



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



In the matter of:)	
)	
)	ISCR Case No. 24-02395
)	
Applicant for Security Clearance)	

Appearances

For Government: Brian Farrell, Esq., Department Counsel
For Applicant: *Pro se*

07/28/2025

Decision

HYAMS, Ross D., Administrative Judge:

Applicant did not mitigate the financial considerations, personal conduct, and foreign influence security concerns. Eligibility for access to classified information is denied.

Statement of the Case

Applicant submitted a security clearance application (SCA) on November 15, 2023. On January 24, 2025, the Defense Counterintelligence and Security Agency Consolidated Adjudication Services (DCSA CAS) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline F (financial considerations), Guideline E (personal conduct), and Guideline B (foreign influence). Applicant answered the SOR on February 15, 2025, and requested a decision by an administrative judge from the Defense Office of Hearings and Appeals (DOHA) on the administrative (written) record in lieu of a hearing.

On March 7, 2025, Department Counsel submitted the Government's file of relevant material (FORM), including Items 1-8. A complete copy of the FORM was provided to Applicant, who was afforded an opportunity to file objections and submit

material to refute, extenuate, or mitigate the security concerns. He received the FORM on April 10, 2025, and did not provide a response. The case was assigned to me on July 21, 2025. Items 1 and 2 are the SOR and Applicant's Answer, which are the pleadings in the case. Items 3-8 are admitted without objection.

Request for Administrative Notice

At Department Counsel's request, I took administrative notice of facts concerning Somalia. Department Counsel provided supporting documents that verify and provide context for those facts. They are detailed in the Government's administrative notice filing (AN) 1 and are included in the findings of fact.

Findings of Fact

In his answer, Applicant denied all of the SOR allegations. His answer included a short narrative answer for each allegation, but did not include any documentation. Based on my review of the pleadings and evidence submitted, I make the following additional findings of fact.

Applicant is 51 years old. He married in 2002 and has six children. His wife and children are Somali citizens and reside in a refugee camp in Uganda. He was born in Somalia, was granted asylum in the U.S. in about 2010, and became a naturalized U.S. citizen in 2018. He is trying to obtain a security clearance to work as a linguist. (Item 3)

The SOR alleges the following under Guideline F and the allegations are supported by the credit reports in the record:

SOR ¶¶ 1.a and 1.b allege two credit card accounts charged off by the same creditor for \$8,187 and \$4,481, respectively. In his Answer, Applicant claimed his attorney was negotiating with the creditor, but did not he provide any substantiating documentation or evidence of payments or negotiations. These debts are unresolved. (Items 2, 5, 6)

SOR ¶¶ 1.c and 1.d allege two credit card accounts charged off by the same creditor for \$2,670 and \$611, respectively. In his Answer, Applicant claimed he will start making payments after a debt to the IRS is resolved. He did not he provide any substantiating documentation or evidence of payments or a payment agreement. These debts are unresolved. (Items 2, 5, 6)

SOR ¶ 1.e is a charged-off loan for \$8,041. In his Answer, Applicant claimed he had been paying this debt for two years, and the creditor repossessed his car. He disputes the debt amount. However, he did not provide any substantiating documentation or evidence of payments or a current balance of the account. This debt is unresolved. (Items 2, 5, 6)

SOR ¶ 1.f is a medical account placed for collection for \$953. In his Answer, Applicant reported he was not familiar with this debt. However, he did not provide any substantiating documentation of a dispute or efforts to contact the creditor. This debt is unresolved. (Items 2, 5, 6)

The SOR alleges the following under Guideline E:

SOR ¶ 2.a alleges that Applicant falsified his November 2023 SCA by failing to report that he provides financial support to foreign nationals, his wife and mother, in SCA Section 20A. In his Answer, Applicant denied the allegation and stated he does not consider his “family as a foreign”. In the counterintelligence-focused security screening questionnaire, he reported sending his wife, who is a Somali citizen in a refugee camp in Uganda, about \$2,500 monthly, totaling about \$360,000. He also reported sending his mother, who is a Somali citizen and resident, about \$200 monthly, totaling about \$29,000. (Items 2, 3, 7)

The SOR alleges the following under Guideline B:

SOR ¶¶ 3.a and 3.b allege that Applicant’s wife and children are citizens of Somalia and residents of a refugee camp in Uganda. Applicant reported this information multiple times on multiple documents. In his Answer, Applicant denied the allegation because he claims his loyalty is to the United States above his family and friends, and he does not see how his family members can be a security concern. He did not address the risk that his family could be sent back to Somalia. (Items 2, 3, 4, 7, 8)

SOR ¶¶ 3.c and 3.d allege that Applicant’s mother, four brothers, and three sisters are citizens and residents of Somalia. Applicant reported this information multiple times on multiple documents. In his Answer, Applicant denied the allegation because he claims his loyalty is to the United States above his family and friends, and he does not see how his family members can be a security concern. In his verified interview with a government investigator, he reported that Somalia was an unstable and unsafe place, and that the terror group al-Shabaab had threatened him. (Items 2, 3, 4, 7, 8)

SOR ¶¶ 3.e and 3.f allege that Applicant provides monthly financial support to his wife and mother. In the counterintelligence-focused security screening questionnaire, he reported sending his wife, who is a Somali citizen in a refugee camp in Uganda, about \$2,500 monthly, totaling about \$360,000. He also reported sending his mother, who is a Somali citizen and resident, about \$200 monthly, totaling about \$29,000. In his Answer, Applicant wrote that he doesn’t see how supporting his family can be a security concern. (Items 2, 3, 7)

Somalia

In AN 1, the Government included information from the U.S. Department of State about the United States' relations with Somalia and the current conditions in country. I take administrative notice of the following facts:

The Department of State has issued a Level 4: Do Not Travel Advisory for Somalia, advising do not travel to Somalia due to crime, terrorism, civil unrest, health issues, kidnapping, and piracy. Violent crime, such as kidnapping and murder, is common throughout Somalia.

Terrorists continue to plot kidnappings, bombings, and other attacks in Somalia. They may attack with little or no warning, targeting airports, seaports, and government buildings. Terrorists also target hotels, restaurants, shopping areas, and other places that attract large crowds and tourists.

The U.S. State Department designated al-Shabaab as a foreign terrorist organization. The group works to overthrow the Somali Federal Government, expel foreign forces from Somalia, and establish a fundamentalist Islamic state. Since 2014, al-Shabaab has killed more US citizens than any other al-Qaida affiliate. In East Africa, al-Shabaab sustained de facto control over significant portions of southcentral Somalia and moved freely in parts of neighboring countries, expanding its operations in northeast Kenya. Al-Shabaab continued to leverage its influence in Somalia to extort millions of dollars in revenue from residents and businesses. The group regularly conducted deadly operations, including IED attacks, suicide bombings, complex attacks, targeted assassinations, ambushes along supply routes, and indirect fire.

Somalia suffers from a continual, low-intensity conflict between government-aligned forces and terrorists. Al-Shabaab terrorists carried out hundreds of attacks throughout the country, including numerous attacks and ambushes on Somali National Army and local defense force positions.

There are significant human rights issues in Somalia, including credible reports of: arbitrary or unlawful killings, including extrajudicial killings; torture or cruel, inhuman, or degrading treatment or punishment by the government; harsh and life-threatening prison conditions; and arbitrary arrest or detention.

Policies

This case is adjudicated under Executive Order (EO) 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), which became effective on June 8, 2017.

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines. In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are to be used in evaluating an applicant's eligibility for access to classified information.

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, administrative judges apply the guidelines in conjunction with the factors listed in the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(c), the entire process is a conscientious scrutiny of a number of variables known as the "whole-person concept." The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision. The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that "[a]ny doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security."

Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, the applicant is responsible for presenting "witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by the applicant or proven by Department Counsel." The applicant has the ultimate burden of persuasion to obtain a favorable security decision.

A person who seeks access to classified information enters into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it grants access to classified information. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation of potential, rather than actual, risk of compromise of classified information.

Section 7 of EO 10865 provides that adverse decisions shall be "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." See *also* EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

Analysis

Guideline F, Financial Considerations

The security concern for financial considerations is set out in AG ¶ 18:

Failure to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Financial distress can also be caused or exacerbated by, and thus can be a possible indicator of, other issues of personnel security concern such as excessive gambling, mental health conditions, substance misuse, or alcohol abuse or dependence. An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds.

This concern is broader than the possibility that an individual might knowingly compromise classified information in order to raise money. It encompasses concerns about an individual's self-control, judgment, and other qualities essential to protecting classified information. An individual who is financially irresponsible may also be irresponsible, unconcerned, or negligent in handling and safeguarding classified information. ISCR Case No. 11-05365 at 3 (App. Bd. May 1, 2012).

The guideline notes several conditions that could raise security concerns under AG ¶ 19. The following are applicable in this case:

- (a) inability to satisfy debts; and
- (c) a history of not meeting financial obligations.

Conditions that could mitigate the financial considerations security concerns are provided under AG ¶ 20. The following are potentially applicable:

- (a) the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;
- (b) the conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, a death, divorce or separation, clear victimization by predatory lending practices, or identity theft), and the individual acted responsibly under the circumstances;
- (c) the individual has received or is receiving financial counseling for the problem from a legitimate and credible source, such as a non-profit credit counseling service, and there are clear indications that the problem is being resolved or is under control;

(d) the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts; and

(e) the individual has a reasonable basis to dispute the legitimacy of the past-due debt which is the cause of the problem and provides documented proof to substantiate the basis of the dispute or provides evidence of actions to resolve the issue.

None of the mitigating conditions apply. Applicant failed to provide sufficient evidence or documentation showing the conditions that caused his financial problems occurred due to circumstances beyond his control, or that he acted responsibly under the circumstances. Applicant's delinquent debts are ongoing and unresolved and there is insufficient evidence to conclude they occurred under circumstances unlikely to recur. He did not provide sufficient evidence to support a finding that he has demonstrated current reliability, trustworthiness, and good judgment. There are no indications that his finances are under control, that he has adhered to a good-faith effort to resolve his debts, or that he has a reasonable basis to dispute the legitimacy of his debts.

Guideline E, Personal Conduct

AG ¶ 15 details the personal conduct security concern:

Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes...

I have considered the disqualifying conditions for personal conduct under AG ¶ 16 and the following is applicable in this case:

(a) deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine national security eligibility or trustworthiness, or award fiduciary responsibilities.

I have considered the mitigating conditions under AG ¶ 17. The following are potentially applicable:

(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; and

(d) the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that contributed to untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur;

AG ¶¶ 17(c) and (d) do not apply. The record shows that in response to a plainly worded question Applicant failed to report the financial support he provides foreign nationals, specifically his family members, in Section 20A of his SCA. The failure to report was recent, he did not provide sufficient evidence to find that it happened under circumstances unlikely to recur, and it continues to cast doubt on his reliability, trustworthiness, and judgment. He did not provide sufficient evidence to find that he has taken positive steps to reduce or eliminate the untrustworthy or unreliable behavior.

Guideline B, Foreign Influence

AG ¶ 6 details the security concern about “foreign contacts and interests” as follows:

Foreign contacts and interests, including, but not limited to, business, financial, and property interests, are a national security concern if they result in divided allegiance. They may also be a national security concern if they create circumstances in which the individual may be manipulated or induced to help a foreign person, group, organization, or government in a way inconsistent with U.S. interests or otherwise made vulnerable to pressure or coercion by any foreign interest. Assessment of foreign contacts and interests should consider the country in which the foreign contact or interest is located, including, but not limited to, considerations such as whether it is known to target U.S. citizens to obtain classified or sensitive information or is associated with a risk of terrorism.

I have considered the disqualifying conditions for foreign influence under AG ¶ 7 and the following are applicable:

(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; and

(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.

The nature of a nation's government, its relationship with the United States, and its human-rights record are relevant in assessing the likelihood that an applicant's family members and foreign contacts are vulnerable to government coercion or inducement. The risk of coercion, persuasion, or duress is significantly greater if the foreign country has an authoritarian government, a family member or friend is associated with or dependent upon the government, the country is known to conduct intelligence collection operations against the United States, or the foreign country is associated with a risk of terrorism. Active hostilities and ongoing military conflict in a foreign country are also of significant concern.

Guideline B is not limited to countries hostile to the United States. "The United States has a compelling interest in protecting and safeguarding classified information from any person, organization, or country that is not authorized to have access to it, regardless of whether that person, organization, or country has interests inimical to those of the United States." ISCR Case No. 02-11570 at 5 (App. Bd. May 19, 2004).

A heightened security risk in Somalia is established by the administratively noticed facts in the record.

AG ¶ 8 lists conditions that could mitigate foreign influence security concerns, including:

(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 U.S.;

(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 or infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation.

None of the mitigating conditions apply. Applicant has close and continuing contact with his family in Somalia and Uganda. Despite his claims of loyalty to the United States, there is a presumption that he has ties of affection for and obligation to these family members in Somalia and Uganda. There is ongoing terrorism, instability, and conflict in Somalia. Applicant's family could be forced to return to Somalia from Uganda. His other family members who reside in Somalia are at risk. Applicant was threatened by al-Shabaab when he was last in Somalia. Given these facts, a conflict of interest exists. I do not find that it is unlikely that Applicant will be placed in a position of having to choose between the interests of a foreign individual, and the interests of the U.S. Contact and communication between Applicant and his family members is not casual or infrequent. He provides significant financial support for his wife and children, and his mother.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for a security clearance by considering the totality of the applicant's conduct and all relevant circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(d):

(1) the nature, extent, and seriousness of the conduct; (2) the circumstances surrounding the conduct, to include knowledgeable participation; (3) the frequency and recency of the conduct; (4) the individual's age and maturity at the time of the conduct; (5) the extent to which participation is voluntary; (6) the presence or absence of rehabilitation and other permanent behavioral changes; (7) the motivation for the conduct; (8) the potential for pressure, coercion, exploitation, or duress; and (9) the likelihood of continuation or recurrence.

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept. I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case. Because Applicant requested a determination on the record without a hearing, I had no opportunity to evaluate his credibility and sincerity based on demeanor. I have incorporated my comments under Guidelines F, E, and B in my whole-person analysis.

Overall, the record evidence leaves me with questions and doubts about Applicant's eligibility for a security clearance. He did not provide sufficient evidence to mitigate the security concerns under Guidelines F, E, and B.

Formal Findings

Formal findings for or against Applicant on the allegations set forth in the SOR as amended, and as required by section E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1, Guideline F:	AGAINST APPLICANT
Subparagraphs 1.a-1.f:	Against Applicant
Paragraph 2, Guideline E:	AGAINST APPLICANT
Subparagraph 2.a:	Against Applicant
Paragraph 3, Guideline B:	AGAINST APPLICANT
Subparagraphs 3.a-3.f:	Against Applicant

Conclusion

It is not clearly consistent with the national interest to grant Applicant a security clearance. Eligibility for access to classified information is denied.

Ross D. Hyams
Administrative Judge