



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



In the matter of:)	
)	
)	ISCR Case No. 23-01672
)	
Applicant for Security Clearance)	

Appearances

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

02/27/2026

Decision

GARCIA, Candace Le'i, Administrative Judge:

Foreign preference security concerns were not established, but Applicant did not mitigate all the foreign influence security concerns. Eligibility for access to classified information is denied.

Statement of the Case

On June 11, 2024, the Department of Defense (DOD) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline B (foreign influence) and Guideline C (foreign preference). The action was taken under Executive Order (Exec. Or.) 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) implemented by DOD on June 8, 2017.

Applicant responded to the SOR on August 20, 2024 (Answer), and he requested a hearing. The case was assigned to me on April 2, 2025. The Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing (NOH) on April 7, 2025, scheduling a video teleconference hearing for May 20, 2025. I convened the hearing as scheduled.

I marked Department Counsel's exhibit list and request for administrative notice of facts pertaining to Ukraine as Hearing Exhibits (HE) I and II, respectively. Government Exhibits (GE) 1-4 were admitted in evidence without objection. Applicant testified. He did not call any witnesses or submit documentation. (Tr. 20-28) At Applicant's request, I kept the record open until June 3, 2025, to allow him the opportunity to provide documentation. He timely submitted documentation that I marked as Applicant's Exhibit (AE) A and admitted in evidence without objection. I marked his email, in which he attached AE A, as HE III. DOHA received the hearing transcript (Tr.) on June 2, 2025.

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.

SOR Amendment

At the hearing, I granted Department Counsel's motion to amend the SOR, pursuant to ¶ E3.1.17 of the Directive, to conform to the evidence. She amended SOR ¶ 1.a to replace "May" with "February;" she amended SOR ¶ 1.b to also replace "May" with "February," and to strike the phrase "using your Ukrainian citizenship"; and she amended SOR ¶ 1.l to strike "mother-in-law." Applicant admitted the amended allegations in SOR ¶¶ 1.a, 1.b, and 1.l, with explanation. (Tr. 115-119) The amended SOR allegations read as follows:

- a. From about August 2012 until February 2022, you have primarily resided in, received your bachelor's degree, and worked in Ukraine.
- b. Since February 2022, you have acquired legal residency, developed close friendships with Ukrainian citizens; and reside in Poland.
- l. Your spouse and father-in-law are part of the . . . political party

Findings of Fact

In his Answer and at the hearing, Applicant admitted SOR ¶¶ 1.a-1.h, 1.j, and 1.l, and he denied SOR ¶¶ 1.i, 1.k, and 2.a. He is a 43-year-old Ukrainian-born citizen. He is married, and he and his spouse have one child, a minor. Applicant immigrated to the United States in 1996, where he lived until 2012. In the United States, he graduated from high school in 2001; he attended community college from 2001 to 2004, but did not earn a degree; he married a Ukrainian-born citizen in 2008, whom he divorced in 2012; he remarried another Ukrainian-born citizen, his spouse, in 2012; and he worked for a private company in 2012. (Tr. 8, 29-33, 65, 115-119; GE 1-4)

From May 2011 to November 2011, Applicant visited and lived with his grandparents in Ukraine. He returned to the United States when his Ukrainian visa expired. In 2012, he moved to Ukraine, where he lived until 2022. In Ukraine, he was

self-employed from 2013 to 2016, and he earned a bachelor's degree in 2015. From 2016 to 2022, he worked in Ukraine as an interpreter for a DOD contractor (Company A). He lived in property owned by his spouse from 2013 to 2018, and then he lived in accommodations provided by Company A while supporting a U.S. mission in Ukraine from 2018 to 2022. (SOR ¶ 1.a; Tr. 8-11, 17-18, 32-33, 39-41, 44-50, 55-58, 65-67, 109-111, 113-114; GE 1-4; AE A)

Upon the escalation of the war in Ukraine in 2022, Applicant left Ukraine with his spouse and child. They have since lived in Poland. For a few months in 2022, Applicant worked in Poland as a translator for another DOD contractor (Company B), while awaiting his next assignment by Company A. Company A placed him on paid standby status from February to April 2022, and then it placed him on unpaid standby status until September 2022. He testified he planned to stay in Poland so long as there is a mission, otherwise he would likely return to the United States. In May 2025, he received a "Stop Work notice" from his employer. He has never held a DOD security clearance. (SOR ¶ 1.b; Tr. at 5, 8-11, 17-18, 28-30, 43-51, 65-67, 109-111, 113-114; GE 1-4; AE A)

Applicant became a naturalized U.S. citizen in 2005. As of the date of the hearing, he last voted in a U.S. election in 2009, but he intends to vote in U.S. elections in the future. He obtained his most recent U.S. passport in 2019, which is not scheduled to expire until 2029, and he used this U.S. passport to travel to Ukraine in 2022. (Tr. 17-18, 32-39, 41-44, 47-55, 58-60; GE 1-4)

In 2011 and between 2012 and 2013, Applicant unsuccessfully attempted to renounce his Ukrainian citizenship. He obtained a Ukrainian passport in 2013 that expired in 2023, and he used this Ukrainian passport to travel to various foreign countries between 2014 and 2020. He obtained another Ukrainian passport in 2021, which is not scheduled to expire until 2031, and he used this Ukrainian passport to travel to various foreign countries in 2022 and 2023. He stated that obtaining a DOD security clearance would automatically result in him forfeiting his Ukrainian citizenship, and he was willing to pursue a clearance even if it meant forfeiting his Ukrainian citizenship. (Tr. 17-18, 32-39, 41-44, 47-55, 58-60, 67; GE 1-4)

While living in Ukraine, Applicant voted in Ukrainian elections in 2014, 2015, and 2019. He stated he does not intend to vote in Ukrainian elections in the future. He maintains his dual citizenship with Ukraine and the United States while residing in Poland. In 2022, through his spouse's application as the head of their family household, he, his spouse, and their child obtained Polish national identification numbers permitting their indefinite residency in Poland due to the Russian invasion of Ukraine. He is required to use his Polish identification and his U.S. passport to enter Poland. If his Polish national identification number is rescinded and he is unable to stay in Poland, he plans on returning to and retiring in the United States. His parents and sister are dual citizens of Ukraine and the United States residing in the United States. As of the date of the hearing, he visited his family in the United States in 2016, 2019, and 2023, and they last visited him and his family in Poland in early 2025. (Answer; Tr. 17-18, 32-39, 41-44, 47-55, 58-60, 66-67, 97, 104-105; GE 1-4)

Applicant's 38-year-old spouse and their child are Ukrainian-born citizens living with him in Poland. (SOR ¶ 1.c) They have lived with him in Poland since 2022. As of the date of the hearing, they intended to remain in Poland. As previously stated, both his spouse and child have Polish national identification numbers permitting their residency in Poland due to the Russian invasion of Ukraine. His spouse has worked in Poland as a dentist for a private clinic since approximately 2023. She has had a bank account in Poland since 2022, into which she receives her salary, and she intends to maintain this account so long as they live in Poland. Applicant's spouse has a U.S. Visa that is scheduled to expire in 2027 and, as of the date of the hearing, Applicant was awaiting approval for his child to become a legal U.S. resident. (Tr. 17-18, 48-51, 62-67, 71, 102; GE 1-4; AE A)

Applicant's spouse previously worked as a dentist for a municipal clinic in Ukraine from 2010 until she went on childcare leave in 2018. She has been on permanent leave from this clinic since the escalation of the war in Ukraine in 2022. She expects to receive a pension from the Ukrainian government because of her work in the clinic. She has voted in Ukrainian elections. In 2015, she unsuccessfully ran for a position in a regional parliament in Ukraine. (SOR ¶ 1.f) She was previously a member of a political party in Ukraine but, as of the date of the hearing, she no longer took an active role or was affiliated with this party. (SOR ¶ 1.i) Before their move to Poland, Applicant provided \$1,000 USD monthly in financial support to his spouse and child while they were living in Ukraine, and he has continued to transfer \$1,000 into his spouse's U.S. bank account as of the date of the hearing. (SOR ¶ 1.g) (Tr. 17-18, 48-51, 62-72, 81-82, 103; GE 1-4; AE A)

Applicant's 62-year-old father-in-law and 61-year-old mother-in-law are Ukrainian citizens residing in Ukraine. (SOR ¶ 1.d) His in-laws regularly visit him and his family in Poland. He speaks to his in-laws approximately weekly, and his spouse talks to her parents approximately daily. His mother-in-law has worked as a dentist for a municipal clinic in Ukraine since 1987. As of the date of the hearing, he testified that the clinic disassociated from the Ukrainian government "before the war, but only about a year." (Tr. 74) His father-in-law is a self-employed business owner and has also served as an elected, unpaid municipal representative in Ukraine since 2020. (SOR ¶ 1.e) While Applicant's father-in-law was previously a member of the same political party in Ukraine as Applicant's spouse, he also no longer took an active role or was affiliated with this party as of the date of the hearing. (SOR ¶ 1.i) (Tr. 70, 72-82; GE 1-4)

Applicant disclosed on his April 2023 security clearance application (SCA), in his April 2024 response to interrogatories, and at the hearing that his spouse owns the following property in Ukraine: (1) an apartment, which she co-owns with her father, that they purchased in May 1998 for approximately \$10,000 USD, and whose value as of date of the SCA was approximately \$180,000 USD (SOR ¶ 1.k); (2) another apartment that she purchased in February 2015 for approximately \$60,000 USD, and whose value as of the date of the SCA was approximately \$135,000 USD (SOR ¶ 1.k); (3) a garage that her family purchased in September 2016 for approximately \$18,000 USD, and whose value as of the date of the SCA was approximately \$22,000 USD (SOR ¶ 1.i);

and (4) a vehicle that she purchased in April 2019 for approximately \$47,000, and whose value as of the date of the SCA was approximately \$32,000 USD. (Tr. 80-81, 89-95; GE 1, 3-4)

Applicant stated in his response to interrogatories that his spouse's two apartments in Ukraine are being rented out. (Tr. 79-81; GE 2) He also stated that his spouse and her family own two properties in Ukraine that they intend to redevelop in the future, but the record is unclear as to whether these are in addition to the apartments referenced in his SCA, as discussed above. (Tr. 79-81, 89-95; GE 2) He stated that his spouse's assets in Ukraine "have significant value to my spouse's family." (GE 2) He testified that his spouse has a bank account in Ukraine, which she uses to pay bills in Ukraine. (Tr. 101-102)

In 1993, Applicant's mother received land from the Ukrainian government, on which she allows farmers to grow in exchange for a portion of their crops. She also inherited a house in Ukraine in 2019, and its estimated current value as of 2023 was \$32,000 USD. In 2000, Applicant purchased undeveloped land in Ukraine for approximately \$15,000 USD as a future investment opportunity, and its estimated value as of the date of the SCA was approximately \$40,000 USD. (SOR ¶ 1.h) He testified that he transferred ownership of this land to his spouse, he did not own any property in Ukraine as of the date of the hearing, he did not desire to inherit any property in Ukraine from his family, and he and his spouse intended for their child to inherit his spouse's property in Ukraine. (Tr. 89-98; GE 1, 3)

In around 2016, Applicant had a bank account in Ukraine, into which his salary was briefly deposited until he set up a wire transfer for it to be deposited into his U.S. bank account. As of the hearing date, he did not have any money in the bank account in Ukraine and the account was set to expire in August 2025. (SOR ¶ 1.j) He did not have any other foreign bank accounts. (Tr. 98-101; GE 1,3-4)

On his April 2023 SCA, Applicant disclosed 50 individuals who are Ukrainian citizens with whom he has had "close and/or continuing contact" within the last seven years, in response to "Section 19 – Foreign Contacts." He noted that most of these listed individuals resided in Ukraine, but three resided in Poland, three in Canada, and two in the United States. He also noted that four of the individuals who resided in Ukraine were either members of the Ukrainian military or worked for the Ukrainian government. He also discussed his contacts in Ukraine during his May 2023 background interview with an authorized DOD investigator and in his April 2024 response to interrogatories. He indicated he knew multiple friends and coworkers killed during the current war in Ukraine. At the hearing, he testified that of the individuals listed on his SCA: one is deceased; one individual, who was a coworker, moved to the United States; and one individual, who had been serving in the Ukrainian military, had since been demobilized. (SOR ¶ 1.b; GE 1-4; Tr. 45-46, 57-58, 83-88)

Applicant stated he has never worked for a foreign government or served in a foreign military, he has never been affiliated with any political party in Ukraine or Poland, and he is not eligible to receive a pension from the Ukrainian government. He

also stated he would not be subject to forced mobilization into the Ukrainian military if he obtains a DOD clearance and his Ukrainian citizenship is consequently forfeited. (Tr. 29, 42, 54-55, 60, 82-83; GE 2-3) He does not own property in the United States, except for “equipment property that it’s hard to calculate value on because it might be considered outdated.” (Tr. 81, 104; GE 2) He further stated that having lived and worked outside of the continental United States for over 10 years, his estimated worth was approximately \$15,000 USD. His estimated annual salary as of the date of the hearing was under \$20,000 USD. He and his spouse maintain bank accounts in the United States. (Tr. 65-66, 71, 101-104; GE 2) He has both a U.S. and a Ukrainian driver’s license. (Tr. 60-62) He stated that his immediate family and foreign relatives are aware of his intent to seek a security clearance to continue working as an interpreter. (GE 2) He maintained his allegiance is to the United States. (GE 3-4)

Applicant disclosed, in his response to interrogatories, that he received a threatening message over social media in 2022. He made a post deriding Russian training methods, and someone responded with anti-Ukrainian comments. Their argument escalated and the individual threatened to hurt Applicant or his family in Ukraine. He reported this incident to the U.S. authorities and stated he would report any future threats to his employer and U.S. authorities. (Tr. 106-107; GE 4)

When Applicant was asked where he considers home, he testified:

I don’t know. To actually, at this point, I’m, like, homeless because things -- my home is things that I love to do. I love to communicate with U.S. soldiers. It was home where my work is. But at this point, I don’t know. I don’t know. I would -- I would love to go back to U.S. and do what -- something approximately what I was doing. I know it’s not -- it’s not going to be the same, but I -- the opportunities for me right now in U.S. are not available. So I don’t know. I would -- I would love to go back to U.S. . . . U.S. I would call home as long as I have something to do there. I would -- I would struggle if I am looking to find myself. But I can’t call Poland my home. It’s not -- it’s -- I work here and that’s it. I go to work and I come back home. I’m happy that my family is with me. If my family would be in U.S. and I would have something like this to work with, something like -- something real to be employed by, yes. . . . So I kind of tried to be challenged. And this was another challenge that I found working in -- for U.S. Government in Ukraine. So I would -- I would call home where I can find myself be employed. If it’s with Government, yes. If not you know, it’s -- I take it with a grain of salt. I just have to -- my entire thing is to get closure and regain some kind of direction. (Tr. 108-109)

Applicant provided a number of character letters from individuals who attested to his judgment, reliability, and trustworthiness. These include members of the U.S. military for whom he provided linguistic support. He is described as “one of the best [linguists] I have ever encountered,” “the hardest working interpreter,” and an exceptional translator. He received a Certificate of Appreciation in July 2024 for his significant contributions to ensure successful support of the Ukrainian armed forces. It

states, “[Applicant’s] dedication and commitment to mission accomplishment, and selfless service reflect great credit upon him.” (Answer)

Ukraine

Ukraine is a republic with a semi-presidential political system composed of three branches of government: a unicameral legislature, an executive led by a directly elected president who is head of state and commander in chief; and a prime minister, who is chosen through a legislative majority and as head of government leads the Cabinet of Ministers; and a judiciary.

The country last held parliamentary elections in 2019, which were widely reported to be fair and mostly free of abuses and irregularities. The country last held a presidential election in two rounds in 2019. The joint international election observation mission reported candidates could campaign freely, although numerous and credible indications of misuse of state resources and vote buying undermined the credibility of the process. Scheduled parliamentary elections were postponed due to Russia’s full-scale invasion and the resulting declaration of martial law. Civil society widely supported the postponement of elections while under martial law.

In February 2014, Russia’s forces entered and occupied Ukraine’s Crimean Peninsula. In March 2014, Russia claimed that the peninsula had become part of the Russian Federation following a sham referendum that violated Ukraine’s constitution and international law. The same year Russia’s proxies set up so-called independent republics in Ukraine’s Luhansk and Donetsk oblasts.

In February 2022, Russia escalated the conflict by invading the country on several fronts, in what has become the largest conventional military attack on a sovereign state in Europe since World War II. Russia made substantial gains in the early weeks of the invasion but underestimated Ukrainian resolve and combat capabilities. Despite Ukrainian resistance, Russia has laid claim to four Ukrainian oblasts--Donetsk, Kherson, Luhansk, and Zaporizhzhia--although none is fully under Russian control. The international community has not recognized the annexations.

In December 2023, Russia launched its largest aerial assault on Ukraine since the war began. This massive bombardment used drones and missiles, including missiles with hypersonic capability, to strike cities and civilian infrastructure across Ukraine. Strikes reportedly hit a maternity hospital, a shopping mall, and residential areas--killing innocent people and injuring dozens more. It is a stark reminder to the world that, after nearly two years of this devastating war, the Russian president’s objective remains unchanged. He seeks to obliterate Ukraine and subjugate its people.

The invasion has also created Europe’s largest refugee crisis since World War II, with over six million Ukrainian refugees recorded globally. It remains one of the two largest displacement crises worldwide (the other is the conflict in Syria).

In its 2024 Annual Threat Assessment, the U.S. Office of the Director of National Intelligence assessed that Russia’s military operation against Ukraine has incurred

major, lasting costs for Russia, failed to attain the complete subjugation of Ukraine that the Russian president initially sought, and rallied the West to defend against Russian aggression. Nonetheless, this deadlock plays to Russia's strategic military advantages and is increasingly shifting the momentum in Moscow's favor. Russia's defense industry is significantly ramping up production of a panoply of long-range strike weapons, artillery munitions, and other capabilities that will allow it to sustain a long high-intensity war if necessary. Meanwhile, Moscow has made continual incremental battlefield gains since late 2023 and is benefitting from uncertainties about the future of Western military assistance.

The U.S. Department of State has issued a "Level 4: Do Not Travel" warning for Ukraine due to Russia's war against Ukraine. It continues to advise that U.S. citizens not travel to Ukraine due to active armed conflict and that all U.S. citizens should carefully monitor U.S. government notices and local and international media outlets for information about changing security conditions and alerts to shelter in place. Those choosing to remain in Ukraine should exercise caution due to the potential for military attacks, crime, civil unrest, and consult the Department's latest security alerts. The security situation in Ukraine remains unpredictable. There are continued reports of Russian forces and their proxies singling out U.S. citizens in Russian-occupied areas of Ukraine for detention, interrogation, or harassment because of their nationality.

Significant human rights abuses committed by Russia's forces in areas that were under Russian control involved severe and wide-ranging cases and included credible reports of: arbitrary or unlawful killings, including extrajudicial killings; enforced disappearance; torture and cruel, inhuman, or degrading treatment or punishment; harsh and life-threatening prison conditions; arbitrary arrest or detention; political prisoners or detainees, particularly during "filtration" operations involving interrogation, torture, forced separation of families, forced transfer, deportation, and wrongful adoption of Ukraine's children to Russian families; arbitrary or unlawful interference with privacy; punishment of family members for alleged offenses by a relative; serious abuses in a conflict, including reportedly widespread civilian deaths, enforced disappearances and abductions, torture, and physical abuses; serious restrictions on freedom of expression and media freedom, including violence or threats of violence against journalists, unjustified arrests or prosecutions of journalists, censorship, and the existence of criminal libel; serious restrictions on internet freedom; substantial interference with freedom of peaceful assembly and freedom of association, including overly restrictive laws on the organization, funding, or operation of nongovernmental organizations and civil society organizations; severe restrictions of religious freedom; restrictions on freedom of movement; inability of citizens in Russia-occupied territories to be governed by a government of their choosing via free and fair elections; serious and unreasonable restrictions on political participation; serious corruption; serious restrictions on or harassment of domestic and international human rights organizations; extensive gender-based violence including rape; crimes involving violence or threats of violence targeting members of national/racial/ethnic minority groups, or members of indigenous groups, including Crimean Tatars and ethnic Ukrainians; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transexual, queer, intersex, or other sexual minority persons; and the existence of the worst forms of child labor.

Although not comparable to the scope of Russia's abuses, there were also significant human rights issues involving Ukrainian government officials, which included credible reports of: enforced disappearance; torture and cruel, inhuman, or degrading treatment or punishment; harsh and life threatening prison conditions; arbitrary arrest or detention; serious problems with the independence of the judiciary; restrictions on freedom of expression, including for members of the media, including violence or threats of violence against journalists, unjustified arrests or prosecutions of journalists, and censorship; serious restrictions on internet freedom; substantial interference with the freedoms of peaceful assembly and association; restrictions on freedom of movement; serious government corruption; extensive gender-based violence; systematic restrictions on workers' freedom of association; and the existence of the worst forms of child labor. Some of these human rights issues stemmed from martial law, which continued to curtail democratic freedoms, including freedom of movement, freedom of the press, freedom of peaceful assembly, and legal protections. The government often did not take adequate steps to identify and punish officials who may have committed abuses.

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 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 Exec. Or. 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* Exec. Or. 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

Analysis

Guideline B, Foreign Influence

AG ¶ 6 expresses the security concern for foreign influence:

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 describes conditions that could raise a security concern and may be disqualifying. I considered the following relevant:

(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;

(e) shared living quarters with a person or persons, regardless of citizenship status, if that relationship creates a heightened risk of foreign inducement, manipulation, pressure, or coercion; and

(f) substantial business, financial, or property interests in a foreign country, or in any foreign owned or foreign-operated business that could subject the individual to a heightened risk of foreign influence or exploitation or personal conflict of interest.

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 government 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, or the country is known to conduct intelligence operations against the United States. In considering the nature of the government, an administrative judge must also consider any terrorist activity in the country at issue. *See generally* ISCR Case No. 02-26130 at 3 (App. Bd. Dec. 7, 2006) (reversing decision to grant clearance where administrative judge did not consider terrorist activity in area where family members resided).

AG ¶ 7(a) requires substantial evidence of a "heightened risk." The "heightened risk" required to raise one of these disqualifying conditions is a relatively low standard. "Heightened risk" denotes a risk greater than the normal risk inherent in having a family member living under a foreign government.

When Applicant lived in Ukraine from 2016 to 2022, he did so while working as an interpreter for a DOD contractor, and he lived in accommodations provided by that company from 2018 to 2022. He left Ukraine with his spouse and child when the war in Ukraine escalated in 2022, and they obtained Polish national identification numbers permitting their indefinite residency in Poland due to the Russian invasion of Ukraine.

Applicant's spouse was unsuccessful in her run for a position in a regional parliament in Ukraine in 2015, and there is no evidence that she made any subsequent such effort. Similarly, while she and her father were previously members of the same political party in Ukraine, they no longer maintained any such affiliations as of the date of the hearing.

Applicant previously owned undeveloped land and maintained a bank account in Ukraine. As of the date of the hearing, he transferred ownership of this land to his spouse; he no longer had any money in the bank account in Ukraine, which expired in August 2025; and he did not own any property in Ukraine, as the garage referenced in SOR ¶ 1.i is owned solely by his spouse, as further discussed below.

I find that none of the relevant disqualifying conditions under ¶ 7 apply to: (1) the portion of SOR ¶ 1.a that alleges Applicant's residence and employment in Ukraine during the period from 2016 to 2022, which is when he worked for a DOD contractor and

lived in accommodations provided by that company from 2018 to 2022; (2) the portion of SOR ¶ 1.b that alleges his acquisition of legal residency and his residence in Poland since 2022; or (3) to the portion of SOR ¶ 1.i that alleges Applicant has an ownership interest in a garage in Ukraine. I find those portions of SOR ¶¶ 1.a, 1.b, and 1.i, respectively, for Applicant. I also find that none of the relevant disqualifying conditions under ¶ 7 apply to SOR ¶¶ 1.f, 1.h, 1.j, and 1.l, and I find those allegations in Applicant's favor.

On the other hand, when Applicant moved to Ukraine from the United States in 2012, he was self-employed in Ukraine from 2013 to 2016, he earned a bachelor's degree in Ukraine in 2015, and he lived in Ukraine in property owned by his spouse from 2013 to at least 2016. In addition, his spouse and child, who have resided with him in Poland since 2022, are Ukrainian citizens, he has provided them financial support since they lived in Ukraine and through the date of the hearing, and he has continued ties to Ukraine through his spouse's parents and his spouse's assets in Ukraine.

Applicant's parents-in-law, with whom he and his spouse maintain close contact, are citizens and residents of Ukraine, and his father-in-law has served as a municipal representative in Ukraine since 2020. His spouse's significant assets in Ukraine include at least an apartment, a garage, as well as another apartment that she co-owns with her father. In addition, Applicant disclosed numerous Ukrainian citizens residing in Ukraine with whom he has had close and/or continuing contact within the last seven years of his SCA, three of whom were either members of the Ukrainian military or worked for the Ukrainian government as of the date of the hearing (the fourth is deceased).

Russia's forces entered and occupied Ukraine in 2014, and Russia escalated the conflict by invading Ukraine in 2022. The invasion has created Europe's largest refugee crisis since World War II, with over six million Ukrainian refugees recorded globally. The U.S. Department of State has issued a "Level 4: Do Not Travel" warning for Ukraine due to Russia's war against Ukraine, and it continues to advise U.S. citizens not to travel to Ukraine due to active armed conflict. Significant human rights abuses committed by Russia's forces in areas that were under Russian control involved severe and wide-ranging cases.

Applicant's ties to Ukraine, through his spouse's family there, her assets there, and his close and continuing contacts with Ukrainian citizens and residents, create a heightened risk of foreign exploitation, inducement, manipulation, pressure, and coercion. AG ¶¶ 7(a), 7(b), 7(e), and 7(f) apply to SOR ¶¶ 1.a-1.e, 1.g, 1.i, and 1.k, but they do not apply to the portions of SOR ¶¶ 1.a, 1.b, and 1.i that I found for Applicant, as discussed above.

I have considered all of the mitigating conditions under AG ¶ 8 and considered the following 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, or allegiance to the group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the United States, that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest;

(c) contact or communication with foreign citizens is so casual and infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation; and

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

Applicant's spouse and child are Ukrainian citizens, and his parents-in-law and close and continuing contacts as listed on his SCA are Ukrainian citizens residing in Ukraine. Accordingly, AG ¶ 8(a) is not established for the reasons set out in the above discussion of AG ¶¶ 7(a), 7(b), and 7(e). Applicant and his spouse maintain close contact with their family in Ukraine, and he maintains close and continuing contact with the Ukrainian citizens listed on his SCA who reside in Ukraine. AG ¶ 8(c) is not established.

Applicant immigrated to the United States in 1996. He graduated from high school in 2001 and attended community college through 2004. He became a naturalized U.S. citizen in 2005, married his spouse in 2012, worked for a private company in 2012, and obtained his most recent U.S. passport in 2019. His parents and sister, who are dual citizens of Ukraine and the United States, reside in the United States. He worked in Ukraine as an interpreter for a DOD contractor from 2016 to 2022. These are all factors that weigh in Applicant's favor.

However, Applicant's ties to his family in Ukraine are also strong. He does not own property in the United States and, having lived and worked outside of the continental United States for over 10 years, his estimated worth was approximately \$15,000 to \$20,000 USD. Yet, his spouse has significantly more assets in Ukraine. As such, Applicant has not met his burden of demonstrating that he would resolve any conflict of interest in favor of the U.S. interest. AG ¶¶ 8(b) and 8(f) are not established.

Guideline C, Foreign Preference

AG ¶ 10 expresses the security concern for foreign preference:

When an individual acts in such a way as to indicate a preference for a foreign country over the United States, then he or she may provide information or make decisions that are harmful to the interests of the United States. Foreign involvement raises concerns about an individual's judgment, reliability, and trustworthiness when it is in conflict with U.S. national interests or when the individual acts to conceal it.

AG ¶ 11 describes conditions that could raise a security concern and may be disqualifying. I considered the following relevant:

- (a) applying for and/or acquiring citizenship in any other country;
- (d) participation in foreign activities, including but not limited to . . . ; and
- (e) using foreign citizenship to protect financial or business interests in another country in violation of U.S. law.

For the reasons discussed above in my analysis under Guideline B, I find that none of these disqualifying conditions apply to SOR ¶ 2.a, which cross-alleges SOR ¶¶ 1.a, 1.b, and 1.h. As such, I find SOR ¶ 2.a for Applicant.

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 also considered Applicant's employment with a DOD contractor in Ukraine from 2016 to 2022. I have incorporated my comments under Guidelines B and C in my whole-person analysis. The record evidence leaves me with questions and doubts as to Applicant's eligibility and suitability for a security clearance. I conclude foreign preference security concerns were not established but Applicant did not mitigate all the foreign influence security concerns.

Formal Findings

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

Paragraph 1, Guideline B:	AGAINST APPLICANT
Subparagraph 1.a:	Against Applicant (except for the portion that alleges Applicant's residence and employment in Ukraine during the period from 2016 to 2022, which I find for Applicant)
Subparagraph 1.b:	Against Applicant (except for the portion that alleges Applicant's acquisition of legal residency and residence in Poland, which I find for Applicant)
Subparagraphs 1.c-1.e:	Against Applicant
Subparagraph 1.f:	For Applicant
Subparagraph 1.g:	Against Applicant
Subparagraph 1.h:	For Applicant
Subparagraph 1.i:	Against Applicant (except for the portion that alleges Applicant's ownership of a garage in Ukraine, which I find for Applicant)
Subparagraph 1.j:	For Applicant
Subparagraph 1.k:	Against Applicant
Subparagraph 1.l:	For Applicant
Paragraph 2, Guideline C:	FOR APPLICANT
Subparagraph 2.a:	For Applicant

Conclusion

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

Candace Le'i Garcia
Administrative Judge