



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



Date: June 16, 2026

In the matter of:

Applicant for Security Clearance

ISCR Case No. 25-00963

APPEAL BOARD DECISION

APPEARANCES

FOR GOVERNMENT

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

FOR APPLICANT

John G. Horan, Esq.

The Department of Defense (DoD) declined to grant Applicant a security clearance. On September 29, 2025, DoD issued a Statement of Reasons (SOR) advising Applicant of the basis of that decision — security concerns raised under 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 April 21, 2026, Defense Office of Hearings and Appeals Administrative Judge Mark Harvey denied Applicant national security eligibility. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

The SOR alleged that the following relatives of Applicant are citizens and residents of Russia: Applicant's mother (SOR ¶ 1.a); his mother-in-law and father-in-law (SOR ¶ 1.b); his four brothers and two sisters (SOR ¶ 1.c); and his extended family members (¶ 1.d). Additionally, the SOR alleged that Applicant's spouse co-owned real estate in Russia (SOR ¶ 1.e) and that Applicant has provided financial support to his mother in Russia (SOR ¶ 1.f). In Applicant's SOR response, he admitted all allegations and provided explanations and mitigating information.

At the Government's request, the Judge took administrative notice of facts concerning the Russian Federation (Russia) and incorporated those facts into his decision. The Judge found favorably for Applicant on the allegations concerning his siblings and extended family members and on the allegation regarding his spouse's real estate interest: the facts and analysis surrounding those allegations will not be further discussed. The Judge found adversely to Applicant on the allegations concerning his in-laws, his mother, and his financial support of his mother, and those adverse decisions are the subject of this appeal.

Judge's Findings of Fact

Applicant is in his early forties and works as an engineer for a DoD contractor. He was educated in Russia, earning degrees in architecture and engineering in the 2000s. Married in 2005, Applicant and his wife had two children while still in Russia. In 2016, the family moved to the United States because Applicant disliked Russian politics and wanted to live in a democracy. Since moving to the United States, Applicant and his spouse have had two more children. Applicant was naturalized in 2022, and all six members of the family are dual citizens of the United States and Russia. Applicant is an active member of his U.S. church, owns the home in which he and his family reside, and has voted in two U.S. elections. His children attend school in the United States, and his wife works for a school in the United States.

In his answer to the SOR and his testimony, Applicant gave the following pertinent facts about his mother: she is an elderly retiree with no ties to the Russian government; she has no political profile; she would like to emigrate but had no opportunity to do so prior to Applicant's move; she cannot emigrate now because of her age, her medical condition, and the political and diplomatic circumstances between the two countries; she visits occasionally to spend time with the family; and she has a retirement plan but also receives support from her children, to include about \$5,000 from Applicant over a period of years.

Prior to Applicant's move to the United States in 2016, he, his wife, and his father-in-law worked for a private company in Russia that constructed power plants for the Russian government. His father-in-law has worked for the company since 1985 and will eventually receive a pension similar to U.S. Social Security from the Russian government. His wife has weekly contact with her parents, typically about family matters. Since immigrating to the United States in 2016, Applicant's wife has visited Russia once, returning in 2019 for her grandmother's funeral.

Applicant's wife testified that she would renounce or reject her Russian citizenship if the United States requests that she do so. Because they want to be able to travel to Russia quickly in the event a family member there has a medical emergency, the couple documented their American-born children's Russian citizenship at the Russian embassy.

Applicant has contact with his mother about one to three times a month and with his in-laws about once or twice per year. None of his immediate family members work for the Russian government, and he does not believe that any support the Russian government. Applicant has not visited Russia since arriving in the United States in 2016 and has no property or bank accounts in Russia. He renewed his Russian passport in 2024 to allow him travel on short notice if his mother falls ill. After August of 2025, while undergoing the security clearance process, he reduced his contacts with family and in-laws in Russia to address any security concerns.

The Judge highlighted that Applicant summarized his connections to the United States “thoroughly and eloquently,” as follows:

I am a U.S. citizen, and my personal, professional, and community life is deeply rooted here. I work in the U.S., raise my four children here, and dedicate myself to the values and responsibilities that come with being part of this country. My loyalty to the United States is strong and unwavering. I understand the concerns associated with foreign family ties and take seriously the responsibilities that come with holding a security clearance. I have consistently demonstrated sound judgment, discretion, and loyalty in both my professional and personal conduct. I am committed to safeguarding U.S. interests and have never engaged in any activity that would compromise national security.

Decision at 5–6 (quoting Applicant Exhibit A at 5).

Additionally, Applicant submitted statements and testimony from a family friend, a manager at his job, a parishioner at his church, and his spouse. They attested to his deep loyalty to the United States, his dedication to his future life in the United States, his family’s appreciation for the freedom they enjoy, and his diligence at work and dedication to security.

Discussion

On appeal, Applicant does not allege that the Judge erred in any factual findings. Instead, he contends that the Judge failed to consider the following in his mitigation analysis: 1) record evidence of the positions and activities of Applicant’s relatives in Russia that make it unlikely that Applicant will be placed in a position of having to choose between these relatives and the interest of the United States under AG ¶ 8(a); 2) evidence of Applicant’s deep and longstanding loyalty to the United States that demonstrates he will resolve any potential conflict of interest in favor of the United States under AG ¶ 8(b); and 3) evidence of Applicant’s compliance with security reporting requirements under AG ¶ 8(e). Additionally, Applicant challenges the Judge’s Whole-Person Concept analysis as running contrary to the record evidence.

As detailed below, our review of the record and decision confirms that these arguments are unfounded, as the Judge conducted a thorough analysis of the applicable disqualifying conditions and mitigating conditions, considered and weighed the extensive evidence in mitigation that Counsel for Applicant details in his brief, and based his Whole-Person Concept analysis firmly on record evidence, to include the matters of which he took administrative notice.

Turning first to the Judge’s analysis of the disqualifying conditions, he found that AG ¶¶ 7(a) and 7(b)¹ were established by Applicant’s connections to his mother and his in-laws and by the financial support of his mother. The Judge noted that there is a rebuttable presumption that a

¹ AG ¶¶ 7(a): contact, regardless of method, with a foreign family member, business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion; 7(b): connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual’s obligation to protect classified or sensitive information or technology and the individual’s desire to help a foreign person, group, or country by providing that information or technology.

person has ties of affection to their immediate family members and that a spouse's ties of affection are imputed to applicants: both propositions are well-grounded in the precedent to which he cited.

Examining the meaning of "heightened risk" under AG ¶ 7(a), the Judge focused on Appeal Board precedent concerning hostile countries in general and Russia in particular and noted that the risk of coercion, persuasion, or duress is significantly greater where the foreign country has an authoritarian government and ignores the rule of law, a family member is associated with or dependent upon the government, or the country is known to conduct intelligence operations against the United States. He concluded:

Applicant's and his spouse's relationships with family living in Russia create a potential conflict of interest because government agents could place pressure on them to attempt to cause Applicant to compromise classified information. These relationships create "a heightened risk of foreign inducement, manipulation, pressure, or coercion" under AG ¶ 7. The record contains substantial evidence of Applicant's relationships with family living in Russia and of violence, intelligence activity, hostility towards the United States, and human rights violations in Russia. Assessment of the applicability of mitigating conditions is required.

Decision at 14.

We turn now to the Judge's mitigation analysis, which is largely the subject of Applicant's appeal. First, and contrary to Applicant's assertion, the Judge explicitly addressed whether the position and activities of Applicant's mother may be such that it would be unlikely for Applicant to be placed in a position of having to choose between her interests and the interests of the United States, a mitigating factor under AG ¶ 8(a).² Citing to Appeal Board precedent, the Judge concluded that the relative obscurity of Applicant's mother did not provide sufficient mitigation in the context of this case. Decision at 16.

The Judge's mitigation analysis largely focused on AG ¶¶ 8(b) and 8(c).³ Regarding AG ¶ 8(b), the Judge relied upon Appeal Board precedent that dealt specifically with close family ties in Russia and Russia's recent history of espionage against the United States, its intrusions into U.S. domestic affairs, and its monitoring of communications and held that "it is foreseeable that Applicant's ongoing relationship with his relatives could be means through which he comes to the attention of Russian authorities charged with uncovering U.S. classified or protected information and subjected to the kind of pressure or coercion that a clearance adjudication seeks to avoid."

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.

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; 8(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.

Decision at 15 (quoting ISCR Case No. 19-00831 at 5 (App Bd. Jul. 29, 2020)). The Judge found this discussion equally applicable to Applicant's case and concluded that AG ¶ 8(b) was not established, notwithstanding Applicant's relationships and loyalty in the United States and his substantial character evidence.

Turning to AG ¶ 8(c), which provides for mitigation when contact with foreign citizens is "casual and infrequent," the Judge first found that Applicant's contacts with his mother and his wife's contacts with her parents were not infrequent and that the reduction of contacts during the security adjudication could be afforded little mitigative credit. Moreover, the Judge found that the couple's contacts with their parents were not "casual" within the meaning of AG ¶ 8(c), citing to Appeal Board precedent that contacts with immediate family members are presumptively not casual. In conclusion, the Judge found that Applicant did not rebut the concern arising from the couple's relationships with their parents living in Russia: "His connections to the United States, taken together, are strong; however, they are insufficient to overcome the foreign influence security concerns under Guideline B." *Id.* at 16.

In a lengthy analysis of the Whole-Person Concept, the Judge reviewed Applicant's evidence in mitigation, including the indicia of his loyalty to the United States, his family's attachment to and relationships within the United States, and the strong evidence of his character, his dedication to his job and to security, and his demonstrated "reliability, trustworthiness, and responsibility." *Id.* at 17. The Judge concluded, however, that:

The reasons for denying Applicant's security clearance are more persuasive. A Guideline B decision concerning Russia must take into consideration the geopolitical situation and dangers in that country.

Applicant and his spouse have frequent contacts with their parents, and their parents are citizens and residents of Russia. He provided some financial support to his mother after immigrating to the United States. . . . The Russian government's aggression in Ukraine, intelligence activities, violations of human rights, and hostility to the United States result in Applicant having a heavy burden to mitigate his relationships with family living in Russia. . . . Applicant did not meet his burden of showing that his relationships with citizens and residents of Russia were unlikely to come to the attention of those interested in acquiring U.S. classified information. "Application of the guidelines is not a comment on an applicant's patriotism but merely an acknowledgment that [he] may act in unpredictable ways when faced with choices that could be important" to his family and friends in Russia.

Decision at 17–18 (quoting ISCR Case No. 17-01979 at 5 (App. Bd. Jul. 31, 2019)).

Despite Applicant's arguments to the contrary, our review of this decision confirms that the Judge carefully weighed the considerable evidence of Applicant's loyalty to the United States, his family's attachment and ties to this country, and their contributions both to their community and to his workplace. However, the Judge was required to balance those factors against Applicant's connections to Russia and the current geopolitical situation there, to include the Russian government's intelligence activities, its violation of human rights, and its hostility to U.S. interests. The Judge's conclusion that the Government's security concerns were not mitigated is well

supported both 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

Applicant has not established that the Judge's conclusions were arbitrary, capricious, or contrary to law. 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 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. 25-00963 is **AFFIRMED**.

Signed: Moira Modzelewski

Moira Modzelewski
Administrative Judge
Chair, Appeal Board

Signed: Jennifer I. Goldstein

Jennifer I. Goldstein
Administrative Judge
Member, Appeal Board

Signed: Allison Marie

Allison Marie
Administrative Judge
Member, Appeal Board