



**DEFENSE LEGAL SERVICES AGENCY
DEFENSE OFFICE OF HEARINGS AND APPEALS**



In the matter of:)
)
) ISCR Case No. 25-00668
)
)
Applicant for Security Clearance)

Appearances

For Government: William Miller, Esq., Department Counsel
For Applicant: *Pro se*

05/18/2026

Decision

LOKEY ANDERSON Darlene D., Administrative Judge:

Statement of the Case

On August 11, 2023, Applicant submitted a security clearance application (e-QIP) (Government Exhibit 1.) On July 23, 2025, the Defense Counterintelligence and Security Agency Consolidated Adjudication Services (DCSA CAS) issued Applicant a Statement of Reasons (SOR), detailing security concerns under Guideline B, Foreign Influence; and Guideline C, Foreign Preference. The action was taken under Executive Order 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 *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (AG), effective within the DoD after June 8, 2017.

Applicant answered the SOR on August 13, 2025, and requested a hearing before an administrative judge. The case was assigned to me on November 13, 2025. The Defense Office of Hearings and Appeals issued a notice of hearing on January 8, 2026, and the hearing was convened as scheduled on March 18, 2026. The Government offered two exhibits, referred to as Government Exhibits 1 and 2, which were admitted

without objection. Applicant testified, but called no witnesses and offered no exhibits. DOHA received the transcript of the hearing (Tr.) on April 6, 2026.

Procedural Rulings

The Government requested I take administrative notice of certain facts relating to the country of Somalia. Without objection I have taken administrative notice of the facts contained in the request. (HE-1.) The facts are summarized in the written request and will not be repeated verbatim in this decision. The Department of State has issued a Level 4: Do Not Travel Advisory for Somalia due to the crime, terrorism, civil unrest, health, kidnapping, piracy, and lack of availability of routine consular services. Due to security risks, U.S. government employees are prohibited from traveling outside the Mogadishu International Airport complex where the U.S. Embassy is located. Violent crime is common throughout Somalia, including kidnapping and murder. (HE 1.) In assessing the heightened risk created as a result of a security clearance, the Applicant's ties to a hostile country are important.

Findings of Fact

Applicant admitted each of the allegations in the SOR. After a thorough and careful review of the pleadings, exhibits, and testimony, I make the following findings of fact.

Applicant is 52 years old, and is married but separated from his wife. They have three children, one adult, and two minors. He has a Bachelor's Degree he obtained in 1999 from a University in Egypt; and an Associate's Degree in 2001, from Education America. He stated that he is self-employed as a business owner and a Consultant. However, he is applying for a position as a linguist with a U.S. defense contractor. A security clearance is needed in connection with this employment.

Applicant was born and raised in Somalia. In September 1998, at the age of 25 or 26, Applicant came with his family, which included his mother and nine siblings, to the United States as refugees seeking a better life. His family was sponsored by refugee agencies in the U.S. In 2004, Applicant became a naturalized U.S. citizen. In 2007, after obtaining a Top Secret and Special Compartmented Information Security Clearance, he was employed with a defense contractor as an Interpreter/Linguist/Analyst. From 2007 until about 2013, he worked as an Arabic and Somali linguist to support our deployed forces both in the Middle East and East Africa, serving the Department of Defense and other allies in their operational areas. In 2013, his employer lost their contract. In 2014, he returned to the same job under a one-year contract with a different employer. This job lasted until August 2014. (Tr. pp. 31-33.)

Applicant stated that while he worked for the U.S. Government as an interpreter, he was not permitted to hold dual citizenship, and was only a U.S. citizen. In 2014, Applicant left the United States and returned to his homeland of Somalia. In January 2015, he reclaimed his Somali citizenship, and became a dual citizen of Somalia and the United States. (Tr. p. 27.)

From 2014 until January 2023, Applicant lived and worked in Somalia, and served as a legislator at the highest levels of the Somali state and Federal government. His desire was to help improve the lives of the Somali people and to establish a working government for the Somali people. At times, he received benefits or entitlements from the Somalia government because he was a high-level government official. Applicant lived in government housing provided to him for his protection. He also received financial compensation from the Somali government for serving in these various political offices.

During his eight years in Somalia, Applicant returned to the United States only a few times for very brief periods to visit his parents. His wife and children were living in Egypt from 2010 to 2023. (Tr. p. 36.) Applicant would travel to see his family in Egypt from time to time. (Tr. p. 42.) Applicant stated that he continued to file his annual income tax returns in the United States during the eight years he lived and worked in Somalia. (Tr. p. 45.)

While in Somalia, Applicant was provided government housing for his personal safety and protection. He explained that the Al Shabaab, (an Islamic terrorist group affiliated with Al Qaeda) was targeting him, and his region of Somalia. The government positions he held in the Somali government were potentially life threatening and dangerous, because Al Shabaab did not want them to establish a government. (Tr. p. 48.) The Al-Shabaab was also targeting Foreign Forces and foreign representatives who live in Somalia, as well as United Nation workers.

Applicant confirmed that in October 2017, thousands of people were killed in Somalia because of a truck bombing incident caused by the Al Shabaab. (Tr. p. 50.)

Applicant was paid by the Somali government to serve as a Somali government official. He also received pay from a United Nations agency, until December 2016. (Tr. pp. 67-68.)

In 2024, Applicant's wife, who is also a United States citizen, returned to Somalia, and now works with the Somali government. Applicant's half-brother is a citizen and resident of Somalia. Applicant stated that since 1999, he has provided between \$100 and \$300 quarterly in financial support to his relatives in Somalia, who are citizens and residents there. He is now the oldest of the siblings in the family and feels obligated to help his relatives. (Tr. p. 92.) He maintains two bank accounts in Somalia that contain about \$10,000.

Policies

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines (AG). 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 AG ¶ 2 describing the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(a), the entire process is a conscientious scrutiny of a number of variables known as the whole-person concept. The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision.

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that "[a]ny doubt concerning personnel being considered for national security eligibility will be resolved in favor of national security." In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record.

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, and has the ultimate burden of persuasion as to obtaining a favorable clearance decision."

A person who applies for access to classified information seeks to enter 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 protect or safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified information.

Section 7 of Executive Order (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 C, Foreign Preference

¶ 9: The security concern relating to the guideline for Foreign Influence is set out in AG

When an individual acts in such a way as to indicate a preference for a foreign country over the United States, then he may provide information or make decisions that are harmful to the interests of the United States.

Foreign involvement raises concerns about an individual's judgement, reliability, and trustworthiness when it is in conflict with U.S. national interests or when the individual acts to conceal it. *By itself*, the fact that a U.S. citizen is also a citizen of another country is not disqualifying without an objective showing of such conflict or attempt at concealment. The same is true for a U.S. citizen's exercise of any right or privilege of foreign citizenship and any action to acquire or obtain recognition of a foreign citizenship.

The guideline notes several conditions that could raise security concerns under AG ¶ 10. Two are potentially applicable in this case:

- (a) applying for and/or acquiring citizenship in any other country.
- (d) participation in foreign activities, including but not limited to:
 - (1) assuming or attempting to assume any type of employment, position, or political office in a foreign government or military organization.

After immigrating to the United States in 1998, and becoming a naturalized U.S. citizen in 2004, Applicant returned to Somalia in 2014, and reclaimed his Somali citizenship. While in Somalia he served in various positions as a high-level government official in the Somali government. The evidence is sufficient to raise the above disqualifying conditions.

AG ¶ 11 provides conditions that could mitigate security concerns. I considered all of the mitigating conditions under AG ¶ 11 including:

- (a) the foreign citizenship is not in conflict with U.S. national security interests;
- (e) the exercise of the entitlements or benefits of foreign citizenship does not present a national security concern; and
- (f) the foreign preference, if detected, involved a foreign country, entity, or association that poses a low national security risk.

Applicant's eight years of serving as a Somalian government official and his political associations in Somalia demonstrate a foreign preference for Somalia over the U.S. None of the mitigating conditions are applicable.

Guideline B, Foreign Influence

The security concern relating to the guideline 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. Four 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;

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

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

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

Applicant's foreign contacts and connections in Somalia are significant. They include family members and friends, business associates and government officials. Applicant's wife, who currently resides in Somalia, is a government official. Applicant's half-brother, is a citizen and resident in Somalia. There are also many other foreign contacts Applicant has established through his political and business associations in Somalia that will go unnamed; but can be presumed. The very nature of Applicant's government work in Somalia, and the various high level government positions he held in the Somali government show that there is a strong foreign influence. Applicant also maintains two bank accounts in Somalia valued at \$10,000, which is more money than he has in the United States. Applicant has been a constant target for danger because of his work as a politician in Somalia and any of his affiliations may be subject to a security

risk and victims of terrorism. Applicant mentioned that relatives of government officials could also be targeted. Based upon the evidence, Applicant has significant foreign connections that could at any time threaten or influence his decision making or make him vulnerable to divided allegiance or pose a risk to the national security of the United States.

Under the particular circumstances here, the risk-benefit analysis is applicable, and Applicant's history shows a foreign preference and foreign influence through his foreign government work, and his extensive foreign contacts, foreign connections, and foreign financial assets which may pose a significant security risk to the U.S. government. These foreign connections may at any time manipulate or induce the Applicant to help a foreign person or the Somalia government in a way that is inconsistent with the U.S. interests. The evidence is sufficient to raise these disqualifying conditions.

AG ¶ 8 provides conditions that could mitigate security concerns. I considered all of the mitigating conditions under AG ¶ 8 including:

(a) the nature of the relationships with foreign persons, the country in which these persons are located, or the positions or activities of those persons in that country are such that it is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual, group, organization, or government and the interests of the United States;

(b) there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, or allegiance to the group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the United States, that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest; and

(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.

As a native-born Somali citizen, who became a naturalized citizen of the United States, and then reclaimed his Somali citizenship, Applicant has shown a preference for Somalia. He returned to Somalia from the U.S. and recently held a number of high-level political offices in the Somali government. Often, under dangerous circumstances. His deep commitment to the Somali people and the government there is obvious, and his foreign connections, foreign relationships, and foreign assets, can create a divided allegiance. Applicant's actions raise concerns about his reliability and trustworthiness when it may come in conflict with U.S. national interests. Any conflict of interest could effectively be used to influence, manipulate or pressure the Applicant to act against the interests of the U.S. Although Applicant is applying for a position with the U.S. government, he is deeply ingrained in the Somali government, their political system, and the needs of its people and their interests. None of the mitigating conditions are applicable.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for a security clearance by considering the totality of the applicant's conduct and all relevant circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(d):

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

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept.

I considered the potentially disqualifying and mitigating conditions in light of all facts and circumstances surrounding this case. I have incorporated my comments under Guidelines C and B in my whole-person analysis. Some of the factors in AG ¶ 2(d) were addressed under those guidelines, but some warrant additional comment.

Applicant's recent history shows a foreign preference for Somalia over the U.S. His foreign contacts and connections there show that foreign influence from Somalia may pose a security risk to the U.S. government. Applicant is commended for his past work with our U.S. Armed Forces. However, more recently, he has turned his focus. His recent political work and deep commitment has been to the Somali people and in establishing their government, even in the face of danger.

Overall, the record evidence leaves me with questions and doubts as to Applicant's eligibility and suitability for a security clearance. For all these reasons, I conclude Applicant has not mitigated the Foreign Preference and Foreign Influence security concerns.

Formal Findings

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

Paragraph 1, Guideline C:	AGAINST APPLICANT
Subparagraphs 1.a., through 1.j.	Against Applicant

Paragraph 2, Guideline B: AGAINST APPLICANT

Subparagraphs 2.a., through 2.e. Against Applicant

Conclusion

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

Darlene Lokey Anderson
Administrative Judge