



**DEFENSE LEGAL SERVICES AGENCY
DEFENSE OFFICE OF HEARINGS AND APPEALS
APPEAL BOARD**



Date: June 17, 2026

In the matter of:

Applicant for Security Clearance

ISCR Case No. 25-00814¹

APPEAL BOARD DECISION

APPEARANCES

FOR GOVERNMENT

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

FOR APPLICANT

Pro se

The Department of Defense (DoD) declined to grant Applicant a security clearance. On July 24, 2025, DoD issued a Statement of Reasons (SOR) advising Applicant of the basis of that decision — security concerns raised under Guideline F (Financial Considerations) and Guideline B (Foreign Influence) 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 June 8, 2026, Defense Office of Hearings and Appeals Administrative Judge LeRoy F. Foreman denied Applicant national security eligibility. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

The SOR alleged that Applicant had five delinquent debts totaling about \$35,000 (SOR ¶¶ 1.a-1.e) and that Applicant's mother, sister, and two brothers are citizens and residents of Afghanistan (SOR ¶ 2.a). In Applicant's SOR response, he admitted all of the allegations and provided explanations and mitigating information.

¹ The case number on the original SOR, 24-00814, contained a typographical error.

At the Government's request, the Judge took administrative notice of facts concerning Afghanistan and incorporated those facts into his decision. The Judge found for Applicant on all the Guideline F allegations, and the facts and analysis surrounding those allegations will not be discussed further.² The Judge found adversely to Applicant on the allegation concerning his family members in Afghanistan and that adverse decision is the subject of this appeal.

Discussion

On appeal, Applicant does not allege that the Judge erred in any of his factual findings. Instead, he contends that the Judge failed to consider evidence of Applicant's deep and longstanding loyalty to the United States that he believes demonstrates that he will resolve any potential conflict of interest in favor of the United States under AG ¶ 8(b).³

As detailed below, our review of the record and decision confirms the Judge conducted a thorough analysis of the applicable disqualifying conditions and mitigating conditions. He weighed the evidence in mitigation that Applicant details in his brief, but found that it did not outweigh the risk posed by Applicant's family members in Afghanistan. The Judge relied upon Appeal Board precedent that dealt specifically with close family ties, noting, "Infrequency of contact is not necessarily enough to rebut the presumption that he has ties of affection for, or obligation to, his immediate family in Afghanistan." Decision at 8 (citing ISCR Case No. 17-01979 at 4 (App. Bd. July 31, 2019)). The Judge concluded that AG ¶ 8(b) was not established with respect to his obligations to his family in Afghanistan, notwithstanding Applicant's relationships and loyalty in the United States.

Despite Applicant's arguments to the contrary, our review of this decision confirms that the Judge carefully weighed Applicant's loyalty to the United States and obligations to his mother, sister, and brothers in Afghanistan. The Judge balanced those factors against the current geopolitical situation there, having highlighted in his finding of fact that "in August 2021, the Taliban, which was designated a Foreign Terrorist Organization (FTO) by the U.S. Secretary of State, forcibly seized power in Afghanistan." *Id.* at 3. The Judge's conclusion that the Government's security concerns were not mitigated is supported by the record and the Appeal Board precedent on which he relies. Applicant's disagreement with the Judge's weighing of the evidence is not sufficient to show that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. See ISCR Case No. 04-08975, 2006 WL 2725032 at *1 (App. Bd. Aug. 4, 2006) (citation omitted).

Conclusion

The record is sufficient to support that the Judge's findings and conclusions are sustainable. "The general standard is that a clearance may be granted only when 'clearly consistent with the

² On the first page of the Decision, the Judge incorrectly stated, "Applicant did not mitigate the security concerns under Guideline F (Financial Consideration) and Guideline B (Foreign Influence)." Decision at 1. His findings in favor of Applicant under Guideline F are clear from his analysis and his Formal Findings. *Id.* at 6, 9.

³ AG ¶ 8(b): there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person . . . 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.

interests of the national security.’’ *Dep’t 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. 25-00814 is **AFFIRMED**.

Signed: Moira Modzelewski

Moira Modzelewski
Administrative Judge
Chair, Appeal Board

Signed: Jennifer Goldstein

Jennifer Goldstein
Administrative Judge
Member, Appeal Board

Signed: Allison Marie

Allison Marie
Administrative Judge
Member, Appeal Board