



**DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS**



In the matter of:)	
)	
[Redacted])	ISCR Case No. 21-02358
)	
Applicant for Security Clearance)	

Appearances

For Government: Brian Farrell, Esq., Department Counsel
For Applicant: Eric A. Eisen, Esq.

05/12/2022

Decision

FOREMAN, LeRoy F., Administrative Judge:

Applicant submitted a security clearance application on November 9, 2020. On November 12, 2021, the Defense Counterintelligence and Security Agency Consolidated Adjudications Facility (CAF) sent him a statement of reasons (SOR), alleging security concerns under Guideline B (Foreign Influence). The CAF acted under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) promulgated in Security Executive Agent Directive 4, *National Security Adjudicative Guidelines* (December 10, 2016).

Applicant answered the SOR on November 22, 2021, and requested a hearing before an administrative judge. The case was assigned to me on March 8, 2022, and the hearing was scheduled for April 28, 2022. I convened the hearing as scheduled. On May 2, 2022, I notified Department Counsel that I intended to issue a summary disposition in Applicant’s favor, and he did not object.

Applicant was born in Afghanistan. He was employed in the U.S. Embassy in Kabul from September 2009 to July 2014 and was highly regarded by senior members of the

embassy staff. He has been employed by a federal contractor since November 2020. He has been offered a position by a contractor supporting a U.S. government agency, contingent on obtaining a security clearance.

Applicant and his wife came to the United States in September 2014 on special immigrant visas. They purchased a home in 2018. They both became U.S. citizens in June 2020. Applicant's parents and daughter live with him in the United States.

Applicant's mother-in-law and father-in-law are citizens and residents of Afghanistan. They are farmers. They have obtained Afghan passports, disposed of virtually all of their property, and are seeking to leave Afghanistan and join Applicant and his wife in the United States.

Applicant's brother worked for the Afghan government until August 2021, when the government collapsed. He and his family are now in the United States as humanitarian parolees. Two of Applicant's sisters reside in the United States. His other two sisters are in refugee camps in Pakistan.

The presence of Applicant's mother-in-law and father-in-law in Afghanistan is sufficient to raise the disqualifying conditions in AG 7(a) (contacts with a foreign family member) and AG ¶ 7(b) (potential conflict of interest). However, I conclude that Applicant presented sufficient evidence to establish AG ¶ 8(b) (deep and longstanding relationships in the United States) and mitigate any security concerns under Guideline B.

I conclude that Applicant has met his burden of persuasion to show that it is clearly consistent with the national interest to grant him eligibility for access to classified information. Clearance is granted.

LeRoy F. Foreman
Administrative Judge