



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



In the matter of: )  
)  
) ISCR Case No. 24-00540  
)  
Applicant for Security Clearance )

**Appearances**

For Government: Karen Moreno-Sayles, Esq., Department Counsel  
For Applicant: Daniel P. Meyer, Esq.

04/23/2026

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**Decision**

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HOGAN, Erin C., Administrative Judge:

Applicant mitigated the foreign influence security concerns. Eligibility for access to classified information is granted.

**Statement of the Case**

On June 17, 2024, the Defense Counterintelligence and Security Agency (DCSA) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline B (foreign influence). Applicant responded to the SOR on July 9, 2024 (Answer) and requested a hearing before an administrative judge. The case was assigned to another administrative judge on January 13, 2025, and the hearing was initially scheduled and convened on September 10, 2025. On the date of the hearing, the administrative judge granted Applicant's request for a continuance so that he could seek counsel. Applicant retained counsel to represent him at the hearing. The scheduling of the second hearing was delayed and held in abeyance because of a federal government shutdown due to a lapse in federal funding from October 1, 2025, to November 12, 2025. After the shutdown ended, the case was transferred to me on December 15, 2025, and the hearing was scheduled for February 10, 2026.

On January 9, 2026, the Government amended the SOR to add the following subparagraphs under Guideline B:

1.c. Your mother-in-law and father-in-law are citizens and residents of Ethiopia; and

1.d. Your brothers-in-law are citizens and residents of Ethiopia.

Applicant responded to the amendment to the SOR on January 11, 2026. (AE C)

The hearing was convened as rescheduled over the Microsoft Teams online network. Government Exhibits (GE) 1 and 2 were admitted in evidence without objection. On the Government's motion, and, without objection, I took administrative notice of certain facts about the country of Ethiopia, as contained in official U.S. Government documents (Administrative Notice (AN) I). I marked the Government's discovery letter which contained the Government Exhibit List as Hearing Exhibit (HE) I. Applicant testified and provided five documents that I entered into evidence as Applicant Exhibits (AE) A through E, without objection. I also marked a prepared brief from Applicant's counsel as HE II. I marked Applicant's Exhibit list as HE III. The transcript was received on February 24, 2026.

After the hearing, the record was reopened to allow Applicant to submit additional documents as a result of administrative issues. He submitted two documents, which were marked and admitted without objection as AE F (4 pages) and AE G (2 pages). The Government's response to admissions of AE F-G were marked as HE IV and HE V.

Several names and other facts have been modified to protect Applicant's privacy interests. More detailed facts can be found in the record.

### **Findings of Fact**

In his Answers to the SOR and Amended SOR, Applicant admitted the SOR allegations with additional comments. His admissions are incorporated in my findings of fact. (Answers to SOR and Amended SOR)

Applicant is a 59-year-old employee of a government contractor. He has worked for various government contractors since 2011, both in the U.S. and overseas. He received his first security clearance in 2011. He was born, raised, and educated in the United States. His highest level of education is a high school diploma and some college. He has been married three times. He has seven children, including a three-year-old son with his current wife, who he married on October 4, 2022. They are also expecting a second child. (Tr. 19-21; GE 1; AE C)

In the SOR and Amended SOR, the Government alleged the following: Applicant's wife is a citizen and resident of Ethiopia (SOR ¶ 1.a: GE 1 at 38; GE 2 at 3-4, 17, 25-26); his son is a resident of Ethiopia (SOR ¶ 1.b: GE 2 at 2-4); his mother-in-law and father-

in-law are citizens of and reside in Ethiopia (SOR ¶ 1.c: GE 2 at 5; GE 3 at 26); and his brothers-in-law are citizens of and reside in Ethiopia (SOR ¶ 1.d: GE 2 at 5; GE 3 at 26).

Applicant met his wife in May 2018 while both were working and living in Country One. His wife is a citizen of Ethiopia. Over the last 15 years, she has resided and worked in Country One as a contractor on a U.S. military base. In October 2019, Applicant's contract in Country One ended and he worked in the U.S. for two years. In December 2021, he accepted a position with a government contractor in Country Two. His girlfriend (now wife) stayed in Country One. In April 2022, he visited her in Country One. On October 4, 2022, they got married. She was expecting their first child. She moved to Country Two to reside with him. Their son was born in Country Two on January 26, 2023. He is a U.S. citizen by virtue of his father's U.S. citizenship. Applicant registered his son with the U.S. State Department and applied and received a social security card for his son. (Tr. 9, 23; AE C)

In August 2023, Applicant's contract in Country Two ended and he returned to the U.S. to work, in part, because one of his older sons wanted to complete his senior year in high school in the U.S. Applicant's wife and youngest child moved to Ethiopia and lived with her parents and two brothers. They moved to Ethiopia because they were waiting for his wife's immigration interview for a U.S. VISA. They resided in Ethiopia for about two years from August 2023 to August 2025. (Tr. 9; AE F at 1)

In August 2025, Applicant took a contract job in Country One. He applied for a [Country One] Family VISA in order to bring his wife and child to Country One, and they moved to live with Applicant that same month. In October 2025, his wife received her U.S. permanent resident card and social security number. Shortly after, Applicant, his wife and son moved to the U.S. (Tr. 9, 30-37; AF F; AE G)

Applicant's parents-in-law and two brothers-in-law are citizens and residents of Ethiopia. He believes his parents-in-law are retired. He is not sure what they did before they retired. His two brothers-in-law live at home with his wife's parents. He believes the older brother-in-law is 32. Applicant does not know where he works. The younger brother-in-law (age unknown) is a mechanic who works on washing machines and dryers. Neither brother served in the Ethiopian military. (Tr. 38-39)

Applicant's wife talks to her parents about once or twice a week, often by video chat. If her brothers are around, she will talk to them as well. His in-laws don't speak English, so he does not talk to them often. His wife occasionally sends her parents money, usually around \$50 to \$100. His wife sent her family about \$700 after they moved to the U.S. Applicant and his wife have never discussed sponsoring his in-laws for U.S. citizenship or bringing them to the U.S. They have only discussed raising their children in the U.S. and his wife's wishes to get more education. (Tr. 37-41)

Applicant is currently working on a government contract in Country Three. He returned to the U.S. in February 2026. He will be in the U.S. for a few more months and will then return to Country Three. His wife will remain in the U.S. until she gives birth. She

and the children will then move to Country Three to live with him while he completes work on his current contract. They have no plans to visit his wife's family in Ethiopia in the future. (Tr. 42-43) Applicant does not have any bank accounts or property in Country One and he and his spouse do not own any property in Ethiopia. He has complied with the requirement to report foreign contacts to his security officials. (Tr. 25, 26)

### **Whole-Person Evidence**

Applicant provided 12 letters of reference from people who have either worked with him or have known him for many years. I have reviewed each letter. Here are a few examples:

Mr. D.M. Jr. is a retired senior military officer with of 31 years of active-duty service in the U.S. Army. He led formations in three global conflicts: Persian Gulf War 1990 to 1991; Operation Iraqi Freedom, and Operation Enduring Freedom. He has maintained a top-secret clearance since 2012. He has known Applicant for over 53 years. They lived next to each other when they were children and he is like a brother to him. Mr. D.M. Jr. describes him as "an upstanding individual with an impeccable work ethic who has gained the trust and admiration of his friends and co-workers." He is aware that Applicant met and married a young lady from Ethiopia while in Country One. He understands that she is a long-time employee at a U.S. military base in Country One. He has no concerns about Applicant's ability to safeguard classified information and recommends him for a security clearance. (AE D at 8-9)

Mr. K.W. was Applicant's supervisor when they were stationed in Country Four. He supervised Applicant for approximately eight months. Their positions required a high level of trust, discipline, and accountability. They were entrusted with responsibilities directly related to the safety and security of military personnel assigned to the camp. Applicant consistently demonstrated professionalism, sound judgment and a mission-first mindset. When Mr. K.W. left, Applicant took over his role of supervisor because his performance established confidence in his leadership, maturity, and judgment. Mr. K.W. is confident in Applicant's ability to safeguard sensitive and classified information and recommends that he retain his security clearance. (AE D at 16-17)

Ms. T.B. has known Applicant for about 15 years. They first met when they worked together in 2011 as contractors in Country Five. She had worked with him in a top-secret environment where strict security protocols and integrity were critical at all times. He was honest, professional and straight forward in the workplace. He was very security conscious. His reliability and integrity made him a trusted and valued colleague in a sensitive operational setting. She is aware of Applicant's marriage to a foreign national. She has no concerns about his loyalty to the United States or his ability to properly safeguard classified information. She recommends his security clearance be granted. (AE D at 1)

The other reference letters made similar favorable comments about Applicant's trustworthiness and reliability, his exemplary duty performance, and his dedication to protecting classified information. (AE D at 2-7, 10-15)

### **Administrative Notice – Ethiopia**

I considered the facts in the administrative notice documents presented by the Government (AN 1) and by the Applicant (AE E). The Government included information from the U.S. Department of State and other Government Agencies about the United States' relations with Ethiopia and the conditions in that country. I take administrative notice of the information included in those documents including but not limited to:

The Ethiopian People's Revolutionary Democratic Front (EPDRF), an ethno-federalist political coalition, ruled Ethiopia from 1991 until its dissolution in 2019. Ethiopia adopted its constitution in 1994 and held its first multiparty elections in 1995. In 2019, Ethiopia's nearly 30-year ethnic-based ruling coalition, the EPDRF, merged into a single unity party called the Prosperity Party; however, the lead coalition party, the Tigray People's Liberation Front (TPLF), declined to join. In 2020, a military conflict arose between the TPLF and the Ethiopian military. The conflict resulted in atrocities committed by all parties and ended in 2022 with a cessation of hostilities agreement between the parties. Ethiopia continues to experience ethnic-based violence as other groups such as the Oromo Liberation Army (OLA) and Amhara Militia Fano, seek concessions from the Ethiopian government.

The U.S. is also concerned about ongoing conflicts – in Amhara, Oromia, and elsewhere – that threaten Ethiopia's fragile peace. Continued human rights violations and abuses by multiple actors and the circulation of toxic rhetoric further erode a social fabric worn thin by war. Ethiopia has made strides towards peace, however, internal conflicts have complicated the pursuit of peace and stability and created an environment where human rights abuses can proliferate.

Al-Qaida and its regional affiliate, Somalia-based al-Shabab, maintain a presence throughout East Africa. In late 2020, Ethiopian-based security officials announced the arrest of al-Shabab and ISIS members who were accused of planning attacks in Addis Ababa and other parts of Ethiopia. Current information indicates terrorist organizations continue to plan terrorist attacks against U.S. citizens and Western targets and interests in East Africa. Terrorist groups and those inspired by such organizations are intent on attacking U.S. citizens abroad.

The most recent annual Human Rights Report by the U.S. Department of State reported significant human rights issues that included credible reports of arbitrary and unlawful killings, including extrajudicial killings; enforced disappearance; torture or cruel, inhuman, or degrading treatment or punishment by the government; harsh and life-threatening prison conditions, arbitrary arrest and detention; political prisoners or detainees; serious abuses in a conflict, including reportedly unlawful or widespread civilian death or harm, enforced disappearances of abductions, forcible transfers of

civilian populations, torture, physical abuses, conflict-related sexual violence or punishment; serious restrictions on freedom of expression and media freedom, including violence or threats of violence against journalists, unjustified arrests of journalists, censorship, and the existence of criminal libel and slander laws; serious restrictions on internet freedom; substantial interference with the freedom of peaceful assembly and association, including overly restrictive laws on organization funding; serious government corruption; serious government restrictions on or harassment of domestic and international human rights organizations; extensive gender-based violence, including rape and sexual violence; crimes involving violence or threats of violence targeting members of racial or ethnic minority groups; and laws criminalizing consensual same-sex sexual conduct between adults, which were enforced.

In 2023, the United States and Ethiopia commemorated 120 years of diplomatic relations based on sharing mutual interests in promoting peace, stability, and economic development. Ethiopia is Africa's second most populous country and is a longstanding U.S. diplomatic and trade partner. The country hosts a number of American residents and visitors, advances mutual goals for regional stability, and represents an attractive market for U.S. economic and commercial interests.

### **Policies**

This case is adjudicated under Executive Order (EO) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG), which became effective on June 8, 2017.

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines. In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are to be used in evaluating an applicant's eligibility for access to classified information.

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, administrative judges apply the guidelines in conjunction with the factors listed in the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(c), the entire process is a conscientious scrutiny of a number of variables known as the "whole-person concept." The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision.

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that "[a]ny doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security."

Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, the applicant is responsible for presenting “witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by the applicant or proven by Department Counsel.” The applicant has the ultimate burden of persuasion to obtain a favorable security decision.

A person who seeks access to classified information enters into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it grants access to classified information. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation of potential, rather than actual, risk of compromise of classified information.

Section 7 of EO 10865 provides that adverse decisions shall be “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See *also* EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

## **Analysis**

### **Guideline B, Foreign Influence**

The security concern for foreign influence is set out in AG ¶ 6:

Foreign contacts and interests, including, but not limited to, business, financial, and property interests, are a national security concern if they result in divided allegiance. They may also be a national security concern if they create circumstances in which the individual may be manipulated or induced to help a foreign person, group, organization, or government in a way inconsistent with U.S. interests or otherwise made vulnerable to pressure or coercion by any foreign interest. Assessment of foreign contacts and interests should consider the country in which the foreign contact or interest is located, including, but not limited to, considerations such as whether it is known to target U.S. citizens to obtain classified or sensitive information or is associated with a risk of terrorism.

The guideline notes several conditions that could raise security concerns under AG ¶ 7. The following are potentially applicable in this case:

(a) contact, regardless of method, with a foreign family member, business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion; 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.

The nature of a nation's government, including its level of control, its relationship with the United States, and its human-rights record are relevant in assessing the likelihood that an applicant's family members and foreign contacts are vulnerable to coercion or inducement. The risk of coercion, persuasion, or duress is significantly greater if the foreign country has an authoritarian government, a family member or friend is associated with or dependent upon the government, the country is known to conduct intelligence collection operations against the United States, or the foreign country is associated with a risk of terrorism.

Guideline B is not limited to countries hostile to the United States. "The United States has a compelling interest in protecting and safeguarding classified information from any person, organization, or country that is not authorized to have access to it, regardless of whether that person, organization, or country has interests inimical to those of the United States." ISCR Case No. 02-11570 at 5 (App. Bd. May 19, 2004). The country conditions in Ethiopia, such as multiple simultaneous internal conflicts, heightening inter-ethnic tension, terrorism, kidnapping, and multiple human rights violations, raise the security concerns to the level of a heightened risk.

Applicant's parents-in-law and two brothers-in-laws are citizens and residents of Ethiopia. Applicant and his wife's connections to her Ethiopian family members presents a heightened risk of foreign exploitation and a potential conflict of interest. As a matter of common sense and human experience, there is a rebuttable presumption that a person has ties of affection for, or obligation to, their immediate family members and longstanding friends. Application of the AG is not a comment on an applicant's patriotism but merely an acknowledgment that people may act in unpredictable ways when faced with choices that could be important to a loved one, such as a family member. (ISCR Case No. 08-10025 at 4 (App. Bd. Nov. 3, 2009). AG ¶¶ 7(a), and 7(b) apply.

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

(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; and

(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.

Applicant was born and raised in the United States. He has worked for the U.S. government as a contractor since 2011 both in the U.S. and at overseas locations. His immediate family members are all U.S. citizens residing in the U.S. He does not have a close relationship with his in-laws because he does not see them on a regular basis and there is a language barrier. He, his wife, and youngest son currently reside in the U.S., and his wife is a permanent resident of the U.S. Their son is a U.S. citizen, and their second child will also be a U.S. citizen. Both his wife and son have social security cards. In several months, they will move to Country Three where Applicant will complete his current work contract. Applicant and his wife are focused on insuring that their children will be raised in the U.S. It is unlikely that Applicant will be placed in the position of having to choose between the interests of a foreign individual, group, organization, or government and the interests of the United States. AG ¶ 8(a) applies. The reference letters provided by Applicant's friends and co-workers and the fact that his older children are citizens of and reside in the U.S. reveal that he has longstanding relationships and loyalties in the United States. These facts support the premise that he can be expected to resolve any conflict of interest in favor of the United States interests. AG ¶ 8(b) applies.

The security concerns raised under Foreign Influence are 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 relevant circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(d):

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

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept. I have incorporated my comments under Guideline B in my whole-person analysis. I have considered Applicant's past and current employment history with DOD contractors. He was first granted a security clearance in 2011 and has had no security incidents or violations. I considered

the favorable comments provided by his friends and co-workers. I considered that his wife is a permanent U.S. resident, and his son is a U.S. citizen. They no longer reside in Ethiopia. All of Applicant's immediate family members are U.S. citizens who currently reside and work in the United States. The foreign influence security concerns are mitigated.

### **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:	FOR APPLICANT
Subparagraphs 1.a - 1.d:	For Applicant

### **Conclusion**

It is clearly consistent with the national interest to grant Applicant eligibility for a security clearance. Eligibility for access to classified information is granted.

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Erin C. Hogan  
Administrative Judge