



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



In the matter of:)
)
) ISCR Case No. 25-00963
)
Applicant for Security Clearance)

Appearances

For Government: Alison P. O’Connell, Esq., Department Counsel
For Applicant: John G. Horan, Esq.

04/21/2026

Decision

HARVEY, Mark, Administrative Judge:

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

Statement of the Case

On May 13, 2024, Applicant completed an Electronic Questionnaires for Investigations Processing or security clearance application (SCA). (Government Exhibit (GE) 1) On September 29, 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) 1)

The SOR detailed reasons why the DCSA did not find under the Directive that it is clearly consistent with the interests of national security to grant or continue a security clearance for Applicant and recommended referral to an administrative judge to determine

whether a clearance should be granted, continued, denied, or revoked. Specifically, the SOR set forth security concerns arising under Guideline B. (HE 1) On October 2, 2025, Applicant provided his response to the SOR. (HE 2) On December 22, 2025, Department Counsel was ready to proceed. On January 4, 2026, the case was assigned to me.

On February 20, 2026, Applicant requested an expedited decision on his case. (HE 3) On March 10, 2026, the Defense Office of Hearings and Appeals issued a notice scheduling the hearing on March 20, 2026. (HE 4) The hearing was held as scheduled, using the Microsoft Teams video teleconference system.

During the hearing, Department Counsel offered two exhibits into evidence, Applicant offered two exhibits into evidence; there were no objections; and all proffered documents were admitted into evidence. (Tr. 20-22; GE 1-GE 2; Applicant Exhibit (AE) A-AE B; HE 4 (government exhibit list)) On April 2, 2026, DOHA received a copy of the transcript. The record was not held open after the hearing for post-hearing documentation.

Administrative Notice

Department Counsel requested administrative notice (AN) concerning the Russian Federation (Russia). (Tr. 20-21; HE 5) 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).

I have quoted most of Department Counsel's AN request without quotation marks and footnotes. I have made some other punctuation changes and not included the discussion of the individuals and companies under U.S. sanctions at pages 3-4 of the AN request because there is no evidence that Applicant or his family members are on U.S. sanction lists or involved in criminal activity. I added the sentence about Russia's significant increase in aggression in Ukraine in February 2022.

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 through 1.f. (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 43-year-old engineer who has worked for a Department of War (DoW) contractor for two years. (Tr. 66-67; GE 1; AE 1) In 2002, he received a degree in architecture in Russia, and in 2007, he received a master's degree in engineering in Russia. (Tr. 66, 95) He did not serve in the Russian or U.S. militaries. (Tr. 95; GE 1) He disliked the politics in Russia, and he prefers living in United States because it is a democracy. (Tr. 69) He denied any loyalty to Russia. (Tr. 72)

In 2005, Applicant married, and he has four children. (Tr. 73; GE 1) Applicant, his spouse and four children are dual citizens of the United States and Russia. (Tr. 72-73) In 2007, his spouse received a degree in engineering. (Tr. 51) In 2016, Applicant moved to the United States with his spouse and two children. (Tr. 52, 70-71) He was naturalized as a U.S. citizen in 2022. (GE 1) His other two children were born in the United States. His son has been admitted to a university in the United States, and his daughter is in high school in the United States. (Tr. 70, 73) His children have successfully competed in several academic competitions in the United States. (Tr. 78-79; AE A) He has voted in two U.S. elections. (Tr. 80)

For the first several years while Applicant was living in the United States, he and his family lived with his aunt and uncle. (Tr. 73) His uncle served in the U.S. Navy. (Tr. 73) Applicant is an active member of his U.S. church. (Tr. 75-76) He owns the U.S. home in which he and his family reside. (Tr. 74)

Foreign Influence

The SOR alleges in SOR ¶¶ 1.a through 1.f under Guideline B that the following relatives are citizens and residents of Russia: ¶ 1.a (Applicant's mother); ¶ 1.b (his mother-in-law and father-in-law); ¶ 1.c (his four brothers and two sisters); and ¶ 1.d (his extended family members). SOR ¶ 1.e alleges his spouse co-owns real estate in Russia. SOR ¶ 1.f alleges he has provided financial support to his mother in Russia.

Applicant detailed the information about his mother as follows:

My mother is a citizen and resident of Russia by birth. She is retired, apolitical, and has no ties to any foreign government, organization, military, or intelligence service, and her connection to Russia itself is because she was born there. She had no opportunity to emigrate to the United States prior to my immigration here, and could not now emigrate to the United States because of her age and the political conditions between the United States and Russia. She disagrees with the non-democratic policies and foreign policies of the Russian Government and would have emigrated if she had the opportunity. We have long intended to apply for family reunification, however, due to her age, her need for regular diabetes treatment, the lack of direct flights, and the closure of the U.S. Embassy in Russia, this process has been postponed. These logistical and medical challenges have significantly limited our contact and delayed any immigration steps.

My relationship with my mother is purely familial. My mother's visits to the United States several times as a guest and my current contact with her are always personal, familial and lawful. Her visits were focused on spending time with family, especially her grandchildren and our communications are always focused on family, again mostly my children.

* * *

[M]y mother has no contacts or visibility with the Russian government beyond those of an elderly, retired citizen without any political profile. My mother also does not know of my application for or status of any security clearance that I will have. The Russian government likely does not know of my profession, U.S. citizenship, or U.S. residency and none of my actions before or after I emigrated here would cause the Russian government to expect me to be subject to exploitation, inducement, pressure or coercion. (AE A at 4-6)

Applicant provided some financial support for his mother. (Tr. 93) He provided funds for her dental work. (Tr. 93) He estimated he provided about \$5,000 to her over the years. (AE A at 9-10) She has some other financial resources. She has her retirement plan, and Applicant's four brothers and two sisters provide financial support to her. (Tr. 93, 104)

Applicant, his spouse, and his father-in-law worked for a private company in Russia that constructed power plants immediately prior to Applicant and his family's immigration to the United States. (Tr. 52-55, 96) The company may have had some connections with the Russian Government because the power plants the company built were for the government. (Tr. 53-55, 60, 96) Applicant's father-in-law started working for the same company in 1985, and he continues to work for that company to the present. (Tr. 55, 97) His father-in-law should receive a pension from the Russian Government, which is similar to U.S. Social Security, and the pension is about \$200 per month. (Tr. 55-56) Applicant's sister works for the same company in Russia. (Tr. 97) His spouse has contacts with her parents in Russia about once a week. (Tr. 57, 61) The communications are about family matters and not about employment. (Tr. 62-63, 85) They do not send any funds to Applicant's parents-in-law. (Tr. 61)

Applicant's spouse visited Russia once after they immigrated to the United States for three days for her grandmother's funeral in 2019. (Tr. 57) She has one sister who resides in the United States and two brothers and one sister who reside in Russia. (Tr. 57, 61) Applicant's spouse communicates with her siblings who live in Russia about once a year on their birthdays. (Tr. 62) She works for a school in the United States. (Tr. 73)

Applicant and his spouse would report any threats or attempted coercion from Russia to U.S. officials. (Tr. 49, 90-91) His spouse said their children "speak English, they love American culture, American movies, [and] American food. They are American." (Tr. 50) His spouse is willing to renounce or reject her Russian citizenship, if the United States requests that she do so. (Tr. 51, 59, 92) After their two children were born in the United

States, they went to the Russian embassy and documented their children's Russian citizenship. (Tr. 59) They wanted to ensure that they could easily travel to Russia in the event of a medical emergency for a family member living in Russia. (Tr. 59-60) His spouse said they do not intend to travel to Russia now because of the war in Ukraine. (Tr. 60)

Applicant's spouse co-owns a condominium with her father in Russia. (Tr. 48, 58) Her father rents the condominium, and he keeps the rent. (Tr. 58-59) Applicant and his spouse do not receive any financial benefit from the property in Russia. (Tr. 48, 91) He estimated that her share of the condominium is worth about \$52,000. (AE A at 8) They are willing to transfer their interest in the property to her father. (Tr. 48, 92)

Applicant's father is deceased. (Tr. 100) Applicant has contacts with his family residing in Russia with the following frequency: his mother about one to three times a month; his mother-in-law, father-in-law, and brother about once or twice per year; and his sister and other brother about once a year. (Tr. 85-89; AE B at 4-8) He does not have contacts with his nieces and nephews in Russia, and he does not intend to contact them in the future. (Tr. 84) None of his immediate family members work for the Russian Government. (Tr. 89, 105) He does not believe that any of his immediate family members are supporters of the Russian Government. (Tr. 89)

Applicant has not visited Russia after arriving in the United States in 2016. (Tr. 104) He does not have any property or bank accounts in Russia. (Tr. 104) He renewed his Russian passport in 2024 because he wanted to be able to travel to Russia on short notice if his mother is ill. (Tr. 104-106)

Applicant is not in contact with his former coworkers where he worked in Russia before coming to the United States. (Tr. 99) After August of 2025, he reduced his contacts with family in Russia because he wanted to reduce the U.S. Government's security concerns. (Tr. 81; AE B) For example, he reduced his contacts with his parents-in-law from two to four times a year to once or twice a year. (AE B at 4) He enjoys his work for his employer, and he wants to contribute to his employer's goals. (Tr. 82) He intends to follow his employer's rules and comply with security requirements. (Tr. 82)

Applicant thoroughly and eloquently described his and his family's connections to the United States under the whole-person concept of his SOR response and the attached documents. (AE A at 10-24). He summarized his connections to the United States as follows:

I am a U.S. citizen, and my personal, professional, and community life is deeply rooted here. I work in the U.S., raise my four children here, and dedicate myself to the values and responsibilities that come with being part of this country. My loyalty to the United States is strong and unwavering. I understand the concerns associated with foreign family ties and take seriously the responsibilities that come with holding a security clearance. I have consistently demonstrated sound judgment, discretion, and loyalty in both my professional and personal conduct. I am committed to safeguarding

U.S. interests and have never engaged in any activity that would compromise national security. (AE A at 4)

Character Evidence

Applicant's family friend, a manager at his current employment, a parishioner at his church, and his spouse made statements on his behalf. (Tr. 22; AE A) The general sense of their statements is that Applicant is deeply committed and loyal to the United States. He is completely dedicated to his current and future life in the United States. He and his family are living their dream of freedom and are exceptionally successful in the United States. He is an excellent employee who makes significant contributions to the success of his employer. He is dedicated, diligent, and conscientious about his employment and security. The character evidence supports approval of his access to classified information.

Russia

Under Peter I (1682-1725), the Principality of Muscovy expanded and became the Russian Empire. The Roman dynasty was overthrown in 1917, ushering in communism and the formation of the Union of Soviet Socialist Republics (USSR). The USSR collapsed in 1991, and after a period of political and economic turmoil, Russia shifted toward a centralized, authoritarian state under President Vladimir Putin (2000-2008, 2012-present).

The Russia-Ukraine war has sporadically continued for more than 10 years. The war significantly increased in intensity in February of 2022. Russia's forces and officials were reported to have committed war crimes, crimes against humanity, and other abuses. Authorities used new laws to punish dissent and limit independent expression, 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 execution, torture, rape, and attacks killing and injuring civilians and damaging or destroying civilian infrastructure by Russia's forces in Ukraine. Russia's forces and officials committed crimes against humanity, including but not limited to deporting thousands of civilians to Russia, including children. The government operated an extensive system of filtration and detention operations that sometimes included the use of forced labor. Russia's occupation and purported annexation of Ukraine's Crimean Peninsula and four oblasts in eastern Ukraine affected significantly and negatively the human rights situation there, with credible reports of politically motivated arrests, detentions, and trials of Ukrainian citizens in Russia, many of whom claimed to have been tortured.

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 in its near abroad 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 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 Vladimir 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.

Domestic and foreign adversaries almost certainly will continue to threaten the integrity of our critical infrastructure with disruptive and destructive cyber and physical attacks, in part, because they perceive targeting these sectors will have cascading impacts on US industries and our standard of living. The People's Republic of China, Russia, and Iran will remain the most pressing foreign threats to our critical infrastructure.

Russia likely will continue to use traditional state-sponsored media, inauthentic websites, social media networks, online bots, trolls, and individuals to amplify pro-Kremlin narratives and conduct information operations targeting the United States. For example, over the past year, Russian influence actors have amplified stories regarding U.S. migration flows to stoke discord in the United States. One Russian malign influence campaign used generative AI to create current event news articles on inauthentic websites designed to appear as recognizable Western and U.S.-based media outlets.

Russian government-affiliated cyber actors will continue to seek access to U.S. federal, state, and local government and private sector networks for espionage purposes. These cyber actors persistently prioritize compromising U.S. entities in the software supply chain to improve their capabilities and decrease victims' ability to protect against and detect such activity. Moreover, compromises of U.S. firms within key elements of U.S. software supply chains can be used as springboards for access to other U.S. entities, which store data that Russia can use to advance its cyber espionage goals. For example, in late 2023, Russian Foreign Intelligence Service actors compromised a software development platform that would have enabled them to affect software supply chain operations.

Since 2023, U.S. authorities have charged more than 20 individuals for activities related to intellectual property theft and for violations of U.S. sanctions or export controls for China, Iran, and Russia. China's illicit procurement efforts have primarily focused on stealing sensitive U.S. technology and intellectual property from U.S. manufacturers and research institutions. Iran, North Korea, and Russia, by contrast, primarily purchase finished aerospace, electronics, and military technology products illegally through third-country intermediaries. For example, a recent Ukrainian study identified more than 700 U.S.-labeled semiconductors in weaponry seized from the Russian military on Ukrainian battlefields despite U.S. sanctions banning most trade with Russia since 2022.

The U.S. Department of State has issued a Level 4 Travel Advisory for Russia, advising U.S. citizens 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, especially outside of Moscow.

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. Under martial law, authorities can set curfews, seize property, restrict movement, detain foreigners, forcibly relocate residents, and limit public gatherings. 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.

Terrorists continue to plan and carry out attacks in Russia. The March 2024 Crocus City Hall incident in Moscow proved terrorists can strike suddenly. U.S. government employees working in Russia are prohibited from traveling to the North Caucasus, including Chechnya and Mt. Elbrus.

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 CT 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.

Outside of human rights abuses committed by Russia in relation to its invasion of Ukraine, significant human rights issues included credible reports of: arbitrary or unlawful killings; disappearances; torture or cruel, inhuman, or degrading treatment or punishment; arbitrary arrest and detention; instances of transnational repression against individuals in another country; serious abuses in a conflict; unlawful recruitment of or use of children in armed conflict by the government; serious restrictions on freedom of speech and media freedom, including violence or threats of violence against journalists, unjustified arrests or prosecutions of journalists, and censorship; restrictions of religious freedom; trafficking in persons, including forced labor; and significant presence of the worst forms of child labor.

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 people 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 an applicant’s allegiance, loyalty, or patriotism. It is merely an indication an 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;

(b) connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual's obligation to protect classified or sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information or technology; and

(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.

AG ¶¶ 7(a), 7(b), and 7(f) 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 mother, mother-in-law, father-in-law, four brothers, two sisters, and extended family members who are citizens and residents of Russia. His spouse co-owns real estate in Russia. He has provided financial support to his mother in Russia.

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).

There is a rebuttable presumption that a person has ties of affection for, or obligation to, their immediate family members. See *generally* ISCR Case No. 01-03120, 2002 DOHA LEXIS 94 at *8 (App. Bd. Feb. 20, 2002). Applicant has ties of affection and obligation to his spouse, and she has ties of affection to her parents. "[A]s a matter of common sense and human experience, there is a rebuttable presumption that a person has ties of affection for, or obligation to, the immediate family members of the person's spouse." ISCR Case No. 07-17673 at 3 (App. Bd. Apr. 2, 2009) (citing ISCR Case No. 01-03120 at 4 (App. Bd. Feb. 20, 2002)).

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 SOR does not allege that Applicant's spouse's connections to her parents who are citizens and residents of Russia raise a security concern. In a case with facts similar to Applicant's case, the Appeal Board in ISCR Case No. 12-05092 at 3-4 (App. Bd. Mar. 22, 2017) said:

Applicant challenges the sufficiency of the SOR allegation, asserting it only alleges his mother-in-law is a citizen and resident of Ukraine and does not allege that either his or his wife's contacts with his mother-in-law create a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion. It is well settled that an SOR is an administrative pleading that is not required to satisfy the strict requirements of a criminal indictment, and it does not have to allege every possible fact that may be relevant at the hearing. Considering the record as a whole, the Board concludes that the SOR issued to Applicant placed him on adequate notice of the allegation in question.

Applicant has frequent contacts with his mother, and his spouse has frequent contacts with her parents. Their parents are citizens and residents of Russia. He shares living quarters with his spouse, and his relationship with her, and her to her parents, adds to the "risk of foreign inducement, manipulation, pressure, or coercion." Their frequent contacts with family are manifestations of their care and concern for their relatives living in Russia.

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 and his spouse's relatives live in Russia and their 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 and his spouse'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 Applicant's mother, mother-in-law, and father-in-law 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. Applicant and his family have resided in the United States since 2016. He received U.S. citizenship in 2022. He has not served in the United States or Russian militaries. He was educated in Russia. His spouse and children are U.S. citizens. He owns property in the United States, and he has U.S. employment as a DOD contractor. He 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 has reduced contacts with his family in Russia after August of 2025. 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 contacts with everyone in Russia, except for his mother and his spouse's communications with everyone except for her parents, are infrequent. However, he cannot be given full mitigative credit because his and his spouse's family living in Russia are their parents. Moreover, these contacts 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) (disagreeing with the administrative judge's conclusion that contacts with immediate family members in Russia were casual and reversing grant of security clearance).

Applicant's spouse's part ownership of a condominium with his father is mitigated under AG ¶ 8(f). She is willing to transfer that ownership to her father upon the request of security officials.

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 cited his mother's retirement and relative obscurity to support risk reduction. "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 has not rebutted the concern arising from his and his spouse's relationships with their parents 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.

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 Guideline B are incorporated in my whole-person analysis. Some of the factors in AG ¶ 2(d) were addressed under that guideline but some warrant additional comment.

Applicant is a 43-year-old engineer who has worked for a DoW contractor for two years. In 2002, he received a degree in architecture in Russia, and in 2007, he received a master's degree in engineering in Russia. He disliked the politics in Russia, and he prefers living in United States because it is a democracy. He denied any loyalty to Russia.

In 2005, Applicant married, and he has four children. Applicant, his spouse and four children are all dual citizens of Russia and the United States. In 2016, Applicant moved to the United States with his spouse and two children. He was naturalized as a U.S. citizen in 2022. His other two children were born in the United States. His son has been admitted to a university in the United States, and his daughter is in high school in the United States. His children have successfully competed in several academic competitions in the United States. He has voted in two U.S. elections.

Applicant provided character evidence from friends and coworkers. The general sense of their statements is that Applicant is deeply committed and loyal to the United States. He is completely dedicated to his current and future life in the United States. He and his family are living the dream of freedom and are exceptionally successful in the United States. He is an excellent employee who makes significant contributions to the success of his employer. He is dedicated, diligent, and conscientious about his employment and security. The character evidence supports approval of his access to classified information. Applicant's loyalty to and connections with his family, including his family in Russia, 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 and his spouse have frequent contacts with their parents, and their parents are citizens and residents of Russia. He provided some financial support to his mother after immigrating to the United States. His relationships with other relatives and friends in Russia are 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 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 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
Subparagraphs 1.a and 1.b:	Against Applicant
Subparagraphs 1.c, 1.d, and 1.e:	For Applicant
Subparagraph 1.f:	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