



DEPARTMENT OF DEFENSE
DEFENSE LEGAL SERVICES AGENCY
DEFENSE OFFICE OF HEARINGS AND APPEALS
APPEAL BOARD
POST OFFICE BOX 3656
ARLINGTON, VIRGINIA 22203
(703) 696-4759

Date: February 11, 2026

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 In the matter of:)
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 Applicant for Security Clearance)
 _____)

ISCR Case No. 22-02129

APPEAL BOARD DECISION

APPEARANCES

FOR GOVERNMENT

Andrea M. Corrales, Esq., Deputy Chief Department Counsel

FOR APPLICANT

Nekeisha Campbell, Esq.

The Department of Defense (DoD) declined to grant Applicant a security clearance. On June 6, 2024, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision – security concerns raised under Guideline B (Foreign Influence) and Guideline E (Personal Conduct) of the National Security Adjudicative Guidelines (AG) in Appendix A of Security Executive Agent Directive 4 (effective June 8, 2017) and DoD Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). On December 2, 2025, Defense Office of Hearings and Appeals Administrative Judge Wilford H. Ross denied Applicant national security eligibility. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Under Guideline B, the SOR alleged that Applicant had an uncle, an aunt, and four friends who were citizens and residents of China. Under Guideline E, the SOR alleged that Applicant deliberately failed to report those Chinese associations both to her security office and during separate interviews with the Federal Bureau of Investigations (FBI), the Naval Criminal Investigative Service, the Office of Naval Intelligence, and the Defense Intelligence Agency. She also failed to report to the FBI that one Chinese contact assisted her in moving about \$350,000 from China to the United States. The Judge found against Applicant on all of the allegations. Our review of the Judge’s decision confirms that he considered all relevant issues and properly applied

the mitigating conditions in concluding that Applicant's personal conduct and foreign influence were unmitigated. Consistent with the following, we affirm.

Discussion

On appeal, Applicant argues that the Judge failed to give proper weight to record evidence and that he failed to consider applicable mitigating factors. "Applicant has the ultimate burden, once the Government has established a prima facie case against him, of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance." ISCR Case No. 01-20700 at 2 (App. Bd. Dec. 19, 2002).¹ Applicant contends she met that burden.

Specifically, Applicant asserts under Guideline B that the Judge failed to properly analyze evidence in support of mitigating conditions AG ¶¶ 8(a), 8(b), and 8(c).² In the Judge's analysis of the mitigating conditions, he relied upon Applicant's intentional concealment of her six Chinese contacts as evidence that her relationships with those individuals were important enough to her to cause her to lie to agents of the U.S. government in multiple interviews. As a result, the Judge gave little weight to her claims in support of mitigation. Under Guideline E, Applicant argues that the Judge failed to properly apply mitigating condition AG ¶ 17(c).³ Specifically, Applicant asserts that her "questionable actions" occurred "during a finite period of time when her father passed away in 2015." Appeal Brief at 6. However, her repeated falsifications were not limited to 2015 but persisted through at least 2019.

A judge's decision can be arbitrary or capricious if: it does not examine relevant evidence; it fails to articulate a satisfactory explanation for its conclusions, including a rational connection between the facts found and the choice made; it does not consider relevant factors; it reflects a clear error of judgment; it fails to consider an important aspect of the case; it offers an explanation for the decision that runs contrary to the record evidence; or it is so implausible that it cannot be ascribed to a mere difference of opinion. *See* ISCR Case No. 95-0600, 1996 WL 480993 at *3 (App. Bd. May 16, 1996) (citing *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto Ins. Co.*, 463 U.S. 29, 43 (1983)). However, "[a]n analysis that merely is considered inadequate in the eyes of a party does not equate to an analysis that is arbitrary and capricious." ISCR Case No. 23-01559 at 2 (App. Bd. Sep. 16, 2024). "Unless a Judge's weighing of the record evidence is patently absurd, clearly illogical, or obviously unreasonable, the appealing party must present a cogent reason or

¹ Applicant also contends that the Government failed to present evidence to show the mitigating conditions were not applicable. Appeal Brief at 6, 9. However, Applicant misplaces the burden of proof with respect to mitigation.

² AG ¶¶ 8: (a) the nature of the relationships with foreign persons, the country in which these persons are located, or the positions or activities of those persons in that country are such that it is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual, group, organization, or government and the interests of the United States; (b) there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, or allegiance to the group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the United States, that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest; and (c) contact or communication with foreign citizens is so casual and infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation.

³ AG ¶ 17: (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.

argument as to how or why the Judge’s weighing of the record evidence is arbitrary, capricious, or contrary to law.” ISCR Case No. 03-05072 at 4 (App. Bd. Jul. 14, 2005). Here, Applicant’s brief advocates for an alternative weighing of the evidence under the applicable mitigating conditions but fails to demonstrate error. An applicant’s “disagreement with the Judge’s weighing of the evidence, or an ability to argue for a different interpretation of the evidence, is not sufficient to demonstrate that the Judge weighed the evidence or reached conclusions in a manner that is arbitrary, capricious, or contrary to law.” ISCR Case No. 06-17409 at 3 (App. Bd. Oct. 12, 2007). Moreover, Applicant’s arguments fail to rebut the presumption that the Judge considered all of the record evidence.

We have considered the entirety of the arguments contained in her appeal brief. The record supports a conclusion that the Judge examined the relevant evidence and articulated a satisfactory explanation for the decision, including a rational connection between the facts found and the choice made. His conclusions and adverse decision are sustainable on this record. “The general standard is that a clearance may be granted only when ‘clearly consistent with the interests of the national security.’” *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). “Any doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security.” AG ¶ 2(b).

ORDER

The decision in ISCR Case No. 22-02129 is **AFFIRMED**.

Signed: Moira Modzelewski

Moira Modzelewski
Administrative Judge
Chair, Appeal Board

Signed: Allison Marie

Allison Marie
Administrative Judge
Member, Appeal Board

Signed: Jennifer Goldstein

Jennifer Goldstein
Administrative Judge
Member, Appeal Board