



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



In the matter of:)	
)	
)	ISCR Case No. 25-00359
)	
Applicant for Security Clearance)	

Appearances

For Government: Sakeena Farhath, Esq., Department Counsel
For Applicant: *Pro se*

02/18/2026

Decision

CEFOLA, Richard A., Administrative Judge:

Applicant did not mitigate the security concerns under Guidelines J (Criminal Conduct), F (Financial Considerations) and B (Foreign Influence). Eligibility for access to classified information is denied.

Statement of the Case

On July 14, 2025, the Department of Defense (DOD) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guidelines J, F and B. Applicant responded to the SOR on July 22, 2025, and requested a decision based on the written record in lieu of a hearing.

The Government’s written case was submitted on September 29, 2025. A complete copy of the file of relevant material (FORM) was provided to Applicant, who was afforded an opportunity to file objections and submit material to refute, extenuate, or mitigate the security concerns. Applicant received the FORM on October 16, 2025. Applicant elected not to respond to the Government’s FORM. The period for his response lapsed on November 25, 2025. The case was assigned to me on January 29, 2026. The Government exhibits included in the FORM are admitted in evidence without objection.

Department Counsel requested that I take administrative notice of certain facts about the Republic of Iraq. Without objection, I have taken administrative notice of the facts contained in the request. The facts are summarized in the written request and will not be repeated verbatim in this decision. Of particular note is the significant threat of terrorism, kidnapping, armed conflict, civil unrest and the ongoing human rights problems.

Findings of Fact

Applicant is a 42-year-old who is seeking employment as a linguist with a defense contractor. He was a member of the Texas National Guard from 2012 to 2015 and received an honorable discharge. Applicant is single and has no children. He was born in Bagdad, Iraq, came to the U.S. in July 2009 and became a U.S. citizen in June 2012. Applicant received a bachelor's degree from a University in Iraq. (Items 2, 3 and 4)

In about September 2018, Applicant was arrested and charged with Assault Causing Bodily Injury to a Family Member; In December 2018, Applicant was arrested and charged with Felony Fraud and False Statements . He was convicted and sentenced to 33 months imprisonment and ordered to pay \$330,000 in restitution to the U.S. government. In December 2021, Applicant was arrested and charged with Disorderly Conduct. (Items 2, 3, 4, 7 and 8)

Applicant admitted that as a result of his conviction, he is indebted to the U.S. Government in the approximate amount of \$337,000 on a tax lien entered against him. He also admitted to two other delinquent accounts: One in the approximate amount of \$12,522, related to a repossessed vehicle; and the other a collection account in the approximate amount of \$5,995. (Items 2, 3, 9, 10 and 11)

In his Answer, Applicant admitted his parents, his brother, and both his sisters are citizens and residents of Iraq. He also admitted that his father had served with the Iraqi Army and was at one time employed by the Iraqi Ministry of Health. Applicant acknowledged that all three of his siblings work for various Iraqi Government Ministries. Applicant also admitted that his cohabitant is a citizen of Iraq but added that she is also a U.S. citizen. Applicant asserted that he was disowned by his family and has not had any contact with them since 2018 due to his imprisonment. (Items 2, 3 and 4)

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 J, Criminal Conduct

The security concern for criminal conduct is set out in AG ¶ 30:

Criminal activity creates doubt about an Applicant's judgment, reliability, and trustworthiness. By its very nature, it calls into question a person's ability or willingness to comply with laws, rules and regulations.

AG ¶ 31 describes conditions that could raise a security concern and may be disqualifying. The following is potentially applicable:

(b) evidence (including, but not limited to, a credible allegation, an admission, and matters of official record) of criminal conduct, regardless of whether the individual was formally charged, prosecuted, or convicted.

Between September of 2018 and December of 2021, Applicant was charged with numerous and various criminal offenses and was convicted on at least two of them. The above disqualifying condition is applicable.

Conditions that could mitigate criminal conduct security concerns are provided under AG ¶ 32. The following are potentially applicable:

(a) so much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment; and

(d) there is evidence of successful rehabilitation; including, but not limited to, the passage of time without recurrence of criminal activity, restitution, compliance with the terms of parole or probation, job training or higher education, good employment record, or constructive community involvement.

Applicant admitted to a series of criminal incidents to include being arrested and charged with Assault Causing Bodily Injury to a Family Member in or about September 2018; being arrested and charged with Disorderly Conduct in December 2021; and being arrested, charged, convicted, and imprisoned for Felony Fraud and False Statements in December 2018. Even though it has now been over four years since his last criminal incident, the seriousness of his offenses precludes me from finding Criminal conduct security concerns have been mitigated. Appellant's conduct continues to cast doubt on his current reliability, trustworthiness, and good judgment.

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;
- (c) a history of not meeting financial obligations; and
- (d) deceptive or illegal financial practices such as embezzlement, employee theft, check fraud, expense account fraud, mortgage fraud, filing deceptive loan statements and other intentional financial breaches of trust;

Applicant admitted he is indebted to the U.S. Government in the approximate amount of \$337,000 on a tax lien entered against him. He also admitted to two other delinquent accounts. One in the approximate amount of \$12,522, related to a repossessed vehicle and the other a collection account in the approximate amount of \$5,995. AG ¶¶ 19(a), 19(c) and 19(d) are applicable.

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

- (a) the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;
- (b) the conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, a death, divorce or separation,

clear victimization by predatory lending practices, or identity theft), and the individual acted responsibly under the circumstances;

(c) the individual has received or is receiving financial counseling for the problem from a legitimate and credible source, such as a non-profit credit counseling service, and there are clear indications that the problem is being resolved or is under control; and

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

Applicant failed to establish that he has satisfied these debts or that he has acted reasonably and responsibly in an attempt to satisfy them. There is insufficient evidence for a determination that Applicant's financial problems have been resolved or will be resolved within a reasonable period. None of the mitigating conditions are applicable. I find that financial considerations security concerns remain and continue to cast doubt on his current reliability, trustworthiness, and good judgment.

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;

(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; and

(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.

Applicant admitted his parents, his brother and both his sisters are citizens and residents of Iraq. He also admitted that his father had served with the Iraqi Army and was at one time employed by the Iraqi Ministry of Health. Applicant acknowledged that all three of his siblings work for various Iraqi Government Ministries. Applicant also admitted that his cohabitant is both an Iraq and U.S. citizen. Applicant's connections to his family create a potential conflict of interest and a heightened risk of foreign exploitation, inducement, manipulation, pressure, and coercion. The above disqualifying conditions have been raised by the evidence.

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

(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.

I considered the totality of Applicant's ties to Iraq including the nature of the nation's government, its relationship with the United States, and the concerns outlined in the Government's Administrative Notice request, which are relevant in assessing the likelihood that an applicant's family members are vulnerable to government or terrorist coercion. The risk of coercion, persuasion, or duress is significantly greater if the foreign country has an authoritarian government, a family member is associated with or dependent upon the government, the country is known to conduct intelligence operations against the United States, or the foreign country is associated with a risk of terrorism. The mitigating condition is not applicable based on the totality of Applicants contacts.

Whole-Person Concept

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

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

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept. I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case. I have incorporated my comments under Guidelines J, F, and B in my whole-person analysis. I also considered Applicant's service with the Texas National Guard and honorable discharge.

Overall, the record evidence leaves me with questions and doubts about Applicant's eligibility and suitability for a security clearance. I conclude Applicant did not mitigate the security concern under Guidelines J, F and B.

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 J:	Against Applicant
Subparagraphs 1.a -1.c:	Against Applicant
Paragraph 2, Guideline F:	Against Applicant
Subparagraphs 2.a -2.c:	Against Applicant
Paragraph 3, Guideline B:	Against Applicant
Subparagraphs 3.a -3.e:	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.

Richard A. Cefola
Administrative Judge