



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



In the matter of: )  
)  
) ISCR Case No. 24-01119  
)  
Applicant for Security Clearance )

**Appearances**

For Government: Daniel O’Reilly, Esq., Department Counsel  
For Applicant: *Pro se*

02/04/2026

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**Decision**

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DORSEY, Benjamin R., Administrative Judge:

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

**Statement of the Case**

On July 30, 2024, the Department of Defense (DOD) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline B (foreign influence) and Guideline F (financial considerations). Applicant responded to the SOR on December 3, 2024, and on January 10, 2025 (collectively, the “Answer”), and requested a hearing before an administrative judge. The case was originally assigned to another administrative judge, but was reassigned to me on December 4, 2025, after a federal government shutdown due to a lapse in federal funding from October 1 to November 12, 2025.

The hearing was convened as scheduled on December 15, 2025, over the Microsoft Teams online network. Government Exhibits (GE) 1 through 5 were admitted in evidence without objection. On the Government’s motion, and without objection, I took administrative notice of certain facts about the Republic of Iraq (Iraq) as of April 3, 2025, as contained in official U.S. Government documents (AN I). I marked the Government’s Exhibit List as Hearing Exhibit (HE) 1.

Applicant testified and provided documents that I entered in evidence as Applicant Exhibit (AE) A, without objection. At Applicant's request, I left the record open until January 7, 2026, for either party to provide post-hearing documentation. Neither party provided post-hearing documentation on or before January 7, 2025, and the record closed on that date.

### **Findings of Fact**

Applicant is a 42-year-old naturalized U.S. citizen. He has an employment offer from a U.S. defense contractor that is conditioned upon his being granted security clearance eligibility. He has worked for a ride-sharing service for about a year. He was born in Iraq to Iraqi parents. He has a high school diploma from an Iraqi high school. He first came to the U.S in 2010 after receiving a special immigration visa for his work with the U.S. military. He became a naturalized U.S. citizen in October 2018. He holds both U.S. and Iraqi citizenships. He has never married, although he was engaged to an Iraqi citizen. He has no children. (Tr. 27-32, 37-42, 46, 49-54; GE 1, 2)

In the first paragraph of the SOR, the Government alleged that Applicant's fiancée (SOR ¶ 1.a), mother, three brothers, three sisters (SOR ¶ 1.b), and sister-in-law (SOR ¶ 1.c), are citizens and residents of Iraq. Applicant is no longer engaged to an Iraqi citizen who resides in Iraq. He has not had contact with his former fiancée in about six months, and she is married to another man. He is not currently engaged to be married to anyone and is single. The Government stipulated that he is not engaged to an Iraqi citizen residing in Iraq. From 2003 until 2004, he worked for an Iraqi company that provided armory services for the U.S. military. From 2008 until 2010, he worked as translator for a government contractor that supported the U.S. military in Iraq. During his time assisting the U.S. military, he was involved in combat and was wounded. He claimed that he reported another translator, whom he thought was working for insurgents, to his superior officer. He testified at hearing he was willing to renounce his Iraqi citizenship. (Tr. 37-42, 49-54; Answer; GE 1, 2)

Applicant's mother is an Iraqi citizen residing in Iraq. She has never been employed outside the home. He has daily contact with her through e-mail or the phone. He last saw her in person when he was in Iraq in 2024. She is eligible to come to the U.S. through Applicant's special immigration visa, but her poor health does not allow her to travel that far. Applicant's mother owns real property in Iraq, but he does not stand to inherit any portion of its value because it will transfer to his sisters upon his mother's passing. His mother's income includes a survivor's benefit from his deceased father's retirement paid by the Iraqi Government and assistance from Applicant's siblings who reside with her. (Tr. 54-56, 90-92; Answer; GE 1, 2)

Applicant resided with his mother in Iraq from March 2022 until May 2022, from November 2022 until February 2023, from March 2023 until September 2023, and from March 2024 through November 2024. His mother provided for his food and living expenses while he was living with her. In addition to visiting family, part of the reason for these trips was to obtain less expensive medical treatment than he could obtain in the

U.S. for a chronic kidney issue from which he suffered. (Tr. 30-36, 64, 95-96; GE 1, 2; AE A)

Applicant's three sisters and three brothers are citizens and residents of Iraq. He has contact with his sisters over social media about every other day. Two of these sisters worked for the city government in the past. He has less frequent contact with his brothers and normally asks his sisters how his brothers are faring. One of his brothers is a professor and has been employed by the Iraq Ministry of Education for about a year. His brothers have served their mandatory military service with the Iraqi military but are no longer affiliated with it. His sister-in-law graduated from college in Iraq but does not have a job. He does not speak with her regularly and last had contact with her when he visited Iraq in 2024. He avoids speaking to any of his family about their professional lives to protect his operational security. He has only told them that he is trying to get a new job. He has not told them the nature of the job or that he is seeking security clearance eligibility. (Tr. 58-64; Answer; GE 1, 2)

Applicant holds valid U.S. and Iraqi passports. He uses the U.S passport to travel except when he travels to Iraq, when he uses the Iraqi passport for ease of travel. He last reapplied for an Iraqi passport in 2022, after not holding a valid one since 2016. He has never received any Iraqi benefits, has not exercised any right as an Iraqi citizen since moving to the U.S., does not own any property in Iraq, and does not stand to inherit any Iraqi property. He plans to work as a translator for the government contractor for a few years so that he can save up some money to take online college classes in the U.S. to find a more stable job there. (Tr. 42-48, 64, 90; GE 1, 2)

In 2003 or 2004 and again in about 2008, an unknown Iraqi person or group threatened Applicant's family because they were assisting the U.S. during the Iraq war. His family moved from the area where they were threatened (that was "far away") to the place where his mother resides now, and they have not been threatened since. He opined that, in the current climate, if his neighbors learned he worked for the U.S. military, neither he nor his family would be in any danger. (Tr. 57-58; GE 2)

### **Administrative Notice**

In AN 1, the Government included information from the U.S. Department of State as of April 3, 2025, about the United States' relations with Iraq and the conditions in that country. I take administrative notice of the information included in those documents including, but not limited to:

The U.S. Department of State has assessed Iraq as being a high threat, "Level 4: Do not travel" location due to terrorism, kidnapping, armed conflict, civil unrest, and limited ability to assist U.S. citizens in country. U.S. citizens in Iraq are at high risk for violence and kidnapping. Terrorist and insurgent groups regularly attack both Iraqi security forces and civilians. Anti-U.S. sectarian militias threaten U.S. citizens and Western companies throughout Iraq. Attacks using improvised explosive devices (IEDs)

occur in many areas of the country, including Baghdad. Demonstrations, protests, and strikes occur frequently. These events can develop quickly without prior notification, often interrupting traffic, transportation, and other services; such events have the potential to turn violent. (AN 1)

Terrorist groups and those inspired by such organizations are intent on attacking U.S. citizens abroad. Primary terrorist threats within Iraq included Islamic State in Iraq and Syria (ISIS) and Iran-aligned militia groups. ISIS is a designated terrorist organization, which is active in Syria and near the Iraq border. 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. (AN 1)

There have been significant human rights issues in Iraq, including: credible reports of unlawful or arbitrary killings; extrajudicial killings and forced disappearances by the government; torture and cruel, inhumane, and degrading treatment by the government; and arbitrary arrest and detention. (AN 1)

In the second paragraph of the SOR, the Government alleged that Applicant had nine delinquent accounts totaling approximately \$69,000 (SOR ¶¶ 1.a through 1.i). In the Answer, he admitted the Guideline F SOR allegations, with additional comments. His admissions are adopted as findings of fact. The Guideline F SOR allegations are established through his admissions and the credit reports in evidence. All the SOR accounts are credit cards. He became delinquent on them in about April 2023 when he was in Iraq for an extended period of time, was frozen out of the U.S. bank account from which he paid the credits cards because of his attempts to access the account online from Iraq, and his autopay on the credit cards was canceled. He realized the accounts were delinquent in about July 2023. He claimed he could not address the issue until he came back to the U.S. nine months later. He did not provide evidence of his efforts to unfreeze the account, such as calling his bank. He claimed that when he came back to the U.S., he made a payment arrangement with the creditor in SOR ¶ 1.g of about \$150 or \$160 per month. He claimed he made two of those payments, but stopped making them when he had to go back to Iraq again. He did not attempt to contact any of the other creditors listed in the SOR. He eventually contacted an attorney who advised him to file a petition in Chapter 7 bankruptcy to discharge the debts, instead of trying to make payment arrangements with the creditors. (Tr. 65-79, 93; Answer; GE 2-5; AE A)

In September 2025, Applicant retained an attorney to file a petition in Chapter 7 bankruptcy on his behalf. He testified that he filed the petition about two months prior to the hearing. He claimed to have included all the SOR debts in his petition. He testified that the total liabilities that will be discharged is about \$79,000. He does not know the status of the bankruptcy or whether the debts have been discharged. He did not provide a copy of his bankruptcy petition. He provided a copy of his retainer agreement with the attorney and a general notice required by federal law for individuals filing bankruptcy with primarily consumer debts. (Tr. 79-81, 93-94; Answer; GE 3-5; AE A)

Applicant claimed that he has no other delinquent debts. He claimed he is current on his federal and state income tax obligations. He has a U.S. bank account with a balance of about \$1,600. He estimated that he earns about \$5,000 to \$6,000 in monthly income before taxes from providing ride-sharing services. He pays about \$1,000 per month for rent. His only other expenses are car insurance, internet, and cellular service. He recently acquired a larger vehicle that increased his income, and the aforementioned income amount reflects using that larger vehicle. Prior to having the larger vehicle, he was earning about \$3,000 per month before taxes. (Tr. 81-82, 88-90)

### **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 B, Foreign Influence**

The security concern for foreign influence is set out in AG ¶ 6:

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.

The guideline notes several conditions that could raise security concerns under AG ¶ 7. The following are potentially applicable 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.

The nature of a nation's government, including its level of control, 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 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.

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). The administratively-noticed country conditions in Iraq, such as terrorism, civil unrest, and its human-rights record, raise the security concerns to the level of a heightened risk.

Applicant's mother, six siblings, and a sister-in-law are citizens and residents of Iraq. Applicant's connection to his Iraqi family members presents a heightened risk of foreign exploitation and a potential conflict of interest. As a matter of common sense and human experience there is a rebuttable presumption that a person has ties of affection for, or obligation to, their immediate family members and longstanding friends. Application of the AG is not a comment on an applicant's patriotism, but merely an acknowledgment that people may act in unpredictable ways when faced with choices that could be important to a loved one, such as a family member. See ISCR Case No. 08-10025 at 4 (App. Bd. Nov. 3, 2009). AG ¶¶ 7(a) and 7(b) apply to SOR ¶¶ 1.b and 1.c.

I find for Applicant with respect to the allegations contained in SOR ¶ 1.a. He is no longer engaged to an Iraqi citizen and resident. She is married to another man, and Applicant has not spoken to her in six months. His contact with her does not create a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion. His connection with her is insufficient to 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.

Conditions that could mitigate foreign influence security concerns are provided under AG ¶ 8. The following are potentially applicable:

- (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; and

(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.

Country conditions in Iraq raise security concerns to the level of a heightened risk. While I credit him for his contributions to the U.S. military and acknowledge the Appeal Board precedent regarding making significant contributions to national security, I find other factors outweigh these contributions. See ISCR Case No. 10-05329 at 3 (App. Bd. Oct. 17, 2011). Applicant has many immediate family members in Iraq with whom he maintains close and frequent contact. His mother is reliant on the Iraqi government for income. While he owns a car, a bank account with a fairly insignificant balance, and has a job in the U.S., he owns no real property here. The value of his U.S. based property is not significant. He has no family in the U.S., and in the past two years, he has spent about as much time living in Iraq with his family as he has living in the U.S. I find that he failed to provide sufficient evidence that any of the Guideline B mitigating conditions apply.

## **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.

Applicant had nine delinquent accounts totaling about \$69,000. These debts have been delinquent for a couple of years. The above disqualifying conditions are established.

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; and

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

None of the mitigating factors apply to Applicant's SOR debts. Available evidence shows that Applicant is currently in the process of undergoing a Chapter 7 bankruptcy wherein he is seeking to have his debts discharged without payment. While this a legal option available to him, I do not consider it to be acting responsibly or a good-faith resolution of his debts. Applicant's failure to attempt to contact his creditors (save one) prior to filing bankruptcy bolsters this finding. As there is insufficient evidence that his debts have been discharged, they are ongoing. Even if they had been recently discharged, he has not yet established a sufficient track record of financial responsibility that would show that his financial issues are unlikely to recur.

### **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 have incorporated my comments under Guidelines B and F in my whole-person analysis.

Overall, given Applicant's close family and connections in Iraq, weighed against his fairly insignificant ties to the U.S., I conclude that he did not mitigate the foreign influence security concerns. I also find that, as he is currently in Chapter 7 bankruptcy, he has not mitigated the financial considerations 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
Subparagraph 1.a:	For Applicant
Subparagraphs 1.b-1.c:	Against Applicant
Paragraph 2, Guideline F:	AGAINST APPLICANT
Subparagraphs 2.a-2.i:	Against Applicant

### **Conclusion**

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

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Benjamin R. Dorsey  
Administrative Judge