



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



In the matter of:

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ISCR Case No. 24-01631

Applicant for Security Clearance

Appearances

For Government: William Miller, Esq., Department Counsel

For Applicant: *Pro se*

02/27/2026

Decision

BENSON, Pamela C., Administrative Judge:

Guideline B (foreign influence) and Guideline E (personal conduct) security concerns are not mitigated. Eligibility for access to classified information is denied.

Statement of the Case

On November 28, 2022, Applicant completed an Electronic Questionnaires for Investigations Processing or security clearance application (SCA). (Government Exhibit (GE) 1) On December 30, 2024, 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.

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 Guideline B. On January 23, 2025, Applicant provided his response to the SOR. On July 18, 2025, the case was assigned to me. On August 21, 2025, the Defense Office of Hearings and Appeals issued a notice scheduling the hearing on September 23, 2025. The hearing was held as scheduled, using the Microsoft Teams video teleconference system.

During the hearing, Department Counsel offered two Government exhibits (GE 1 and 2) into evidence, and Applicant offered four exhibits into evidence. (AE A through D) There were no objections, and all proffered exhibits were admitted into evidence. On September 30, 2025, DOHA received a copy of the transcript (Tr.). The record was held open after the hearing until October 26, 2025, for post-hearing documentation. (Tr. 76) Applicant submitted five documents, AE E through I; no objections were made, and these documents were admitted into evidence. 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.

Procedural Rulings

During the hearing, the Government requested I take administrative notice of certain facts relating to Pakistan. Department Counsel provided a nine-page summary of the facts, supported by 15 Government documents pertaining to Pakistan, identified as Administrative Notice (AN) I. The documents provide elaboration and context for the summary. I take administrative notice of the facts included in the U.S. Government reports. They are limited to matters of general knowledge, not subject to reasonable dispute. They are set out in the Findings of Fact.

In addition, Department Counsel made a motion to amend the SOR based on relevant information that was provided during the hearing. Specifically, two allegations were added under Guideline B as follows:

SOR ¶ 1.b. Your spouse is a citizen and resident of Pakistan. (Tr. 32)

SOR ¶ 1.c. Your mother-in-law and father-in-law are citizens and residents of Pakistan. (Tr. 32-33)

Applicant did not object or request additional time to formally respond to the two proposed SOR allegations, which were based on information he provided during his testimony. I granted Department Counsel's motion to add these allegations under Guideline B (foreign influence). Lastly, Department Counsel requested that Guideline E (personal conduct) be added to the SOR, based on information reported during the hearing and documents in the record. He requested to include the following information:

SOR ¶ 2.a. You falsified material facts on Interrogatories requested by the Defense Office of Hearings and Appeals, signed by you on October 24, 2024, when asked to **“... complete or update the following chart regarding your listed contacts (i.e., friends, family members, close acquaintances) who are citizens of foreign countries, as well as any other foreign contacts.... If necessary, use separate pages to list**

additional contacts of yours who are foreign citizens.” You answered, **“No need to update, records in the interview are same contacts and locations;”** and thereby deliberately failed to disclose your marriage, in about February 2024, to a Pakistani citizen. (Amendment to the SOR)

I asked Department Counsel to file a formal amendment to the SOR after the hearing, and provide it to Applicant, which he agreed. I offered Applicant 30 days to respond to the new Guideline E and its single allegation, so he could properly address this new security concern. Applicant accepted the 30-day extension, and I granted Department Counsel’s motion to amend the SOR based on the foregoing conditions. On October 22, 2024, Applicant timely denied SOR ¶ 2.a. (Tr. 74-77; Applicant’s response to the Amendment to the SOR)

Findings of Fact

In Applicant’s original SOR response, he admitted SOR ¶ 1.a and provided additional information. During the hearing he admitted SOR ¶¶ 1.b and 1.c. On October 22, 2025, he denied SOR ¶ 2.a in his response to Department Counsel’s filed Amendment to the SOR. His admissions are accepted as findings of fact. Additional findings follow.

Applicant is 34 years old. His parents were born in Pakistan, but they are both naturalized U.S. citizens residing in the United States. Applicant was born and raised in the U.S. In 2019, he received a bachelor’s degree. He was married in February 2024. His wife is a citizen and resident of Pakistan, and she is waiting to see if her visa will be granted so she can come into the United States and reside with Applicant. Applicant was hired by a government contractor in April 2022 as a junior database administrator. This is his first application for security clearance eligibility. (GE 1; Tr. 18-21)

Foreign Influence

SOR ¶ 1.b. Applicant’s spouse is a citizen and resident of Pakistan.

During the hearing, Applicant testified that he first met his fiancée in October 2023 while visiting Pakistan. This was an arranged marriage through family. He returned to Pakistan in February 2024 to marry her. Applicant’s wife is 27 years old and works as a pharmacist at a hospital in Pakistan. He has approximately daily contact with her through apps and social media. (Tr. 18-24, 26-27)

SOR ¶ 1.c. Applicant’s mother-in-law and father-in-law are citizens and residents of Pakistan.

Applicant testified that his wife currently resides with her mother and father in Khyber Pakhtunkhwa, known as KPK or KP Providence, in Pakistan. He maintains monthly contact with his parents-in-law through an app. He speaks Pashto since they do not understand the English language. Applicant’s wife also has a younger sister and two younger brothers who are citizens and residents of Pakistan. (Tr. 23-33)

SOR ¶ 1.a. Applicant's three cousins are citizens of Pakistan currently residing in the United States.

Applicant's cousin, a citizen of Pakistan, is currently working in the United States as a dentist. He is working in the U.S. on a H1B Visa. Applicant was uncertain whether his cousin was in the process of becoming a naturalized U.S. citizen. He is married to a citizen of Pakistan. Applicant has infrequent contact with this cousin. (AE A, B; Tr. 12-15, 34-43)

Applicant also has two other cousins who are naturalized U.S. citizens, one working as a business analyst and the other as a software engineer, and they are both residents in the United States. Applicant testified that he was unsure of the date they were naturalized, and he did not know if they held dual citizenship with Pakistan. Applicant has infrequent contact with these cousins. None of his cousins are affiliated with the Pakistani military, government, or any terrorist organization. (AE C, D; Tr. 43-55)

Although not alleged in the SOR, Applicant did not disclose any foreign nationals or foreign contacts on his November 2022 SCA. He also did not disclose any arrests. During his January 2023 background interview Applicant disclosed to the investigator his grandfather, a dual citizen of Pakistan and the United States, currently residing in Pakistan. He also disclosed his three cousins, as alleged in the SOR. The investigator asked Applicant if he had ever been charged with any criminal offense involving alcohol or illegal drugs; he said "No." The investigator confronted him with a December 2011 arrest for operating a vehicle under the influence of alcohol. Applicant said he did not list it because it had been reduced to reckless driving. The investigator then asked Applicant if he had any other criminal offenses he needed to address, and he stated "No." The investigator then confronted Applicant with an April 2012 possession of marijuana charge, of which he was found guilty. Applicant stated he did not disclose this offense because he thought he was only required to list offenses that occurred within the last seven years. At the close of his interview, when the investigator asked him if there was any other pertinent information he needed to disclose, Applicant revealed that he had another cousin who spent about three years in a federal prison for terroristic activities in 2005 tied to Al-Qaeda. Applicant and his family members have no contact with this cousin, who resides in the United States. The unalleged information will only be considered to assess Applicant's credibility, mitigation, and the whole-person factors. It will not be considered for disqualification purposes. (GE 2; Tr. 55-57)

Administrative Notice

I take administrative notice of the following facts regarding Pakistan: Pakistan is a parliamentary federal republic which, nonetheless, has a poor human rights record. Arbitrary arrests and governmental and police corruption are widespread, and the Pakistani government maintains several domestic intelligence agencies to monitor politicians, suspected terrorists, the media, and suspected foreign intelligence agents. The Department of State has assessed parts of the country to be MEDIUM or HIGH-threat locations. During 2021, there was a lack of government accountability, and abuses, including corruption, that often went unpunished, fostering a culture of impunity among

perpetrators, whether official or unofficial. In the KP Providence, active terrorist and insurgent groups routinely conduct attacks against civilians, non-governmental organizations, government offices, and security forces. The number of terrorist attacks and casualties in Pakistan was more than 50 percent higher in 2023 than in 2022. (AN I)

Personal Conduct

On October 4, 2024, Applicant was sent interrogatories by DOHA, which requested he authenticate as accurate information reported by the investigator during his January 2023 background interview. Applicant listed that report accurately reflected correct information discussed during the interview and did not make any corrections. He was also asked the following:

SOR ¶ 2.a. You falsified material facts on Interrogatories requested by the Defense Office of Hearings and Appeals, signed by you on October 24, 2024, when asked to **"...complete or update the following chart regarding your listed contacts (i.e., friends, family members, close acquaintances) who are citizens of foreign countries, as well as any other foreign contacts.... If necessary, use separate pages to list additional contacts of yours who are foreign citizens."** You answered, **"No need to update, records in the interview are same contacts and locations;"** and thereby deliberately failed to disclose your marriage, in about February 2024, to a Pakistani citizen. (Amendment to the SOR)

Applicant did disclose in his response to the interrogatories that he had traveled to Pakistan from January 30, 2024 to February 11, 2024, to visit family and attend his grandfather's funeral. He did not list that he had also married his spouse during that trip. I questioned Applicant during the hearing why he did not reflect his marriage or his new spouse on his October 2024 Interrogatory response. He stated, (GE 2; Tr. 30-32, 57)

APPLICANT: The marriage thing wasn't set in stone at the time, Your Honor.

ADMIN. JUDGE: But you got married on - you got married on February 5th (2024).

APPLICANT: Correct.

ADMIN. JUDGE: And you returned back to the United States after you got married. So you didn't disclose that. And so you're saying your marriage on February 5th wasn't legal?

APPLICANT: Oh, well, I guess in -- I'm not sure how, because we didn't have the paperwork or anything. (Tr. 30)

Applicant admitted there was a wedding ceremony in Pakistan. He claimed that he had immediately reported his marriage with a foreign national to his employer's facility security officer (FSO) upon his return to the U.S. Applicant was encouraged to have his FSO send a validating email while the record was held open, but that information was not provided. During the hearing Applicant testified that he did not list his February 2024

wedding or new spouse on the interrogatories to hide this information from the government. He stated, "...so I do apologize for not including. But I didn't think that it would be necessary to include. I guess I don't have a reason. A real reason." (Tr. 57-62)

Applicant submitted post-hearing documentation. He provided a Capital City Police Clearance Certificate for Visa. After a review of this document, it appears that his spouse does not have a criminal record in Pakistan. Applicant also provided his spouse's Pakistani passport, her birth certificate and their marriage registration certificate, which showed the marriage was registered on February 2, 2024, and they were married on February 5, 2024. (AE E-I)

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 applicants 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, a decision to deny a security clearance is merely an indication the applicant has not met the strict guidelines the President and the Secretary of Defense 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

Guideline B: 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.

AG ¶¶ 7(a) and 7(b) are established. Additional discussion is in the foreign influence mitigation section, *infra*.

AG ¶ 8 lists three potential 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; 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.

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 close relationships and continuing contact with his spouse, mother-in-law, father-in-law, and contact less frequently with his cousins, as listed in SOR ¶¶ 1.a through 1.c. Applicant's spouse and his parents-in-law are citizens and residents of Pakistan. However, two of his cousins are naturalized U.S. citizens, living and working in the U.S., and his third cousin is legally in the U.S. on a work visa. I find that Applicant has mitigated the security concerns of SOR ¶ 1.a.

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 [country of heightened risk] 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, a country of heightened risk).

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 living in Pakistan are vulnerable to coercion or inducement by government elements, terrorists, or criminals.

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 Pakistan 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 his spouse or parents-in-law living in Pakistan.

The issue under Guideline B is whether Applicant has ties or contacts with family who live in Pakistan, 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.

Applicant's relationships with his spouse and parents-in-law living in Pakistan 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 living in Pakistan, and of violence and criminal activity in Pakistan.

A key factor in the AG ¶ 8(b) analysis is Applicant's "deep and longstanding relationships and loyalties in the United States." His relationship with the United States must be weighed against the potential conflict of interest created by his connections to Pakistan. Applicant was born in the United States and is a U.S. citizen. He is working for a government contractor and seeking DOD security clearance eligibility.

These factors are balanced against the security concerns outlined in the SOR. Applicant's access to classified information could add risk to his spouse and parents-in-law living in Pakistan. 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 spouse and parents-in-law living in Pakistan, 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 his spouse and parents-in-law living in Pakistan. His connections to the United States, taken together, are strong; however, they are insufficient to overcome the foreign influence security concerns under Guideline B.

Guideline E: Personal Conduct

AG ¶ 15 expresses the security concern for personal conduct:

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

AG ¶ 16 describes conditions that could raise a security concern and be disqualifying. The following is potentially applicable under the established facts in this case:

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

The record evidence establishes that Applicant deliberately failed to disclose on his October 2024 DOHA interrogatories that during his most recent trip to Pakistan, he had also gotten married to a citizen and resident of Pakistan. He withheld relevant information about new foreign contacts, as requested on the form, by not listing his new spouse, or his mother-in-law and father-in-law, all of whom are citizens and residents of Pakistan. The disqualifying condition listed above applies.

The guideline also includes conditions that could mitigate security concerns arising from personal conduct. The following mitigating conditions under AG ¶ 17 are potentially applicable:

(a) the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;

(b) the refusal or failure to cooperate, omission, or concealment was caused or significantly contributed to by advice of legal counsel or of a person with professional responsibilities for advising or instructing the individual specifically concerning security processes. Upon being made aware of the requirement to cooperate or provide the information, the individual cooperated fully and truthfully;

(c) the offense is so minor or so much time has passed, or the behavior is so infrequent, or happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment; and

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

Applicant provided several inconsistent reasons why he failed to disclose his marriage and new foreign contacts on his interrogatories, as required. He said the marriage paperwork had not yet been completed, he did not think he needed to disclose this material, and finally, that he really did not have a good reason why he did not report the information. He denied that his failure to disclose this information was done with the intent to hide this information from the government.

Applicant's failure to disclose his marriage, spouse, and parents-in-law is concerning. Eight months had passed from the time he was married to the time he filled

out the DOHA interrogatories. I cannot find any reasonable excuse sufficient to mitigate this conduct. The question was clear; "...complete or update the following chart regarding your listed contacts (i.e., friends, family members, close acquaintances) who are citizens of foreign countries, as well as any other foreign contacts...." He left the chart blank and wrote, "no need to update, records in the interview are same contacts and locations." Applicant listed too that he took the trip to Pakistan in early 2024 to visit family and attend a funeral. He did not disclose that he was also married to a citizen of Pakistan during that same trip. Under the circumstances, I find that Applicant's failure to report this information was intentional. He intentionally withheld this information from the government during the course of his security clearance investigation. No mitigating conditions apply. Personal conduct security concerns are not 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 E 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 working for a government contractor. He is a patriotic American who wishes to contribute to the U.S. national defense. He is waiting for his spouse to come to the United States to reside with him.

The reasons for denying Applicant's security clearance are more persuasive. A Guideline B decision concerning Pakistan 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). Pakistan is a dangerous place because of violence from terrorists, insurgents, and criminals. Terrorists and criminals in Pakistan continue to threaten the

interests of the United States, residents of Pakistan, and those who cooperate and assist the United States.

Applicant has frequent contacts with his spouse and parents-in-law. Applicant's loyalty to 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 Pakistan 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 [a country of heightened risk.] See *Generally* ISCR Case No. 17-01979 at 5 (App. Bd. July 31, 2019).

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 failed to mitigate foreign influence and personal conduct 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 and 1.c:	Against Applicant
Paragraph 2, Guideline B:	AGAINST APPLICANT
Subparagraph 2.a:	Against 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.

Pamela C. Benson
Administrative Judge