



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



In the matter of:

ISCR Case No. 25-00612

Applicant for Security Clearance

Appearances

For Government: Erin P. Thompson, Esq., Department Counsel

For Applicant: *Pro se*

12/31/2025

Decision

HARVEY, Mark, Administrative Judge:

Guideline F (financial considerations) security concerns are mitigated; however, Guideline B (foreign influence) security concerns are not mitigated. Eligibility for access to classified information is denied.

Statement of the Case

On September 13, 2024, Applicant completed an Electronic Questionnaires for Investigations Processing or security clearance application (SCA). (Government Exhibit (GE) 1) On June 27, 2025, the Defense Counterintelligence and Security Agency (DCSA) issued a statement of reasons (SOR) to Applicant under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960); Department of Defense (DOD) Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Directive) (January 2, 1992), as amended; and Security Executive Agent Directive 4, establishing in Appendix A, the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (AGs), effective June 8, 2017. (Hearing Exhibit (HE) 2)

The SOR detailed reasons why the DCSA did not find under the Directive that it is clearly consistent with the interests of national security to grant or continue a security

clearance for Applicant and recommended referral to an administrative judge to determine whether a clearance should be granted, continued, denied, or revoked. Specifically, the SOR set forth security concerns arising under Guidelines B and F. (HE 2) On June 29, 2025, Applicant provided his response to the SOR. On August 1, 2025, Department Counsel was ready to proceed. On August 12, 2025, the case was assigned to me. On August 19, 2025, the Defense Office of Hearings and Appeals issued a notice scheduling the hearing on September 29, 2025. (HE 1) The hearing was held as scheduled, using the Microsoft Teams video teleconference system.

During the hearing, Department Counsel offered six exhibits into evidence, and Applicant did not offer any exhibits into evidence. (Tr. 10-11, 18-20; GE 1-GE 6) There were no objections, and all proffered exhibits were admitted into evidence. (Tr. 20) On October 14, 2025, DOHA received a copy of the transcript. The record was held open after the hearing until October 30, 2025, for post-hearing documentation. (Tr. 79, 82) No post-hearing documentation was received. This decision was delayed when all administrative judges were furloughed from October 1 through November 12, 2025, during a federal government shutdown due to a lapse in federal funding.

Legal Issue

Department Counsel requested administrative notice concerning the Republic of Iraq (Iraq). (GE 6) Administrative or official notice is the appropriate type of notice used for administrative proceedings. See ISCR Case No. 16-02522 at 2-3 (App. Bd. July 12, 2017); ISCR Case No. 05-11292 at 4 n. 1 (App. Bd. Apr. 12, 2007); ISCR Case No. 02-24875 at 2 (App. Bd. Oct. 12, 2006) (citing ISCR Case No. 02-18668 at 3 (App. Bd. Feb. 10, 2004) and *McLeod v. Immigration and Naturalization Service*, 802 F.2d 89, 93 n. 4 (3d Cir. 1986)). Usually, administrative notice at ISCR proceedings is accorded to facts that are either well known or from government reports. See Stein, *Administrative Law*, Section 25.01 (Bender & Co. 2006) (listing fifteen types of facts for administrative notice). Applicant did not object, and I have taken administrative notice of the information in the Iraq section. (Tr. 20-21; GE 6)

I have quoted most of Department Counsel's administrative notice request without quotation marks and footnotes. I have made some other punctuation changes, and not included the lists of locations vulnerable to terrorist groups and those inspired by terrorist groups, lists of the terrorist groups operating in Iraq, the list of specific recent terrorist attacks in Iraq, and the list of human rights violations which occurred in Iraq. There is no evidence that Applicant or his family members are associated with any terrorist groups, terrorist attacks, or human rights violations. However, they are vulnerable to terrorists, criminals, and insurgents when they are in Iraq. Some information about problems in Syria was not included. The paragraph prohibiting certain foreign nationals from entering the United States without a visa is not included because it does not apply to Applicant.

Some details were excluded to protect Applicant's right to privacy. Specific information is available in the cited exhibits and transcript.

Findings of Fact

In Applicant's SOR response, he admitted many of the facts alleged in the SOR; however, he denied all of the SOR allegations because he believed they did not establish any circumstances supporting denial of his security clearance. (HE 3) He also provided extenuating and mitigating information. (HE 3) His admissions are accepted as findings of fact. Additional findings follow.

Applicant is 49 years old, and he was born in Iraq. (Tr. 5) In 1998, he received a bachelor's degree in Iraq. (Tr. 7) He is seeking employment with a government contractor as a linguist. (Tr. 8) He currently works for a taxi-type service as an independent contractor, and in July 2025, he received a commercial driver's license (CDL) to drive an 18-wheeled truck. (Tr. 8) He expects a trucking company to hire him shortly after his hearing. (Tr. 42-43)

Foreign Influence

Applicant first came to the United States in 2008 as a refugee, and he became a U.S. citizen in 2013. (Tr. 6) He explained why he left Iraq:

It's really dangerous. That's why I got threatened, by the way, and this is part of my refugee status statement. I used to work with [an international organization in Iraq] to help the Iraqi people. But then most of those militias want to have cuts and we got threatened even to my door. Like we start to receive bullets and that's the major reason why I left. I left in the middle of the civil war in 2006 and never went back until it was 2015 to get engaged to my wife. (Tr. 59-60)

In about 2005, Applicant was kidnapped, and a \$20,000 ransom was paid. (Tr. 61; GE 2) In 2016, his fiancée came to the United States, and they were married. (Tr. 51) His daughter is eight, and his stepdaughter is 14. (Tr. 6) His daughters are dual citizens of Iraq and the United States. (Tr. 23) His daughter was born in the United States. (Tr. 23)

In May 2023, Applicant, his spouse, and his two daughters went to Iraq. (Tr. 30, 67) Applicant stayed in Iraq briefly in May 2023, from October 2023 to February 2024, from April to June 2024, and from September 2024 to October 2024. (GE 1; GE 3 at 17) In 2023, he went to Iraq for commercial employment; however, his efforts to obtain commercial employment were unsuccessful. (GE 3 at 19) His spouse and daughters stayed in Iraq initially because Applicant's mother-in-law received back surgery, and his mother-in-law needed care from her daughter. (Tr. 30) His daughters remained in Iraq to attend schools, which are less expensive in Iraq. (Tr. 23, 30) Also, life in Iraq is less expensive. (Tr. 30) Applicant returned from a one-month stay in Iraq shortly before his security clearance hearing. (Tr. 29) He expects his daughters to return to the United States in May or June of 2026. (Tr. 31) In his 2025 visit in Iraq, he spent most of his time visiting his spouse, mother, and daughters and not on meeting his friends or Iraqi associates. (Tr. 56) During his trips to Iraq, he focused on his family. (Tr. 56-58)

SOR ¶ 1.a alleges Applicant's spouse, his stepdaughter, and his daughter are dual citizens of Iraq and the United States and Iraqi residents. Applicant acknowledged that his spouse and children are living in Iraq, and they expect to remain in Iraq until the summer of 2026. (HE 3) He said, "My kids cannot be registered at the Iraqi Public schools without being Iraqis [and] we cannot [afford to send] them to private schools in Iraq. They will come back [to the United States] as soon as I find my way out and have a decent source of steady income as well." (HE 3)

SOR ¶ 1.b alleges Applicant's mother, mother-in-law, and extended family members are citizens and residents of Iraq. Applicant conceded these family members live in Iraq. (HE 3) In his SCA, he said his contact with his mother is annual, and his contact with his mother-in-law was twice a month. (GE 1)

SOR ¶ 1.c alleges Applicant's half-brother is a citizen of Iraq, and he currently serves as a high-ranking official in the Iraqi Government. (Tr. 54; GE 3) Applicant said his "half-brother has administrative duties," and he is not aware that Applicant has applied for a position requiring a security clearance. (HE 3) His extended family members are unaware of Applicant's employment. (HE 3)

SOR ¶ 1.d alleges Applicant's half-brother is a citizen of Iraq, and he currently serves in the Iraq National Army. He is also a bodyguard for a high-ranking Iraqi official. (Tr. 54; GE 3 at 12) Applicant's half-brother is not aware of Applicant's employment, and they have limited contacts with each other. (HE 3) In his SCA and OPM interview, he said his contact with his half-brother was on a monthly to quarterly basis. (GE 1; GE 3 at 12)

SOR ¶ 1.e alleges Applicant's niece is a citizen of Iraq, and she currently serves as officer in the Iraq National Army. She lives in Iraq, and she is a medical assistant working for the Army. (HE 3) He has quarterly contact with her. (GE 3 at 15)

SOR ¶ 1.f alleges Applicant's aunt is a citizen of Iraq, and she currently serves as an important official in the Iraqi Government. His aunt is a resident of Iraq. She is going to retire from her Iraqi Government employment in the next year. (Tr. 53)

SOR ¶¶ 1.g and 1.h allege Applicant has two friends who are citizens of Iraq, and one currently serves as an employee of the Iraqi Intelligence Apparatus, and the other is an important official in the Iraqi Government, respectively. Applicant said he is not that close to either of them, and he did not contact them during his most recent visit to Iraq. (Tr. 55-56) They are his friends from college. (Tr. 55-56) In his SCA, he said his contact with his friend in SOR ¶ 1.g was monthly to twice a month. (GE 1; GE 3 at 13) He has monthly contact at most with his friend in SOR ¶ 1.h. (GE 3 at 14) Their communications are casual, and they do not discuss important matters. (Tr. 56; HE 3) They communicate through social media. (Tr. 56)

SOR ¶ 1.i alleges Applicant's sister-in-law is a citizen of Iraq, and she currently serves as an employee of the Iraqi Government. Applicant agrees with these facts; however, he believes they do not have any negative security significance. (HE 3)

SOR ¶¶ 1.j, 1.k, and 1.l allege Applicant provides approximately \$300 in monthly financial support to his mother-in-law who is a citizen and resident of Iraq. He provides approximately \$700 monthly in financial support to his spouse who is a dual citizen of Iraq and the United States and resident of Iraq. He provides approximately \$200 in monthly financial support to his mother who is a citizen and resident of Iraq.

Applicant provides funds to someone in the United States who has connections in Iraq, and that person uses their connection in Iraq to provide funds to Applicant's wife, and she, in turn, provides funds to her mother, his mother, and her children, and they are all currently in Iraq. (Tr. 62) The amounts in SOR ¶¶ 1.j, 1.k, and 1.l are correct; however, the payment to his mother-in-law was a single payment because of her medical problems. (Tr. 62; HE 3) In 2023, he provided a total of about \$15,000 to his spouse, mother, and children in Iraq. (GE 2 at ¶ 44) He said he did not provide funds for anyone else in Iraq. (Tr. 62) He described his reasons for providing financial support for his mother.

Because I'm obligated to my mother. She has no other income of money, like any source of money. She has nothing and she's very old. She had three strokes. She had loss of memory. She has lots of problems. I see even sometimes she doesn't remember me, like she has dementia. That's why I'm sorry, I'm obligated to my mom no matter what. (Tr. 62)

SOR ¶ 1.m alleges Applicant's spouse owns an apartment in Turkey with an approximate value of \$69,000. Applicant's spouse received the apartment in Turkey from her mother. (Tr. 33-34; GE 2 at ¶ 48) Applicant and his spouse plan to put the apartment on the market in October or November 2025, and they expect to sell it in 2026. (Tr. 33-36) They plan to use the profits on the sale of the property to pay his debts and reduce their mortgage on their home in the United States. (Tr. 34, 37-38)

Financial Considerations

Applicant had some periods of unemployment when he changed jobs. (Tr. 41) He was underemployed for several years including in 2025. His finances were also harmed when his and his spouse's business failed during the COVID-19 pandemic. His monthly income varies, and it is approximately \$3,800 per month. (Tr. 70; GE 2 at ¶ 52) He receives \$2,300 monthly in rent for his house in the United States. (Tr. 71)

SOR ¶¶ 2.a and 2.b allege Applicant has two charged-off debts in the approximate amounts of \$20,747 and \$7,783, respectively. The debts resulted from the failed business during the COVID-19 pandemic. Applicant said he does not have any payment plans or made any recent payments. (Tr. 45-46) He said if he calls the creditors, the first thing they want to know is how much he can pay, and he does not have funds available to pay them. (Tr. 46) He told the creditors "to keep it charged off until I'm going to call you. Because I want to clear it. This is my credit. It's affecting my credit score." (Tr. 46)

In his September 13, 2024 SCA Applicant said he had two accounts with the creditor in SOR ¶ 2.b, and their balances were \$9,000 and \$15,000. (GE 1) The debts resulted from a failed business, and he had monthly payment agreements with the

creditor. (GE 1; GE 3 at 23) The creditor sued Applicant, and he owed the creditor about \$9,000 from the lawsuit. (GE 3 at 23) The original balance of the debt in SOR ¶ 2.b was \$9,647, and he has paid the balance down to \$7,783. (GE 4)

Applicant is making payments on two non-SOR payment plans. He is paying one \$33 and another one, \$150. (Tr. 47) In 2019, Applicant purchased a home; however, since 2023, he rents out his home for about \$2,300 monthly, and he shares his apartment with a roommate to save money. (Tr. 66-67) In 2019, Applicant's mother-in-law or possibly his brother-in-law sent him a wire transfer of \$15,000 for the downpayment on the purchase of the house he rents in the United States. (GE 2 at ¶ 43; GE 3 at 26-27) He did not discuss any plan to repay his relatives for the wire transfer.

Applicant's credit reports reflect multiple paid debts, debts with zero balances, or in paid as agreed status. The only negative accounts are the two charged-off debts in SOR ¶¶ 2.a and 2.b.

In conclusion, Applicant offered to renounce his Iraqi citizenship, and he said:

I am committed and loyal to my country, the United States of America and under no circumstance [would I] have family, extended family and circle of old friends from Iraq to damage or endanger my stance towards the USA. My extended family chose their work and life just like me and I am determined to work professionally and directly under my supervisors to under the highest guidance of secrecy and safety standards. I declare my loyalty to the United States even before I took the oath. . . . I always respect all privileges given to me and my wife and kids. No matter what are the results beyond this proceeding I shall always be ready to serve and protect, whenever and wherever needed. I would be more than proud to have the opportunity to work the United States and I cherish the moment if you allowed me to. (HE 3 at 6-7)

Iraq

Iraq is a constitutional parliamentary republic. The October 2021 parliamentary elections were generally considered technically sound and credible. The elections were observed by the European Union and domestic civil society organizations and monitored by the United Nations Assistance Mission for Iraq. Domestic and international elections observers cited procedural and transparency improvements to the 2018 electoral process. They noted, however, that violence and intimidation by paramilitary militia groups in the months ahead of the elections likely affected voters' choices and voter turnout. The elections came because of widespread protests that began in October 2019 and led to the resignation of former Prime Minister Adil Abd al-Mahdi in December 2019. On October 13, 2022, Iraqi Council of Representatives members elected Abdulatif Jamal Rashid as the president of Iraq, and President Rashid named Mohammed Shiaa al-Sudani was designated as the prime minister designate.

The U.S. Department of State travel advisory for Iraq is Level 4:

Do not travel to Iraq due to terrorism, kidnapping, armed conflict, civil unrest, and the U.S. government's limited ability to provide emergency services to U.S. citizens in Iraq. Do not travel to Iraq for any reason. U.S. citizens in Iraq face high risks, including violence and kidnapping. Terrorist and insurgent groups regularly attack Iraqi security forces and civilians. Anti-U.S. militias threaten U.S. citizens and international companies. Attacks using improvised explosive devices, indirect fire, and unmanned aerial vehicles occur in many areas, including major cities. The Department of State requires U.S. government personnel in Iraq to live and work under strict security due to serious threats. There is risk of terrorist violence, including terrorist attacks and other activity in Iraq . . . Demonstrations, protests, and strikes occur frequently throughout the country. These events can develop quickly without prior notice, often interrupting traffic, transportation, and other services, and sometimes turn violent.

The human rights situation worsened during the year 2023 due to increased federal and Kurdistan Regional Government restrictions on fundamental freedoms and civic space. There were intermittent attacks by the Islamic State of Iraq and Syria (ISIS) and its affiliated cells; sporadic fighting between the Iraqi Security Forces and ISIS in remote areas; Turkish military operations against Kurdistan Workers Party bases in Iraq; the presence of militias not fully under the control of the government, including Iran-aligned Popular Mobilization Forces units; and sectarian, ethnic, and financially motivated violence.

Terrorist groups and individuals inspired by them want to attack American citizens outside of the United States. They are using simpler methods of attack like knives, guns, and vehicles to target crowds. They often go after unprotected or vulnerable targets.

The ISIS is a designated terrorist organization active in Syria and Iraq. ISIS and its associated terrorist groups indiscriminately commit attacks and violent atrocities in Iraq despite improved Iraqi government control. ISIS, militia groups, and criminal gangs target U.S. citizens for attacks and hostage-taking. Additionally, Iran-aligned militia groups encourage and conduct attacks against the U.S. presence in Iraq. Iraq's northern borders are especially dangerous due to the continued threat of attacks by terrorist groups, armed conflict, aerial bombardment, and civil unrest. Avoid all areas near armed groups in northern Iraq, which have been targeted with military strikes by neighboring countries.

As in previous quarters, ISIS focused its attacks on the Coalition's counter-ISIS partners: the ISF (Iraqi Security Force) and the SDF (Syrian Defense Force). ISIS continued to urge sympathizers worldwide to attack Jewish, Western, and Shia communities. ISIS stated that music concerts, book festivals, markets, demonstrations, and sports or cultural events with large crowds were "legitimate targets," the DIA said. The DIA assessed that ISIS maintains "limited operational capabilities" in Iraq because of reduced freedom of movement and access to materiel. . . . In Iraq, ISIS operatives did not capitalize on the instability in Syria to improve operations or strengthen manpower. The Department of the Treasury (Treasury) reported that ISIS held just under \$10 million in

its reserves, which Treasury said was most likely located in Iraq. Treasury also said that ISIS probably generated around \$8 million in 2024 through activities such as kidnapping for ransom, extortion, and donations from domestic and international supporters.

There was an increase in terrorist attacks in 2023, compared with the previous year, with a surge of approximately 110 Iran-Aligned Militia Groups (IAMG) attacks beginning in October that primarily targeted Combined Joint Task Force Operation Inherent Resolve (OIR) personnel in Iraq and Syria. These IAMG attacks resulted in injuries to dozens of U.S. servicemembers and one U.S. contractor death. . . . Because of continued effective pressure from the Iraqi Security Forces (ISF) in 2023, ISIS was unable to control Iraqi territory and was forced to resort to periodic attacks, including in Anbar, Diyala, Kirkuk, Ninewa, and Salah al-Din provinces, particularly in areas infrequently patrolled by the ISF.

Iraqi counterterrorism (CT) functions are executed principally by the Counterterrorism Service (CTS), a cabinet-level entity reporting directly to the prime minister. Various Iraqi Security Forces under the Ministries of Defense and Interior as well as the Kurdish Peshmerga also routinely conduct CT planning, operations, and investigations. In limited instances, Popular Mobilization Forces (PMF) augment Iraqi Army and CTS-led operations. While all PMF are required by law to operate as part of the ISF, some PMF groups defied Government of Iraq (GOI) authority and engaged in violent and destabilizing activities in Iraq and neighboring Syria.

In March 2025, the Office of the Director of National Intelligence (ODNI) published the Annual Threat Assessment of the U.S. Intelligence Community, stating:

ISIS's most aggressive branches, including ISIS-Khorasan (ISIS-K), and its entrepreneurial plotters will continue to seek to attack the West, including the United States, via online outreach and propaganda aimed at directing, enabling, or inspiring attacks, and could exploit vulnerable travel routes. ISIS has suffered major setbacks and is incapable of holding ground in Iraq and Syria. In recent years, ISIS saw the U.S. defeat of its physical caliphate in 2019, the loss of three overall leaders in 2022, 2023, and 2025, and renewed counterterrorism efforts this year removing leaders driving global operations. Nevertheless, ISIS remains the world's largest Islamic terrorist organization, has sought to gain momentum from high-profile attacks, and continues to rely on its most capable branches and globally dispersed leadership to weather degradation.

The New Year's Day attacker in New Orleans was influenced by ISIS propaganda, and separately, an Afghan national was arrested in October for planning an election day attack in the name of ISIS, highlighting ISIS's ability to reach into the Homeland to both inspire and enable attacks.

On August 5, 2024, an Iran-aligned militia attacked U.S. forces stationed at Al-Asad Airbase in western Iraq. This marked a dangerous escalation and demonstrated Iran's destabilizing role in the region.

Policies

The U.S. Supreme Court has recognized the substantial discretion of the Executive Branch in regulating access to information pertaining to national security emphasizing, “no one has a ‘right’ to a security clearance.” *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). As Commander in Chief, the President has the authority to control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information.” *Id.* at 527. The President has authorized the Secretary of Defense or his designee to grant applicant’s eligibility for access to classified information “only upon a finding that it is clearly consistent with the national interest to do so.” Exec. Or. 10865, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended.

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the adjudicative guidelines. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with an evaluation of the whole person. An administrative judge’s overarching adjudicative goal is a fair, impartial, and commonsense decision. An administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable.

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. 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 about potential, rather than actual, risk of compromise of classified information. Clearance decisions must be “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See Exec. Or. 10865 § 7. Thus, nothing in this decision should be construed to suggest that it is based, in whole or in part, on any express or implied determination about applicant’s allegiance, loyalty, or patriotism. It is merely an indication the applicant has not met the strict guidelines the President, Secretary of Defense, and Director of National Intelligence have established for issuing a clearance.

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The Government has the burden of establishing controverted facts alleged in the SOR. See *Egan*, 484 U.S. at 531. “Substantial evidence” is “more than a scintilla but less than a preponderance.” See *v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994). The guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant’s security suitability. See ISCR Case No. 95-0611 at 2 (App. Bd. May 2, 1996).

Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the

facts. Directive ¶ E3.1.15. An applicant “has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his [or her] security clearance.” ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). The burden of disproving a mitigating condition never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005). “[S]ecurity clearance determinations should err, if they must, on the side of denials.” *Egan*, 484 U.S. at 531; see AG ¶ 2(b).

Analysis

Foreign Influence

AG ¶ 6 explains the security concern about “foreign contacts and interests” stating:

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.

AG ¶ 7 lists conditions that could raise a foreign influence security concern and may be disqualifying in this case:

- (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;
- (e) shared living quarters with a person or persons, regardless of citizenship status, if that relationship creates a heightened risk of foreign inducement, manipulation, pressure, or coercion; and
- (f) substantial business, financial, or property interests in a foreign country, or in any foreign owned or foreign-operated business that could subject the individual to a heightened risk of foreign influence or exploitation or personal conflict of interest.

AG ¶¶ 7(a), 7(b), and 7(e) are established. AG ¶ 7(f) is not established. Additional discussion is in the foreign influence mitigation section, *infra*.

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 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;

(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;

(d) the foreign contacts and activities are on U.S. Government business or are approved by the agency head or designee;

(e) the individual has promptly complied with existing agency requirements regarding the reporting of contacts, requests, or threats from persons, groups, or organizations from a foreign country; and

(f) the value or routine nature of the foreign business, financial, or property interests is such that they are unlikely to result in a conflict and could not be used effectively to influence, manipulate, or pressure the individual.

In ISCR Case No. 10-04641 at 4 (App. Bd. Sept. 24, 2013), the DOHA Appeal Board concisely explained Applicant's responsibility for proving the applicability of mitigating conditions as follows:

Once a concern arises regarding an Applicant's security clearance eligibility, there is a strong presumption against the grant or maintenance of a security clearance. See *Dorfmont v. Brown*, 913 F. 2d 1399, 1401 (9th Cir. 1990), *cert. denied*, 499 U.S. 905 (1991). After the Government presents evidence raising security concerns, the burden shifts to the applicant to rebut or mitigate those concerns. See Directive ¶ E3.1.15. The standard applicable in security clearance decisions is that articulated in *Egan, supra*. "Any doubt concerning personnel being considered for access

to classified information will be resolved in favor of the national security.”
Directive, Enclosure 2, [App. A] ¶ 2(b).

Applicant has relationships with the people listed in SOR ¶¶ 1.a through 1.i including his spouse, two daughters, mother, mother-in-law, two half-brothers, one niece, one aunt, one sister-in-law and two friends. He provides financial support for his mother, spouse, and two daughters.

Applicant made a one-time payment to support his mother-in-law of about \$300. This payment shows his concern for her, and that concern is manifested in SOR ¶ 1.b. The financial aspect of this payment is insignificant, and SOR ¶ 1.j is mitigated.

Applicant’s spouse’s property in Turkey does not raise a security concern under AG ¶ 7(f). Applicant does not have control of this property, and it could not be used to influence or coerce him. SOR ¶ 1.m is mitigated and will not be further discussed in this decision.

The Appeal Board has concluded that contact every two months or three months constitutes “frequent contact” under AG ¶¶ 7 and 8. ISCR Case No. 14-05986 at 3-4 (App. Bd. Oct. 14, 2016). See also ISCR Case No. 04-09541 at 2-3 (App. Bd. Sept. 26, 2006) (finding contacts with applicant’s siblings once every four or five months not casual and infrequent and stating “The frequency with which Applicant speaks to his family members in Iran does not diminish the strength of his family ties.”). Frequency of contact is not the sole determinant of foreign interest security concerns.

The mere possession of close ties with people living in a foreign country is not, as a matter of law, disqualifying under Guideline B. However, if an applicant, his or her spouse, or someone sharing living quarters with them, has such a relationship with even one person living in a foreign country, this factor alone is sufficient to create the potential for foreign influence and could potentially result in the compromise of classified information. See ISCR Case No. 08-02864 at 4-5 (App. Bd. Dec. 29, 2009) (discussing problematic visits of that applicant’s father to Iran).

Not every foreign contact or tie presents the heightened risk under AG ¶ 7(a). The “heightened risk” denotes a risk greater than the normal risk inherent in having a family member living under a foreign government. The nature and strength of the ties and the country involved (i.e., the nature of its government, its relationship with the United States, and its human rights record) are relevant in assessing whether there is a likelihood of vulnerability to coercion. “[T]he nature of the foreign government involved, and the intelligence-gathering history of that government are among the important considerations that provide context for the other record evidence and must be brought to bear on the Judge’s ultimate conclusions in the case. The country’s human rights record is another important consideration.” ISCR Case No. 16-02435 at 3 (App. Bd. May 15, 2018) (citing ISCR Case No. 15-00528 at 3 (App. Bd. Mar. 13, 2017)). These factors are relevant in assessing the likelihood that an applicant’s family members or friends living in Iraq 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, the government ignores the rule of law including widely accepted civil liberties, a family member is associated with or dependent upon the government, the government is engaged in a counterinsurgency, terrorism causes a substantial amount of death or property damage, or the country is known to conduct intelligence collection operations against the United States. The situation in Iraq involving terrorists, insurgents, and criminals in that country places a significant burden of persuasion on Applicant to demonstrate that his relationships with anyone living in that country does not pose a security risk. Applicant should not be placed into a position where he might be forced to choose between the protection of classified information and concerns about assisting someone living in Iraq.

The issue under Guideline B is whether Applicant has ties or contacts with family and friends who live in Iraq, which raise security concerns because those ties and contacts create a potential vulnerability that criminals, or terrorists could seek to exploit to get unauthorized access to U.S. classified information that he has by virtue of a security clearance. Applicant may be vulnerable to influence or pressure exerted on, or through his family and friends.

International terrorist groups and insurgents are known to conduct intelligence activities as effectively as capable state intelligence services, and Iraq has a significant problem with terrorism and crime. Applicant's family and friends live in Iraq and his relationships with them "could be a means through which Applicant comes to the attention of those who seek U.S. information or technology and who would attempt to exert coercion upon him." ADP Case No. 14-01655 at 3 (App. Bd. Dec. 9, 2015) (citing ISCR Case No. 14-02950 at 3 (App. Bd. May 14, 2015)).

Applicant's relationships with family and friends living in Iraq create a potential conflict of interest because terrorists, insurgents, or criminals 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 and friends living in Iraq, and of violence and criminal activity in Iraq.

A key factor in the AG ¶ 8(b) analysis is Applicant's "deep and longstanding relationships and loyalties in the U.S." His relationship with the United States must be weighed against the potential conflict of interest created by his connections to Iraq. Applicant first came to the United States in 2008 as a refugee, and he became a U.S. citizen in 2013. His spouse and children are U.S. citizens. He owns a home in the United States, and he is seeking U.S. employment.

These factors are balanced against the security concerns outlined in the SOR. Applicant's access to classified information could add risk to his family and friends living in Iraq. There is no allegation that he would choose to help the terrorists or criminals against the interests of the United States. A Guideline B adjudication is not a judgment on an applicant's character or loyalty to the United States. It is a determination as to

whether an applicant's circumstances foreseeably present a security risk. See ISCR Case No. 19-00831 at 5 (App. Bd. July 29, 2020). The concern here pertains to the risk to his family and friends, who are living in Iraq, and how that risk could be used to coerce Applicant. It does not relate to his loyalty or patriotism to the United States.

Applicant has not rebutted the concern arising from his relationships with family and friends living in Iraq. His connections to the United States, taken together, are strong; however, they are insufficient to overcome the foreign influence security concerns under Guideline B.

Financial Considerations

AG ¶ 18 articulates the security concern for financial problems:

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.

The Appeal Board explained the scope and rationale for the financial considerations security concern in ISCR Case No. 11-05365 at 3 (App. Bd. May 1, 2012) (citation omitted) as follows:

This concern is broader than the possibility that an applicant might knowingly compromise classified information to raise money in satisfaction of his or her debts. Rather, it requires a Judge to examine the totality of an applicant's financial history and circumstances. The Judge must consider pertinent evidence regarding the applicant's self-control, judgment, and other qualities essential to protecting the national secrets as well as the vulnerabilities inherent in the circumstances. The Directive presumes a nexus between proven conduct under any of the Guidelines and an applicant's security eligibility.

AG ¶ 19 includes disqualifying conditions that could raise a security concern and may be disqualifying in this case, "inability to satisfy debts" and "(c) a history of not meeting financial obligations. The record establishes the disqualifying conditions in AG ¶¶ 19(a) and 19(c), requiring additional inquiry about the possible applicability of mitigating conditions. Discussion of the disqualifying condition is contained in the mitigation section, *infra*.

The financial considerations mitigating conditions under AG ¶ 20, which may be applicable in this case are as follows:

- (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.

SOR ¶¶ 2.a and 2.b allege Applicant has two charged-off debts in the approximate amount of \$20,747 and \$7,783, respectively. He admitted his responsibility for these two debts. The original balance of the debt in SOR ¶ 2.b was \$9,647, and he has paid the balance down to \$7,783.

Applicant had some circumstances partially or fully beyond his control, which adversely affected his finances. He experienced underemployment, unemployment, illness in his family, failure of a business, and the need to travel to Iraq to support his family. However, "[e]ven if [an applicant's] financial difficulties initially arose, in whole or in part, due to circumstances outside his [or her] control, the [administrative judge] could still consider whether [the applicant] has since acted in a reasonable manner when dealing with those financial difficulties." ISCR Case No. 05-11366 at 4 n.9 (App. Bd. Jan. 12, 2007) (citing ISCR Case No. 03-13096 at 4 (App. Bd. Nov. 29, 2005); ISCR Case No. 99-0462 at 4 (App. Bd. May 25, 2000); ISCR Case No. 99-0012 at 4 (App. Bd. Dec. 1, 1999)).

Two Appeal Board decisions illustrate the analysis for applying AG ¶¶ 20(a) and 20(b) in cases where there are limited financial resources and circumstances beyond an applicant's control adversely affecting his or her finances. In ISCR Case No. 09-08533 (App. Bd. Oct. 6, 2010), the applicant had \$41,871 in delinquent credit card debt and defaulted on a home loan generating a \$162,000 delinquent debt. *Id.* at 2. That applicant

filed for bankruptcy the same month the Administrative Judge issued her decision. *Id.* at 1-2. The applicant in ISCR Case No. 09-08533 was recently divorced, had been unemployed for 10 months, and had childcare responsibilities. Her former husband was inconsistent in his child support payments to her. The Appeal Board determined that AG ¶ 20(a) was “clearly applicable (debt occurred under such circumstances that it is unlikely to recur and [the debt] does not cast doubt on the individual’s current reliability, trustworthiness, or good judgment)” even though that applicant’s debts were unresolved at the time the Administrative Judge’s decision was issued. *Id.* at 3. The Appeal Board also decided that the record evidence raised the applicability of AG ¶ 20(b) because of the absence of evidence of irresponsible behavior, poor judgment, unreliability, or lack of trustworthiness. *Id.* at 4. I note that Applicant has the burden of proving the applicability of any mitigating conditions, and the burden to disprove a mitigating condition never shifts to the Government.

Similarly, in ISCR Case No. 08-06567 (App. Bd. Oct. 29, 2009) the Appeal Board addressed a situation where an applicant was sporadically unemployed and lacked the ability to pay his creditors. The Appeal Board noted “it will be a long time at best before he has paid” all of his creditors. *Id.* at 3. The applicant was living on unemployment compensation at the time of his hearing. The Appeal Board explained that such a circumstance was not necessarily a bar to having access to classified information stating:

However, the Board has previously noted that an applicant is not required to be debt-free nor to develop a plan for paying off all debts immediately or simultaneously. All that is required is that an applicant act responsibly given his [or her] circumstances and develop a reasonable plan for repayment, accompanied by “concomitant conduct,” that is, actions which evidence a serious intent to effectuate the plan.

ISCR Case No. 08-06567 at 3 (App. Bd. Oct. 29, 2009) (citing ISCR Case No. 07-06482 at 3 (App. Bd. May 21, 2008)). The applicant in ISCR Case No. 08-06567 used his limited resources to (1) resolve some of his debts; (2) had a repayment plan for the remaining debts; and (3) took “reasonable actions to effectuate that plan.” *Id.* The Appeal Board remanded the Administrative Judge’s decision because it did not “articulate a satisfactory explanation for his conclusions,” emphasizing the Administrative Judge did “not explain[] what he believes that applicant could or should have done under the circumstances that he has not already done to rectify his poor financial condition, or why the approach taken by applicant was not ‘responsible’ in light of his limited circumstances.” *Id.*

Applicant established mitigation under AG ¶¶ 20(a), 20(b), and 20(d). He presented some important mitigating information. His credit reports reflect paid debts, debts with zero balances, or paid as agreed status, and only two charged-off debts, which are alleged in SOR ¶ 2.a and 2.b. He showed good faith in his overall handling of his finances. I found his statement at his hearing to be candid and credible. He promised to pay his debts and maintain his financial responsibility. His delinquent debts are unlikely to recur. There are clear indications his financial problems are under control. His history of handling his finances does not cast doubt on his current reliability, trustworthiness, or good judgment. Financial considerations security concerns are mitigated.

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 the 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), "[t]he ultimate determination" of whether to grant a security clearance "must be an overall commonsense judgment based upon careful consideration of the guidelines" and the whole-person concept. My comments under Guidelines B and F are incorporated in my whole-person analysis. Some of the factors in AG ¶ 2(d) were addressed under those guidelines but some warrant additional comment.

Applicant is 49 years old, and he was born in Iraq. In 1998, he received a bachelor's degree in Iraq. He is seeking employment with a contractor as a linguist. He currently works for a taxi-type service as an independent contractor, and in July 2025, he received a CDL to drive an 18-wheeled truck. He expected a trucking company to hire him shortly after his hearing. Applicant is a patriotic American who wishes to contribute to the U.S. national defense.

The reasons for denying Applicant's security clearance are more persuasive. A Guideline B decision concerning Iraq must take into consideration the geopolitical situation and dangers in that country. See ISCR Case No. 04-02630 at 3 (App. Bd. May 23, 2007) (remanding because of insufficient discussion of geopolitical situation and suggesting expansion of whole-person discussion); ISCR Case No. 02-26130 at 3 (App. Bd. Dec. 7, 2006) (reversing grant of security clearance because of terrorist activity in the West Bank). Iraq is a dangerous place because of violence from terrorists, insurgents, and criminals. Terrorists and criminals in Iraq continue to threaten the interests of the United States, residents of Iraq, and those who cooperate and assist the United States.

Applicant has frequent contacts with members of his family and friends who are citizens and residents of Iraq. He made lengthy visits to Iraq in the last three years to visit his relatives or to seek employment. He stayed in Iraq briefly in May 2023, from October 2023 to February 2024, from April to June 2024, and from September 2024 to October 2024. These visits are not considered as disqualifying conduct; however, they do show his emotional connections to his family in Iraq. Additional discussion is in the analysis section, *supra*. Applicant's loyalty to and support of his family are positive character virtues and increase his reliability, trustworthiness, and responsibility. However, Applicant

did not meet his burden of showing that his relationships with residents of Iraq 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 Iraq. See *Generally* ISCR Case No. 17-01979 at 5 (App. Bd. July 31, 2019).

It is well settled that once a concern arises regarding an applicant’s security clearance eligibility, there is a strong presumption against granting a security clearance. See *Dorfmont*, 913 F. 2d at 1401. I have carefully applied the law, as set forth in *Egan*, Exec. Or. 10865, the Directive, the AGs, and the Appeal Board’s jurisprudence to the facts and circumstances in the context of the whole person. Applicant mitigated financial considerations security concerns; however, he failed to mitigate foreign influence security concerns.

Formal Findings

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

Paragraph 1, Guideline B:	AGAINST APPLICANT
Subparagraphs 1.a through 1.i:	Against Applicant
Subparagraph 1.j:	For Applicant
Subparagraphs 1.k and 1.l:	Against Applicant
Subparagraph 1.m:	For Applicant
Paragraph 2, Guideline F:	FOR APPLICANT
Subparagraphs 2.a and 2.b:	For Applicant

Conclusion

Considering all the circumstances in this case, it is not clearly consistent with the interests of national security to grant Applicant eligibility for a security clearance. Eligibility for access to classified information is denied.

Mark Harvey
Administrative Judge