira Modzelewski
Administrative Judge
Member, Appeal Board