



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



In the matter of:)
)
) ISCR Case No. 25-00370
)
Applicant for Security Clearance)

Appearances

For Government: Lauren A. Shure, Esq., Department Counsel
For Applicant: Katie Quintana, Esq.

03/09/2026

Decision

HARVEY, Mark, Administrative Judge:

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

Statement of the Case

On April 23, 2024, Applicant completed an Electronic Questionnaires for Investigations Processing or security clearance application (SCA). (Government Exhibit (GE) 1) On April 11, 2025, 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. (Hearing Exhibit (HE) 2)

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 Guidelines B and E. (HE 2) On July 21, 2025, Applicant provided his response to the SOR. On August 7, 2025, Department Counsel was ready to proceed. On December 18, 2025, the case was assigned to me.

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. On December 29, 2025, the Defense Office of Hearings and Appeals issued a notice scheduling the hearing on February 6, 2026. (HE 1) The hearing was held as scheduled, using the Microsoft Teams video teleconference system.

During the hearing, Department Counsel offered four exhibits into evidence, and Applicant offered 14 exhibits into evidence. (Tr. 14-20; GE 1-GE 4; Applicant Exhibit (AE) A-AE N) Department Counsel objected to the admissibility of AE M, which is an investigative summary of an interview of a source. (Tr. 19; AE M) It was offered to provide evidence to impeach the claim that Applicant's father was employed in banking in Russia. (Tr. 19; SOR ¶ 1.a; GE 4) I overruled the objection, and I admitted AE M. (Tr. 19) Based on the evidence of record, I conclude that Applicant's father was not employed in banking, *infra*.

Department Counsel also objected to the admissibility of AE N, which is Applicant's Counsel's opinion when she was an Administrative Judge at the Department of Energy. Applicant said the opinion was relevant to support her contention that an "SOR is insufficient where it fails to allege that there is a heightened risk based on this relationship, where it fails to make that connection between the relationship and the heightened risk. And that's in DOE case number PSH 24-0185, which is our Exhibit N." (Tr. 11-12) In footnote 11 on page 6, the DOE opinion stated:

I cannot find that having foreign national familial relations, working in a restaurant specializing in foreign cuisine and owned by a foreign national, or traveling to a foreign country are sufficient bases, in and of themselves, to raise a security concern pursuant to Guideline B. The [SOR] does not allege that the Individual's contact with his familial relations "create[s] a heightened risk of foreign exploitation, inducement, manipulation, pressure or coercion." Adjudicative Guidelines at ¶ 7(a). Without a clear explanation as to how the Individual's mere connection to foreign national relations creates a security concern, I cannot find that that allegations (2)–(6) were properly raised by the [counsel for the government]. As such, I will not analyze them herein.

I overruled Department Counsel's objection, admitted AE N, and note Applicant's legal opinion will be considered for its persuasive value; however, it is not binding on DOHA administrative judges. (Tr. 20) Specifically, the SOR does not need to indicate whether or how a connection to Russia creates a heightened risk under Guideline B or specifically indicate which disqualifying conditions are raised by the evidence. In ISCR Case No. 15-00216 at 3 (App. Bd. Oct. 24, 2016) (internal citation omitted), the Appeal Board said:

An SOR is an administrative pleading that is not held to the strict requirements of a criminal indictment, and it does not have to allege every possible fact that might be relevant at the hearing. So long as an SOR places an applicant on notice of the matters to be addressed in the DOHA proceeding, it satisfies the requirements of the Directive. . . . The Directive presumes a nexus between admitted or proven facts under any of the Guidelines and an applicant's eligibility for a clearance.

DOHA Appeal Board jurisprudence indicates the criteria for a heightened risk and heightened risk in this case is discussed at pages 13-14, *infra*.

There were no other objections, and all proffered exhibits were admitted into evidence. (Tr. 17, 19-20) On February 17, 2026, DOHA received a copy of the transcript. The record was not held open after the hearing for post-hearing documentation. (Tr. 54-55)

Administrative Notice

Department Counsel requested administrative notice concerning the Russian Federation (Russia). (Tr. 16-17) Administrative or official notice is the appropriate type of notice used for administrative proceedings. See ISCR Case No. 16-02522 at 2-3 (App. Bd. July 12, 2017); ISCR Case No. 05-11292 at 4 n. 1 (App. Bd. Apr. 12, 2007); ISCR Case No. 02-24875 at 2 (App. Bd. Oct. 12, 2006) (citing ISCR Case No. 02-18668 at 3 (App. Bd. Feb. 10, 2004) and *McLeod v. Immigration and Naturalization Service*, 802 F.2d 89, 93 n. 4 (3d Cir. 1986)). Usually, administrative notice at ISCR proceedings is accorded to facts that are either well known or from government reports. See Stein, *Administrative Law*, Section 25.01 (Bender & Co. 2006) (listing fifteen types of facts for administrative notice). Applicant objected to the relevance of the information in the administrative notice request (ANR) because there has been no connection between Applicant and the Russian government. (Tr. 16) I agree with Applicant's statement about the absence of evidence in the record of Applicant's connection to the Russian government. There is no evidence that Applicant has ever been an employee of the Russian government, or that his family members in Russia were or are employees of the Russian government.

The behavior of the Russian government as indicated in the administrative notice submission is relevant because the Russian government could take actions in the future to coerce Applicant, or his family members living in Russia and cause a security risk. The absence of a current connection of the Russian government to Applicant goes to the weight of the evidence concerning Russia. (Tr. 16-17) I have otherwise taken administrative notice of the information in the Russia section, *infra*. (Tr. 16-17)

I have quoted most of Department Counsel's ANR without quotation marks and footnotes. I have made some other punctuation changes and not included the thousands of individuals and companies under U.S. sanctions at pages 3-4 of the ANR and recent examples of espionage, cybercrime, and export violations related to Russia at pages 5-7 of the ANR because there is no evidence that Applicant or his family members are on

U.S. sanction lists or involved in criminal activity. I have also omitted the numerous human rights violations committed by or in Russia at page 8 of the ANR.

Some details were excluded to protect Applicant's right to privacy. Specific information is available in the cited exhibits and transcript.

Findings of Fact

In Applicant's SOR response, he admitted the allegations in SOR ¶¶ 1.a, 1.b, and 2.a. (HE 3) He also provided extenuating and mitigating information. (HE 3) His admissions are accepted as findings of fact. Additional findings follow.

Applicant is a 32-year-old project coordinator. (Tr. 21; GE 1; AE B; AE I) He was born in Russia. (Tr. 21; GE 1) In August of 1999, when Applicant was five years old, he and his mother immigrated to the United States from Russia. (Tr. 22) He received U.S. citizenship in 2010 based on his mother's U.S. citizenship while he was a minor. (Tr. 21, 37) He has not served in the United States or Russian military. (Tr. 38) In 2011, he graduated from high school in the United States. (GE 1 at 11; AE E) He has completed multiple training courses and earned several technical certifications. (AE D; AE F) His resume provides additional information about his professional background and experience. (AE D)

Foreign Influence

Applicant does not have any assets in Russia. (Tr. 23) He does not believe he will inherit property in Russia. (Tr. 23) He does not provide financial support to anyone in Russia, and he does not receive any financial support from anyone in Russia. (Tr. 23) He most recently went to Russia when he was nine years old in 2003. (Tr. 23) He stayed with his uncle and his grandparents. (Tr. 23) He believes he retains Russian citizenship; however, he has not exercised any of his rights as a Russian citizen. (Tr. 22)

SOR ¶ 1.a alleges Applicant's father is a citizen and resident of Russia. SOR ¶ 1.b alleges Applicant's uncle and grandmother are citizens and residents of Russia.

Applicant's father is a citizen and resident of Russia. (Tr. 24) Applicant said he infrequently communicates with his father about once or twice a year around holidays, such as on birthdays and Christmas. (Tr. 25) He uses email or a messaging application to communicate with him. (Tr. 25) He most recently contacted his father at the end of 2022. (Tr. 24) This contact was most likely to wish his father a happy birthday. (Tr. 24-25) He described the relationship as "estranged" and not continuing. (Tr. 25)

Applicant believes his father is a lawyer, and Applicant is unaware of his father's involvement in banking. (Tr. 26) His information about his father's employment is from his mother and father. (Tr. 26) He believes his father served in the Russian military at some time prior to Applicant's birth. (Tr. 26) He believed the U.S. Government has incorrect information about his father's employment (banking), date of birth, and photograph. (Tr. 27; GE 4) At his hearing, he provided his parents' marriage and divorce certificates which

show his father's name and date of birth. (AE J; AE K) Applicant believes the primary source for the information about his father's occupation is Applicant's previous employer. (Tr. 28) He described his previous employer as having a "a narcissistic personality disorder. People with that personality disorder tend to go on some smear campaigns and are very vengeful." (Tr. 28) He believes his former employer concluded his father was an important Russian banker based on information his former employer obtained from an Internet search. (Tr. 28; AE M) His former employer has never met Applicant's father. (Tr. 28) Applicant's father has probably remarried, and he has some children. (Tr. 44) He has not had any contacts with his father's wife or children. (Tr. 45)

Applicant's grandmother was a citizen and resident of Russia. (Tr. 29-30) She passed away on August 23, 2025. (Tr. 30) He communicated with her prior to her death about once or twice a year; his most recent communication with her was in late 2024; and their communications were mostly using the telephone. (Tr. 30) From about 2013 to about 2014, his grandmother stayed with Applicant and his mother for about one year to assist his mother. (Tr. 31, 50) He did not provide any financial support to his grandmother. (Tr. 31) He is unaware whether she had any relationship with the Russian government. (Tr. 31) He is unaware of whether his mother inherited property in Russia or owns property in Russia. (Tr. 42)

Applicant's uncle is a citizen and resident of Russia. (Tr. 31) His uncle most recently communicated with Applicant on Applicant's birthday, when his uncle sent him a message wishing him a happy birthday. (Tr. 31-32) He communicates with his uncle once or twice a year using a messaging application or a phone call. (Tr. 32) Sometimes he talks to his uncle when his mother calls her brother. (Tr. 32) He most recently visited his uncle in 2003. (Tr. 32) Applicant's mother said her brother is not an employee of the Russian government. (AE L)

Applicant does not own any real estate in the United States. (Tr. 43) He owns a car. (Tr. 43) He has a U.S. bank account; however, he does not have a retirement account. (Tr. 43) He does not have any accounts in any foreign banks. (Tr. 43)

Russia

Russia has a highly centralized, authoritarian political system dominated by President Vladimir Putin. The bicameral Federal Assembly consists of a directly elected lower house (State Duma) and an appointed upper house (Federation Council), both of which lack independence from the executive. The 2018 presidential election and the September 2021 parliamentary elections were marked by accusations of government interference and manipulation of the electoral process, including the exclusion of meaningful opposition candidates.

Russia continued its full-scale invasion of Ukraine, and its armed forces committed numerous war crimes and other atrocities and abuses, leading the International Criminal Court to issue arrest warrants for Russian President Vladimir Putin and Children's Rights Commissioner Maria Lvova-Belova in relation to the forced deportation of Ukrainian

children to Russia. Authorities used new laws to punish dissent and independent expression in Russia, according to human rights defenders.

Authorities jailed antiwar protesters and political opposition figures, prosecuted numerous individuals for online expression, forced closure of nongovernmental organizations, further restricted media outlets, pressured political parties, and continued transnational repression against critics of the Kremlin abroad.

There were credible reports of summary executions, torture, rape, and attacks killing and injuring civilians and damaging or destroying civilian infrastructure by Russia's forces in Ukraine, as well as war crimes, including those involving forced deportation or transfer of civilians, and the forced placement in foster care or adoption of Ukrainian children.

In its March 2025 Annual Threat Assessment, the Office of the Director of National Intelligence (ODNI) assessed that Russia views its ongoing war in Ukraine as a proxy conflict with the West, and its objective to restore Russian strength and security against perceived U.S. and Western encroachment has increased the risks of unintended escalation between Russia and NATO. The resulting heightened and prolonged political-military tensions between Moscow and Washington, coupled with Russia's growing confidence in its battlefield superiority and defense industrial base and increased risk of nuclear war, create both urgency and complications for U.S. efforts to bring the war to an acceptable close.

Russia in the past year has seized the upper hand in its full-scale invasion of Ukraine and is on a path to accrue greater leverage to press Kyiv and its Western backers to negotiate an end to the war that grants Moscow the concessions it seeks. Even though Russian President Putin will be unable to achieve the total victory he envisioned when initiating the large-scale invasion in February 2022, Russia retains momentum as a grinding war of attrition plays to Russia's military advantages.

Regardless of how and when the war in Ukraine ends, Russia's current geopolitical, economic, military, and domestic political trends underscore its resilience and enduring potential threat to U.S. power, presence, and global interests. Despite having paid enormous military and economic costs in its war with Ukraine, Russia has proven adaptable and resilient, in part because of the expanded backing of China, Iran, and North Korea. President Putin appears resolved and prepared to pay a very high price to prevail in what he sees as a defining time in Russia's strategic competition with the United States, world history, and his personal legacy.

The United States, along with an international coalition of over 30 allies and partners, has imposed sweeping sanctions, export controls, and other economic measures since the start of Russia's unprovoked war against Ukraine. Since February 2022, these measures have made it harder and costlier for the Kremlin to obtain the capital, materials, technology, and support it needs to sustain its war of aggression. Russia will continue to be able to deploy anti-U.S. diplomacy, coercive energy tactics, disinformation, espionage, influence operations, military intimidation, cyberattacks, and

gray zone tools to try to compete below the level of armed conflict and fashion opportunities to advance Russian interests.

In July 2018, the National Counterintelligence and Security Center reported the threat to U.S. technology from Russia will continue over the coming years as Moscow attempts to bolster an economy struggling with endemic corruption, state control, and a loss of talent departing for jobs abroad. Moscow's military modernization efforts also likely will be a motivating factor for Russia to steal U.S. intellectual property. An aggressive and capable collector of sensitive U.S. technologies, Russia uses cyberspace as one of many methods for obtaining the necessary know-how and technology to grow and modernize its economy. Other methods include the following: Use of Russian commercial and academic enterprises that interact with the West; Recruitment of Russian immigrants with advanced technical skills by the Russian intelligence services; and Russian intelligence penetration of public and private enterprises, which enable the government to obtain sensitive technical information from industry. Russian government-affiliated cyber espionage likely will remain a persistent threat to federal, state, and local governments, as well as entities in the defense, energy, nuclear, aviation, transportation, healthcare, education, media, and telecommunications industries.

The U.S. Department of State has issued a Level 4 Travel Advisory for Russia, advising U.S. persons not to travel to Russia due to the danger associated with the continuing war between Russia and Ukraine, the risk of harassment or wrongful detention by Russian security officials, the arbitrary enforcement of local laws, and the possibility of terrorism. U.S. citizens in Russia should leave immediately. The U.S. Government has limited ability to help U.S. citizens in Russia.

There have been drone attacks and explosions near the border with Ukraine and in Moscow, Kazan, St. Petersburg, and other large cities. Russia's war in Ukraine has destabilized security in southwestern Russia. In October 2022, the Russian government declared martial law in the following border areas with Ukraine: Bryansk, Kursk, Belgorod, Voronezh, Rostov, and Krasnodar. Russian authorities have questioned, detained, and arrested people for "acting against Russia's interests." Local authorities have targeted people for posting on social media or supporting "anti-Russian" groups. They have punished people for criticizing the government or military.

The Russian Federation continued to use terrorist and "extremist" threats as pretexts to suppress political opposition and the exercise of human rights, or for other objectives in both domestic and foreign policy. In particular, the Kremlin accused Ukraine of conducting terrorist attacks on civilians in Russia as part of the Kremlin's attempts to delegitimize Ukraine's self-defense against Russian aggression. The government increased use of counter terrorism and "anti-extremism" legislation as a tool to stifle political opposition, independent media, and certain religious organizations, and to criminalize the exercise of freedoms of religion or belief, expression, and association. Russia remained concerned about violent extremist Islamist groups, including those with ideological ties to ISIS and al-Qaida.

Personal Conduct

SOR ¶ 2.a alleges Applicant falsified material facts on his April 23, 2024 SCA. Section 19-**Foreign Contacts** asks:

Do you have, or have you had, close and/or continuing contact with a foreign national within the last seven (7) years with whom you, or your spouse, or legally recognized civil union/domestic partner, or cohabitant are bound by affection, influence, common interests, and/or obligation? Include associates as well as relatives, not previously listed in Section 18.

Applicant answered “No” and allegedly deliberately failed to disclose his father, uncle, and grandmother as alleged above in SOR ¶¶ 1.a and 1.b.

Section 18-**Relatives** asks about relatives such as parents, stepparents, siblings, and stepsiblings. Applicant disclosed his mother’s and stepfather’s information, and for his father he said, “Do not know information for father living in Russia, have not seen since 1999.” (GE 1 at 24) Section 18 does not ask for frequency or recency of contact information. The SOR does not allege he failed to disclose accurate information about his father, or that he did not disclose his stepsiblings in Section 18.

Applicant’s October 10, 2024 Office of Personnel Management (OPM) enhanced subject interview states:

Subject reports he did not list his father due to not having contact with him long term. Subject provided that his father's name is [name omitted], and that he was born in Moscow, Russia. Subject has no record of father's birthday. Subject spoke to his father once in 2022 over the phone, but prior to that had no contact since 1999 (discrepant). Subject has not had contact with his father since. Subject is unaware of citizenship status, address, or current employment. Subject reports last known employment was a Lawyer in Russia. (GE 2 at 17)

On March 20, 2025, in response to DOHA interrogatories, Applicant said:

I am unsure if this quoted interview summary [in the previous paragraph] is incomplete, a misunderstanding or a result of a lack of detailed questioning, I will however clarify the frequency and methods of contact as well as nature of discussions. I immigrated from the Russian Federation to the USA in 1999 after the separation of my biological parents, at some point a divorce was finalized, I have had limited contact with my father over the years through either email or telephone conversations and the topics of discussion were usually related to a birthday and holiday congratulations or a discussion of the possibility of me traveling to the Russian Federation to visit my father[']s side of the family. I cannot recall the exact dates and times of contact as the contact was infrequent, inconsistent and at times did not occur for several years. I have never received financial support from my

father. I have not been contacted by my father for several years as of this writing and I suspect a strained relationship as the cause. I cannot verify their citizenship but assume it is the Russian Federation. I do not have documentation to confirm an exact date of birth for my father and can only speculate the information I have is correct. (GE 2 at 7)

On April 2, 2025, in response to DOHA interrogatories, Applicant said:

My father's current employer is unknown, upon information and belief my father is a lawyer. I do not know how long he has been employed as a lawyer. I do not have a very detailed recollection of contact frequency over the last 10 years as contact was inconsistent and infrequent, at times with years in between contact, to the best of my recollection the last contact was in 2022 to wish him a happy birthday. Upon information and belief, the extent of Russian Government affiliation for my father is military service with either the USSR and or Russian Federation military, I am unsure as to the duration of service as he was no longer serving in my childhood. (GE 3 at 2)

In his SOR response, Applicant addressed the information he did not provide in Section 19 of his April 23, 2024 SCA as follows:

[Applicant] admits, in hindsight, that he should have answered "yes" and disclosed his father, uncle, and grandmother. However, [Applicant] denies being motivated by a desire to mislead the investigators. As stated previously, [he] has very little contact with these individuals since leaving Russia in 1999. In a very real sense, these individuals do not act as their relationship titles would suggest. Regardless, [he] now understands this process, acknowledges the need for absolute candor, and he is committed to that. Accordingly, he denies that this concern is appropriately used as a basis for the denial or revocation of his security clearance. (SOR response at 4)

At his hearing, Applicant said he answered no "because I have infrequent communication with any foreign nationals, that that question does not apply. I didn't see it well-defined, so at the time, that's how I interpreted it. Since I don't speak to foreigners very frequently, my answer would be no." (Tr. 35) He denied that he intended to deceive the DOD. (Tr. 36) He denied that he was bound to his relatives in Russia by affection, influence, common interests, and/or obligation. (Tr. 36) He said his relationship with them is casual and infrequent. (Tr. 37)

Character Evidence

Applicant provided 13 character letters from friends and coworkers. (AE G) They lauded his diligence, responsibility, trustworthiness and professionalism. Applicant's stepfather served in the U.S. Navy for 24 years and was previously a security clearance holder. (Tr. 49) He has known Applicant since Applicant was 10 years old. (Tr. 49) He

believes Applicant is honest, trustworthy, and truthful, and that he has good judgment. (Tr. 52-53) The character evidence supports approval of Applicant's access to classified information. (Tr. 52-53; AE G)

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 applicant's 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, nothing in this decision should be construed to suggest that it is based, in whole or in part, on any express or implied determination about applicant's allegiance, loyalty, or patriotism. It is merely an indication the applicant has not met the strict guidelines the President, Secretary of Defense, and Director of National Intelligence 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

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 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;

(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;

(d) the foreign contacts and activities are on U.S. Government business or are approved by the agency head or designee;

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

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 relationships with his father and uncle, who are listed in SOR ¶¶ 1.a and 1.b. He does not provide or receive financial support to or from them. His grandmother who lived in Russia passed away and security concerns pertaining to her are mitigated.

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 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).

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. In ISCR Case No. 19-00831 at 4 (App. Bd. July 29, 2020), the Appeal Board reversed the grant of a security clearance to an applicant with relatives in Russia, and succinctly explained the security concern as follows:

In Foreign Influence cases, the nature of the foreign government involved, the presence of terrorist activity, and the intelligence gathering history of that government are 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 also an important consideration. See, e.g., ISCR Case No. 17-04208 at 4 (App. Bd. Aug. 7, 2019); ISCR Case No. 15-00528 at 3 (App. Bd. Mar. 13, 2017). There is a rational connection between an applicant's family ties in a hostile country and the risk that the applicant might fail to protect and safeguard classified information. Whether or not actively hostile actions, such as military conflict, have broken out or are imminent, any country whose policies consistently threaten U.S. national security may be viewed as hostile for purpose of DOHA adjudications. See, e.g., ISCR Case No. 17-04208 at 5. The Supreme Court has explicitly cited family members in a hostile country as a reason to deny an applicant a security clearance. *Egan, supra*, at 529. Accordingly, we have long held that such applicants have a "very heavy burden" of persuasion to show that connections in a hostile country do not pose a threat to U.S. security. See, e.g., ISCR Case No. 17-04208 at 5; ISCR Case No. 09-08099 at 2 (App. Bd. Sep. 14, 2012); and ISCR Case No. 10-09986 at 3 (App. Bd. Dec. 15, 2011).

The factors outlined in ISCR Case No. 19-00831 concerning Russia's hostility towards the United States, including Russian actions in Ukraine, continue. These factors are relevant in assessing the likelihood that an applicant's family members living in Russia are vulnerable to government coercion or inducement.

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 Russia places a heavy burden of persuasion on Applicant to demonstrate that his relationships with anyone living in that country does not pose a security risk. He should not be placed into a position where he might be forced to choose between the protection of classified information and concerns about assisting someone living in Russia.

The issue under Guideline B is whether Applicant has ties or contacts with family and friends who live in Russia, which raise security concerns because those ties and contacts create a potential vulnerability that the Russian government could seek to exploit to get unauthorized access to U.S. classified information that he has by virtue of a security clearance. Applicant's relatives live in Russia and his relationships with them "could be a means through which Applicant comes to the attention of those who seek U.S. information or technology and who would attempt to exert coercion upon him." ADP Case No. 14-01655 at 3 (App. Bd. Dec. 9, 2015) (citing ISCR Case No. 14-02950 at 3 (App. Bd. May 14, 2015)). He may be vulnerable to influence or pressure exerted on, or through his family.

Applicant's relationships with family living in Russia create a potential conflict of interest because government agents 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 Russia and of violence, intelligence activity, hostility towards the United States, and human rights violations in Russia. Assessment of the applicability of mitigating conditions is required.

AG ¶ 8(a) is not established. The situation in Russia involving the Russian government's ongoing aggressive activity in the pursuit of intelligence information, invasion of Ukraine, opposition towards U.S. interests, and violations of human rights make it more likely that his father and uncle might be placed into a position where Applicant might be forced to choose between the protection of classified information and concerns about assisting them.

A key factor in the AG ¶ 8(b) analysis is Applicant's "deep and longstanding relationships and loyalties in the U.S." His relationship with the United States must be weighed against the potential conflict of interest created by his connections to Russia. He was born in Russia. In August of 1999, when Applicant was five years old, he and his mother immigrated to the United States from Russia. He received U.S. citizenship in 2010 because his mother is a U.S. citizen. He has not served in the United States or Russian militaries. In 2011, he graduated from high school in the United States. His mother and stepfather are U.S. citizens. He owns a car in the United States, and he is seeking U.S. employment as a DOD contractor. He provided 13 written character statements; his father-in-law spoke on his behalf; and together, they provided important character evidence supporting mitigation.

In ISCR Case No. 19-00831 at 5 (App. Bd. July 29, 2020), the Appeal Board discussed the applicability of the mitigating conditions in AG ¶ 8(b) as follows:

The Judge's conclusions under 8(b) are not sustainable given the circumstances in Russia, that country's approach to the U.S. and American interests, and the nature of his family contacts with Russians, including persons residing in Russia. DOHA can only draw conclusions from the available evidence, mindful of the Supreme Court's observation that security clearance adjudications are "an inexact science at best." *Egan, supra*, at 529.

Accordingly, in light of record evidence of Russia's history of espionage against the U.S., its deliberate and significant intrusions into U.S. elections, and its monitoring of electronic and telephonic communications, it is foreseeable that Applicant's ongoing relationship with his relatives could be means through which he comes to the attention of Russian authorities charged with uncovering U.S. classified or protected information and subjected to the kind of pressure or coercion that a clearance adjudication seeks to avoid. Moreover, it is not reasonable to conclude that Applicant's character evidence and community involvement provide a clear insight into how he might react under such a circumstance.

The Appeal Board's discussion of AG ¶ 8(b) in ISCR Case No. 19-00831 at 5 (App. Bd. July 29, 2020) is equally applicable to Applicant's case. AG ¶ 8(b) is not established.

Applicant urges application of AG ¶ 8(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." 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 Iran does not diminish the strength of his family ties."). "The concern in Foreign Influence cases arises from the nature of an applicant's foreign ties, which is not evinced by the current state of communications in a vacuum." ISCR Case No. 24-02470 at 5 (App. Bd. (Feb. 18, 2026) (quoting ISCR Case No. 22-00364, 2023 WL 11945240 at *3 (App. Bd. Jun. 22, 2023)). "While the frequency of an individual's contact with foreign family is a factor to be considered in evaluating the concern, it alone is not dispositive." *Id.*

At his hearing, Applicant said he communicates with his father about once or twice a year around holidays, such as on birthdays and Christmas. He most recently contacted his father at the end of 2022. He explained that the reduction in contacts was due to being estranged from his father. He communicates with his uncle about once or twice each year. In ISCR Case No. 24-02470 at 5 (App. Bd. (Feb. 18, 2026), the Appeal Board said:

It is well-established, however, that an individual's actions prior to the initiation of the national security adjudication process are illuminating of his or her unmotivated conduct and should be given weighty consideration. The record here reflects that Applicant's wife reduced her frequency of

communication with her parents, not because the relationship itself changed, but to improve Applicant's chances of obtaining a security clearance, which undermines any mitigative weight afforded to that reduction. The Judge should have considered the wife's pre-adjudication contact, the reason for the reduction, and the overall nature of her parental relationship.

Applicant receives some mitigative credit under AG ¶ 8(c) because his communications with his father and uncle are infrequent; however, he cannot be given full mitigative credit because his father is an immediate family member. Moreover, Applicant has made inconsistent statements about the recency and frequency of his contacts with his father. *Compare* SCA, Applicant's background interviews, DOHA interrogatories, and Applicant's hearing statement, which are discussed in the personal conduct section, *infra*.

Applicant's contacts with his father and uncle are infrequent; however, the contacts with his father are not casual. The Appeal Board has said, "The Judge's application of 8(c) is simply not consonant with the fact that Applicant's Russian contacts are family, including three members of his immediate family. Simply put they are not casual contacts." ISCR Case No. 19-00831 at 5 (App. Bd. July 29, 2020).

Applicant's connections to Russia and the behavior of Russian government entities are balanced against Applicant's good character evidence and connections to the United States. Applicant's access to classified information could add risk to his family living in Russia. There is no allegation that he would choose to help the Russian government 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 family, who are living in Russia, and how that risk could be used to coerce Applicant. It does not relate to his loyalty or patriotism to the United States.

Applicant said he believed his father was a lawyer in Russia, and SOR ¶ 1.a alleges he is a Russian banker. I find that the record does not establish he is a Russian banker. I accept Applicant's statement that his father is a lawyer as accurate. Applicant said he was unaware of whether his father was employed by or otherwise connected with the Russian government. "The Board has consistently held that factors such as an applicant's relatives' obscurity does not provide a meaningful measure of whether an applicant's circumstances pose a security risk." ISCR Case No. 22-02603 at 5 (App. Bd. Feb. 9, 2026). Applicant did not establish his father is living in obscurity or that the Russian authorities are unaware of Applicant's father, and unaware of his relationship to Applicant. His father may hold or may have previously held an important role in the Russian government. If this were true, it would be an important aspect in the analysis of security issues. The absence of this information reduces the reliability of this decision and weighs against foreign influence mitigation.

Applicant has not rebutted the concern arising from his relationships with family living in Russia. His connections to the United States, taken together, are strong; however, they are insufficient to overcome the foreign influence security concerns under Guideline B.

Personal Conduct

AG ¶ 15 explains why personal conduct is a security concern stating:

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 information. Of special interest is any failure to provide truthful and candid answers during the security clearance process or any other failure to cooperate with the security clearance process. . . .

AG ¶ 16 provides one personal conduct condition that could raise a security concern and may be disqualifying in relation to her provision of inaccurate information on her SCA:

(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.

SOR ¶ 2.a alleges and the record establishes Applicant falsified material facts on his April 23, 2024 SCA. Section 19-**Foreign Contacts** asks:

Do you have, or have you had, close and/or continuing contact with a foreign national within the last seven (7) years with whom you, or your spouse, or legally recognized civil union/domestic partner, or cohabitant are bound by affection, influence, common interests, and/or obligation? Include associates as well as relatives, not previously listed in Section 18.

Applicant answered "No" and deliberately failed to disclose his father, uncle, and grandmother, as alleged above in SOR ¶¶ 1.a and 1.b.

"Applicant's statements about his intent and state of mind when [he] executed his Security Clearance Application were relevant evidence, but they [are] not binding on the Administrative Judge." ISCR Case No. 04-09488 at 2 (App. Bd. Nov. 29, 2006) (citation omitted). In ADP Case No. 17-03932 at 3 (App. Bd. Feb. 14, 2019), the Appeal Board recognized the importance of circumstantial evidence of intent in falsification cases:

When evaluating the deliberate nature of an alleged falsification, a Judge should consider the applicant's *mens rea* in light of the entirety of the record evidence. See, e.g., ADP Case No. 15-07979 at 5 (App. Bd. May 30, 2017).

As a practical matter, a finding regarding an applicant's intent or state of mind may not always be based on an applicant's statements, but rather may rely on circumstantial evidence. *Id.*

In ISCR Case No. 01-03132 at 2 (App. Bd. 2, Aug. 8, 2002), the Appeal Board addressed the requirement for full and candid responses to security questions in the context of an investigative interview:

Although a deliberate omission could be distinguished from a falsehood, such a deliberate omission can serve to impede the search for truth. If an applicant gives narrowly worded, technically correct answers to an investigator's questions, but deliberately fails to tell the investigator the whole truth, then the applicant is not providing full, frank and candid answers to the investigator. An interview conducted as part of a security clearance investigation is not a forum for an applicant to split hairs or parse the truth narrowly. The federal government has a compelling interest in protecting and safeguarding classified information. *Department of Navy v. Egan*, 484 U.S. 518, 527 (1988). That compelling interest includes the government's legitimate interest in being able to make sound decisions (based on complete and accurate information) about who will be granted access to classified information. An applicant who deliberately fails to give full, frank, and candid answers to the government in connection with a security clearance investigation or adjudication interferes with the integrity of the industrial security program.

More recently, the Appeal Board cited ISCR Case No. 01-03132 (App. Bd. 2, Aug. 8, 2002), and stated:

The Directive is clear that an applicant's failure to respond truthfully and candidly during a national security investigation is of special concern, specifically stating that the "refusal to provide full, frank, and truthful answers to lawful questions of investigators, security officials, or other official representatives" in connection with an investigation and adjudication will normally result in an unfavorable eligibility determination. Directive ¶ 6.2; AG ¶ 15. . . . A person holding a security clearance has a duty to *fully* disclose conduct of security concern, and the record supports a conclusion that Applicant failed in this regard.

ISCR Case No. 24-00278 at 3 (App. Bd. Jan. 14, 2026) (emphasis in original).

Applicant elected not to disclose information of a foreign influence security concern on his SCA. The record evidence establishes AG ¶ 16(a) in relation to SOR ¶ 2.a.

AG ¶ 17 provides conditions that could mitigate security concerns in this case:

(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 it 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;

(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;

(e) the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress; and

(f) the information was unsubstantiated or from a source of questionable reliability.

Applicant knew his father, uncle, and grandmother were citizens and residents of Russia when he completed his April 23, 2024 SCA. He had contacts with them in the previous seven years. He intentionally chose not to disclose them in Section 16 of his SCA. Section 18 asks about relatives such as parents, stepparents, siblings, and stepsiblings. Applicant provided his mother's and stepfather's information, and for his father he said, "Do not know information for father living in Russia, have not seen since 1999." (GE 1 at 24) While he has consistently stated that he has not seen his father since 1999, he was in contact with him over the years and as recently as 2022.

Applicant's October 10, 2024 OPM enhanced subject interview states, "Subject spoke to his father once in 2022 over the phone, but prior to that had no contact since 1999 (discrepant)."

On March 20, 2025, in response to DOHA interrogatories, Applicant said:

I am unsure if this quoted interview summary is incomplete, a misunderstanding or a result of a lack of detailed questioning, I will however clarify the frequency and methods of contact as well as nature of discussions. . . . I have had limited contact with my father over the years through either email or telephone conversations and the topics of discussion were usually related to a birthday and holiday congratulations or a discussion of the possibility of me traveling to the Russian Federation to visit my father[']s side of the family. I cannot recall the exact dates and times

of contact as the contact was infrequent, inconsistent and at times did not occur for several years.

On April 2, 2025, in response to DOHA interrogatories, Applicant said, “I do not have a very detailed recollection of contact frequency over the last 10 years as contact was inconsistent and infrequent, at times with years in between contact, to the best of my recollection the last contact was in 2022 to wish him a happy birthday.”

At his hearing, Applicant said he communicates with his father about once or twice a year around holidays, such as on birthdays and Christmas. He most recently contacted his father at the end of 2022.

There is a significant difference between Applicant’s October 10, 2024 OPM enhanced subject interview, which states, “Subject spoke to his father once in 2022 over the phone, but prior to that had no contact since 1999 (discrepant),” and his hearing statement of contacts once or twice a year until 2022. His inconsistent statements during the security clearance process about contacts with his father will **not** be considered for disqualification purposes; however, they will be considered in the assessments of his credibility, mitigation, and rehabilitation under Guidelines B and E.

None of the mitigating conditions fully apply. Applicant intentionally failed to disclose his relationships with his father, uncle, and grandmother on his SCA. These omissions continue to cast doubt on his reliability, trustworthiness, and good judgment. 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 a 32-year-old project coordinator. He was born in Russia. In August of 1999, when Applicant was five years old, he and his mother immigrated to the United States from Russia. He received U.S. citizenship in 2010 because his mother is a U.S. citizen. In 2011, he graduated from high school in the United States. He has completed multiple training courses and earned several technical certifications.

Applicant provided 13 character letters from friends and coworkers. They praised him for his diligence, responsibility, trustworthiness and professionalism. Applicant's stepfather served in the U.S. Navy for 24 years and was previously a security clearance holder. He has known Applicant since Applicant was 10 years old. He believes Applicant is honest, trustworthy, and truthful, and that he has good judgment. The character evidence supports approval of Applicant's access to classified information. Applicant's loyalty to and connections with his family are positive character virtues and increase his reliability, trustworthiness, and responsibility.

The reasons for denying Applicant's security clearance are more persuasive. A Guideline B decision concerning Russia 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).

Applicant has contacts with his father and uncle, and they are citizens and residents of Russia. His relationship with his deceased grandmother is not a security concern. The Russian government's aggression in Ukraine, intelligence activities, violations of human rights, and hostility to the United States result in Applicant having a very heavy burden to mitigate his relationships with family living in Russia. Additional discussion is in the analysis section, *supra*. Applicant did not meet his burden of showing that his relationships with citizens and residents of Russia 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 Russia. See *Generally* ISCR Case No. 17-01979 at 5 (App. Bd. July 31, 2019).

It is well settled that once a concern arises regarding an applicant's security clearance eligibility, there is a strong presumption against granting a security clearance. See *Dorfmont*, 913 F. 2d at 1401. 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: Subparagraphs 1.a and 1.b:	AGAINST APPLICANT Against Applicant
Paragraph 2, Guideline E: Subparagraph 2.a:	AGAINST APPLICANT 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.

Mark Harvey
Administrative Judge