



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



In the matter of: )  
)  
) ISCR Case No. 24-01385  
)  
Applicant for Security Clearance )

**Appearances**

For Government: Lauren A. Shure, Esq., Department Counsel  
For Applicant: *Pro se*

01/20/2026

**Decision**

BORGSTROM, Eric H., Administrative Judge:

Applicant mitigated the foreign influence security concerns arising from his foreign contacts in Iraq. He did not mitigate the financial considerations security concerns triggered by his delinquent debts. Eligibility for access to classified information is denied.

**Statement of the Case**

On September 17, 2024, the Defense Counterintelligence and Security Agency (DCSA) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline B (foreign influence) and Guideline F (financial considerations). The DCSA acted under Executive Order (EO) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; Department of Defense (DOD) Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) implemented by the DOD on June 8, 2017.

In Applicant's June 2, 2025 response to the SOR (Answer), he admitted, with explanations, all of the alleged delinquent accounts. He did not explicitly admit or deny the alleged foreign contacts; however, he did provide the names of his three brothers, three sisters, and fiancée in Iraq. He did not attach any documentary evidence. He

requested a decision by an administrative judge of the Defense Office of Hearings and Appeals (DOHA) based upon the written record in lieu of a hearing. (Answer)

On July 30, 2025, Department Counsel submitted a file of relevant material (FORM) and provided a complete copy to Applicant. Department Counsel's FORM included Government Exhibits (GE) 1 through 10. The FORM also included materials for administrative notice (GE 11) of the security concerns regarding Iraq. In the FORM, Department Counsel provided Applicant notice that failure to respond to the FORM may be considered a waiver of any objections to the admissibility of the evidentiary exhibits.

On August 8, 2025, Applicant received the FORM and its attachments. A cover letter included with the FORM advised Applicant that he had 30 days from the date of receipt to file any objections or to provide any additional information in support of his clearance eligibility. He did not submit a response to the FORM nor object to any of the Government's evidentiary exhibits or the materials for administrative notice. The case was assigned to me on December 29, 2025. Government's Exhibits 1 through 10 are admitted into evidence without objection. GE 11 is received for administrative notice of the security concerns regarding Iraq.

### **Findings of Fact**

Applicant is 54 years old. He was born in the Kurdistan region of Iraq, and he completed high school and earned an associate degree in Iraq. From December 2000 to May 2003, he was employed as an engineer on behalf of the United Nations. From May 2003 to September 2008, he was employed as a linguist supporting the U.S. Army in Iraq. As a linguist embedded with the U.S. military, he saw "many firefights and Improvised Explosive Devices attacks." In December 2008, following many threats against him from detainees and others, he legally emigrated to the United States. After entering the United States, Applicant was employed as a role player with a USG contractor from June 2009 to January 2010. He became a naturalized U.S. citizen in November 2019. He has applied for clearance eligibility for prospective employment as an interpreter with a DOD contractor. (GE 7 at 4, GE 8 at 1)

### **Foreign Influence**

Applicant was previously married in 1996 in Iraq, and he was divorced in May 2017. His ex-wife is a dual citizen of the United States and Iraq, and she resides in the United States. Applicant's four children – ages 19, 22, 26, and 27 – were born in Iraq and now reside in the United States. All four children are dual citizens of Iraq and the United States. (GE 3; GE 8 at 22)

On his May 2023 trip to Iraq, Applicant met his current fiancée. She is a citizen of Iraq, and she resides in the Kurdistan region of Iraq. At the time of Applicant's April 2024 security interview, his fiancée was unemployed. There is no further information about whether she has any family members or children in Iraq. Applicant maintains weekly contact with her. (GE 10 at 5-6)

Both of Applicant's parents are deceased. He has four brothers and four sisters. One brother (B1) is a dual citizen of the Netherlands and Iraq, and he resides in the Netherlands. He is employed by a private company and has monthly contact with Applicant. (Answer; GE 3, GE 8 at 23)

**SOR ¶ 1.a.** Applicant has three brothers (B2, B3, and B4) who are citizens of Iraq and reside in the Kurdistan region of Iraq. B2, B3, and B4 are an engineer, laborer, and physician, respectively. Applicant has quarterly to monthly telephone contact with his three brothers. (Answer; GE 3, GE 8 at 23)

Applicant has three sisters (S1-S3) who reside in the Kurdistan region of Iraq. S1 and S3 are citizens of Iraq, and S2 is a dual citizen of Iraq and Germany. S1-S3 are employed as teachers with the Iraqi Ministry of Education. Applicant has quarterly to monthly contact with his sisters. (GE 3, GE 8 at 23, 26)

Applicant's fourth sister (S4) is a citizen of Iraq and a U.S. legal permanent resident. She resides in the United States and works at a retail store. (Answer; GE 3, GE 8 at 24)

During his June 2024 counterintelligence (CI) screening, Applicant reported that his niece is a citizen and resident of Iraq, and she is a teacher employed with the Iraqi Ministry of Education. He also reported that he had a friend who is a citizen and resident of Iraq and who is employed by the Iraqi Ministry of Education. (GE 8 at 24, 26)

Applicant has traveled to Iraq at least three times since 2020. From February to March 2020, he visited family members in Iraq for at least 11 days. From May to June 2021, he visited family members in Iraq for at least 21 days. From April to May 2023, he visited Iraq for more than 30 days. (GE 3)

Applicant participated in CI screenings in June 2010 and June 2024 as he sought interpreter positions with DOD contractors. During both screenings, he explained that he immigrated to the United States due to safety concerns. While serving as an interpreter "he was threatened by detainees multiple times a week," and he reported each instance to the U.S. military police. In about October 2008, he met with U.S. officials in Iraq and was granted a special immigrant visa (SIV) for his service as an interpreter to the U.S. military. Section 1244(b)(1) of the National Defense Authorization Act for Fiscal Year 2008 provides that an SIV applicant must establish that he or she:

(C) provided faithful and valuable service to the United States Government, which is documented in a positive recommendation or evaluation . . . from the employee's senior supervisor . . . .

(D) has experienced or is experiencing an ongoing serious threat as a consequence of [his or her] employment by the United States Government.

An SIV applicant must also be approved by the Chief of Mission and pass a risk assessment. At the time of his June 2010 CI screening, Applicant maintained contact with two U.S. Army officers with whom he had served in Iraq. During his June 2024 CI screening, he reported that he sent approximately \$500 to his niece in 2020 for financial support during the pandemic. (GE 7 at 1, GE 8 at 10)

## **Financial Considerations**

The SOR alleges financial considerations security concerns arising from 14 delinquent accounts totaling approximately \$42,302. In his Answer, Applicant admitted all 14 delinquent debts and claimed to have negotiated payment plans. He did not provide any evidence to corroborate his claims or that he has made payments in accordance with the purported payment plans.

On April 15, 2024, Applicant was interviewed by an authorized investigator on behalf of the Office of Personnel Management (OPM). During his security interview, he explained that his financial delinquencies resulted from periods of unemployment and underemployment. He admitted the debts in SOR ¶¶ 2.a.-2.e., and 2.j.-2.n. He disputed the debt in SOR ¶ 2.f. He claimed to be currently working to pay the accounts one at a time. (GE 10)

Applicant's employment history includes multiple part-time and overlapping employments. From November 2018 to October 2021, he was employed full time at a bank. In October 2021, he was placed on paid short-term disability leave due to COVID-19 symptoms. He remained on paid disability leave for six months, and there is no record evidence as to whether his disability pay was equivalent to his income during his full-time employment. In April 2022, he was not well enough to return to his full-time unemployment, and he was placed on unpaid disability leave for another six months. He claimed, during his April 2024 OPM interview, that he had been unfit to return to work in October 2022; however, he did travel to Canada to visit a friend in December 2022. He was terminated in January 2023 after his supervisor had been unable to reach him. (GE 8 at 2, GE 10)

There is no record evidence of any consistent employment between January 2023 and September 2023. Beginning in September 2023, Applicant was employed part time as a delivery driver for a private company. He was terminated in January 2024 after an accident with his delivery vehicle. Beginning in October 2023, he was also employed part time as an associate for a private company. There is no further information as to his income from these two part-time positions. Since March 2024, he has been employed full time as a security officer for a private company. (GE 3, GE 8 at 1, GE 10)

**SOR ¶ 2.a.** This vehicle loan was opened in April 2022, became delinquent in August 2023, and was charged off in June 2024 in the approximate amount of \$11,284. Notwithstanding Applicant's claimed payment plan, his July 2025 credit report reflects no decrease in the outstanding balance nor any payments since August 2023. There is no

evidence of any payments on this account since its delinquency. **This debt is not resolved.** (GE 2, GE 4 at 4, GE 5 at 1, GE 6 at 1, GE 8 at 13)

**SOR ¶ 2.b.** This vehicle loan was opened in February 2023, became delinquent in January 2024, and was charged off in June 2024 in the approximate amount of \$5,722. Notwithstanding Applicant's claimed payment plan, his July 2025 credit report reflects no decrease in the outstanding balance nor any payments since December 2023. There is no evidence of any payments on this account since its delinquency. **This debt is not resolved.** (GE 2, GE 4 at 5, GE 5 at 1, GE 6 at 1, GE 8 at 12)

**SOR ¶ 2.c.** This personal loan was opened in January 2023, became delinquent in September 2023, and was charged off in March 2024 in the approximate amount of \$5,326. Notwithstanding Applicant's claimed payment plan, his July 2025 credit report reflects no decrease in the delinquent balance nor any payments since August 2023. There is no record evidence of any payments on this account since its delinquency. **This debt is not resolved.** (GE 2, GE 4 at 5, GE 5 at 1, GE 6 at 1, GE 8 at 13)

**SOR ¶ 2.d.** This personal loan was opened in December 2022, became delinquent in July 2023, and was placed for collection in the approximate amount of \$510. Notwithstanding Applicant's claimed payment plan, his July 2025 credit report reflects no decrease in the outstanding balance nor any payments since June 2023. There is no record evidence of any payments since its delinquency. **This debt is not resolved.** (GE 2, GE 4 at 4, GE 5 at 2, GE 6 at 2, GE 8)

**SOR ¶ 2.e.** This personal loan was opened in March 2023, became delinquent in July 2023, and was charged off in November 2023 in the approximate amount of \$2,797. Notwithstanding Applicant's claimed payment plan, his July 2025 credit report reflects no decrease in the outstanding balance nor any payments since June 2023. There is no record evidence of any payments since its delinquency. **This debt is not resolved.** (GE 2, GE 4 at 3, GE 5 at 2, GE 6 at 2, GE 8)

**SOR ¶ 2.f.** This account was opened for repairs or fees following an apartment rental, and it was placed for collection in December 2022 in the approximate amount of \$615. During his security interview, Applicant disputed this account; however, there is no evidence of any steps taken to dispute the legitimacy of this debt with the creditor or the credit bureaus. Notwithstanding his dispute, he claimed to have established a payment plan on this account. His July 2025 credit report reflects no decrease in the outstanding balance nor any payments on this account. There is no record evidence of any payments or documented debt-resolution efforts on this account since its delinquency. **This debt is not resolved.** (GE 2, GE 4 at 4, GE 5 at 3, GE 6 at 3, GE 8 at 12, GE 10)

**SOR ¶ 2.g.** This credit-card account was opened in December 2021, became delinquent in about September 2023, and was placed for collection in April 2024 in the approximate amount of \$1,616. Applicant's July 2025 credit report reflects a decreased outstanding balance (\$929) and a payment in March 2025; however, there is no further

information in the record establishing a payment plan or more than the one payment. **This debt is not resolved.** (GE 2, GE 4 at 6, GE 5 at 3, GE 6 at 4)

**SOR ¶ 2.h.** This credit-card account was opened in February 2023, became delinquent in about October 2023, and was placed for collection in April 2024 in the approximate amount of \$1,428. Notwithstanding Applicant's claimed payment plan, his July 2025 credit report reflects no decrease in the outstanding balance nor any payments since this account became delinquent. There is no record evidence of any payments or documented debt-resolution efforts on this account since its delinquency. **This debt is not resolved.** (GE 2, GE 4 at 6, GE 5 at 3, GE 6 at 4, GE 8)

**SOR ¶ 2.i.** This account was placed for collection in April 2024 in the approximate amount of \$1,429. Notwithstanding Applicant's claimed payment plan, his July 2025 credit report reflects no decrease in the outstanding balance nor any payments since this account became delinquent. There is no record evidence of any payments or documented debt-resolution efforts on this account since its delinquency. **This debt is not resolved.** (GE 2, GE 5 at 3, GE 6 at 4, GE 8)

**SOR ¶ 2.j.** This credit-card account was opened in August 2020, became delinquent in about August 2023, and was charged off in February 2024 in the approximate amount of \$5,598. Notwithstanding Applicant's claimed payment plan, his July 2025 credit report reflects no decrease in the outstanding balance nor any payments since July 2023. There is no record evidence of any payments or documented debt-resolution efforts on this account since its delinquency. **This debt is not resolved.** (GE 2, GE 4 at 5, GE 5 at 3, GE 6 at 5, GE 8 at 13)

**SOR ¶ 2.k.** This credit-card account was opened in March 2028, became delinquent in October 2023, and was charged off in March 2024 in the approximate amount of \$1,455. Notwithstanding Applicant's claimed payment plan, his July 2025 credit report reflects no decrease in the outstanding balance nor any payments since July 2023. There is no record evidence of any payments or documented debt-resolution efforts on this account since its delinquency. **This debt is not resolved.** (GE 2, GE 4 at 6, GE 5 at 4, GE 6 at 6, GE 8 at 13)

**SOR ¶ 2.l.** This credit-card account was opened in January 2024, became delinquent in September 2023, and was charged off in May 2024 in the approximate amount of \$1,614. Notwithstanding Applicant's claimed payment plan, his July 2025 credit report reflects no decrease in the outstanding balance nor any payments since August 2023. There is no record evidence of any payments or documented debt-resolution efforts on this account since its delinquency. **This debt is not resolved.** (GE 2, GE 4 at 8, GE 5 at 4, GE 6 at 5, GE 8 at 13)

**SOR ¶ 2.m.** This credit-card account was opened in September 2021, became delinquent in late 2023, and was charged off in May 2024 in the approximate amount of \$1,443. Notwithstanding Applicant's claimed payment plan, his July 2025 credit report reflects no decrease in the outstanding balance nor any payments since late 2023. There

is no record evidence of any payments or documented debt-resolution efforts on this account since its delinquency. **This debt is not resolved.** (GE 2, GE 4 at 8, GE 5 at 4, GE 6 at 5, GE 8 at 13)

**SOR ¶ 2.n.** This credit-card account was opened in April 2023, became delinquent in October 2023, and was charged off in May 2024 in the approximate amount of \$1,566. Notwithstanding Applicant's claimed payment plan, his July 2025 credit report reflects no decrease in the outstanding balance nor any payments since September 2023. There is no record evidence of any payments or documented debt-resolution efforts on this account since its delinquency. **This debt is not resolved.** (GE 2, GE 6 at 5, GE 8 at 14)

In addition to the alleged accounts referenced above, Applicant's July 2025 credit report also lists three unalleged collection accounts placed for collection in May 2024 in the approximate amounts of \$4,794; \$971; and \$951. (GE 6 at 3-4)

### **Administrative Notice**

I have taken administrative notice of the following facts concerning the Republic of Iraq (Iraq), excerpted from the materials proffered by Department Counsel:

Iraq is a constitutional parliamentary republic. The October 2021 parliamentary elections were generally considered technically sound and credible. The U.S. Department of State has issued a Level 4 Travel Advisory to not travel to Iraq for any reason due to terrorism, kidnapping, armed conflict, and civil unrest. Terrorist and insurgent groups regularly attack Iraqi security forces and civilians. Anti-U.S. militias threaten U.S. citizens and international companies. (GE 11)

Significant human rights issues included credible reports of arbitrary or unlawful killings, including extrajudicial killings; enforced disappearance; torture and cruel, inhuman, and degrading treatment or punishment by government officials; harsh and life-threatening prison conditions; and arbitrary arrest or detention.

Applicant's family members reside in the Iraqi Kurdistan Region in northern Iraq, and the human rights situation is exacerbated by the presence of U.S.-designated terrorist organizations. In 2023, the Iraqi government and the Kurdistan regional government increased restrictions of fundamental freedoms. The Islamic State of Iraq and Syria (ISIS) maintains limited operational capacity in Iraq and seeks to exploit the security vacuum in Syria. The Kurdistan Workers Party (KWP) is also a U.S.-designated terrorist organization operating in the Iraqi Kurdistan Region. There were attacks by the ISIS and its affiliated cells; sporadic fights between Iraqi Security Forces and ISIS in remote areas, Turkish military operations against KWP bases in Iraq; the presence of militias not fully under the control of the government; and sectarian, ethnic, and financially motivated violence. (GE 11)

### **Policies**

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(a), 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 sensitive 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 sensitive information. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard sensitive information. Such decisions entail a certain degree of legally permissible extrapolation of potential, rather than actual, risk of compromise of sensitive 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 B: Foreign Influence**

The security concern under this guideline is set out in AG ¶ 6 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.

Two disqualifying conditions (AG ¶ 7) under this guideline are relevant to 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.

"The United States has a compelling interest in protecting and safeguarding [sensitive] 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). 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 are vulnerable to coercion.

The materials for administrative notice concerning Iraq establish the security concerns raised by the presence of active terrorist organizations in Iraq and by significant human rights issues. "An applicant with family members living in a country hostile to the U.S. has a very heavy burden to show that they are not a means through which the applicant can be subjected to coercion or exploitation." ISCR Case No. 11-12659 at 3 (May 30, 2013). The Government has established a "heightened risk" required under AG ¶ 7(a) concerning Applicant's relatives in Iraq. Given the active terrorist organizations, hostile to U.S. interests, Applicant must overcome the "very heavy burden" to show that his foreign contacts are not a means through which he may be influenced or coerced. AG ¶¶ 7(a) and 7(b) apply to Applicant's fiancée, siblings, niece, and friend in Iraq (SOR ¶ 1.a.).

The following mitigating conditions (AG ¶ 8) under this guideline are potentially relevant:

(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, group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the U.S., 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; and

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

The administrative notice materials detail the security concerns regarding Iraq. The circumstances in Iraq – the active terrorist organizations and its human rights abuses – require Applicant to overcome a “very heavy burden” in mitigation. This conclusion is buttressed by Applicant's own departure from Iraq in 2008 due to his concerns for his safety resulting from his work as an interpreter embedded with the U.S. military.

Applicant's fiancée, six siblings, niece, and friend reside in the Kurdistan region of Iraq. Applicant maintains regular contact with these foreign contacts and has visited Iraq at least three times since 2020. He provided financial support to his niece in 2020. There is a rebuttable presumption that contacts with one's immediate family members are not casual. *See, e.g.,* ISCR Case No. 00-0484 at 5 (App. Bd. Feb. 1, 2002). There is no impropriety or misconduct in maintaining a close relationship with one's relatives; however, these relationships create a potential conflict of interest.

Security-clearance determinations are predictive judgments as to whether an individual will safeguard classified information. The DOHA Appeal Board has identified “an exception in Guideline B cases in which applicants demonstrate that they have made significant contributions to national security in dangerous, high-risk circumstances.” ISCR Case No. 10-05329 at 3 (App. Bd. Oct. 17, 2011). In this case, Applicant demonstrated his significant contributions to national security while serving in combat environments for five years. When threatened by detainees, he immediately reported these threats to U.S. military police. His “faithful and valuable service” to the U.S. military resulted in the approval of his SIV application and emigration from Iraq. Taken in its entirety, the record

evidence established the exception identified by the DOHA Appeal Board. I have also considered that Applicant's four children and his sister reside in the United States and that Applicant immediately reported all threats from detainees while embedded as an interpreter. AG ¶¶ 8(b) and 8(e) apply. Applicant overcame the "very heavy burden" and mitigated the foreign influence security concerns arising from his foreign contacts in Iraq.

## **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. . . .

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

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

The Government established Applicant's 14 delinquent accounts, totaling approximately \$42,300. AG ¶¶ 19(a) and 19(c) apply.

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

- (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 has 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.

Applicant bears the burdens of production and persuasion in mitigation. An applicant is not held to a standard of perfection in his debt-resolution efforts or required to be debt-free. “Rather, all that is required is that an applicant act responsibly given his 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. 15-02903 at 3 (App. Bd. Mar. 9, 2017). See, e.g., ISCR Case No. 13-00987 at 3, n.5 (App. Bd. Aug. 14, 2014).

Applicant attributed his financial delinquencies to his illness and subsequent termination in January 2023 as well as unemployment and underemployment. His fiancée is also unemployed. Notwithstanding some circumstances beyond his control, he must also establish that he acted responsibly to address and resolve his delinquent accounts. Here, Applicant repeatedly claimed to have made payment arrangements and payments to repay the delinquent accounts; however, only one balance shows any reduction. He has not provided any evidence to corroborate his claims or to demonstrate a track record of payments and financial responsibility. There is no evidence of financial counseling or showing that his financial situation has stabilized. Rather, his most recent credit report shows additional collection accounts. Although he disputed the debt linked to the damage to the apartment (SOR ¶ 2.f.), he has not provided documented proof for the basis of his dispute or actions to resolve his dispute. None of the financial considerations mitigating conditions apply.

### **Whole-Person Concept**

Under the whole-person concept, the administrative judge must evaluate an applicant’s eligibility for access to classified information 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. I have incorporated my comments under Guideline B, Guideline F, and the factors in AG ¶ 2(d) in this whole-person analysis.

For five years, Applicant aided the U.S. military as an embedded interpreter in Iraq, putting himself at great risk. Coupled with his prompt reporting of threats against him and his relationships with his children here in the United States, he overcame the “very heavy burden” in mitigating the foreign influence security concerns. However, he did not establish that he acted responsibly to address and resolve his financial delinquencies. This decision should not be construed as a determination that Applicant cannot qualify for a security clearance in the future. Applicant did not mitigate the financial considerations security concerns. Eligibility for access to classified information is denied.

### **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:	FOR APPLICANT
Subparagraph 1.a.:	For Applicant
Paragraph 2, Guideline F:	AGAINST APPLICANT
Subparagraphs 2.a. to 2.n.:	Against Applicant

### **Conclusion**

In light of all of the circumstances presented by the record in this case, I conclude that it is not clearly consistent with the interests of national security to grant Applicant’s eligibility for a security clearance. Eligibility for access to classified information is denied.

Eric H. Borgstrom  
Administrative Judge