



DEFENSE LEGAL SERVICES AGENCY
DEFENSE OFFICE OF HEARINGS AND APPEALS



In the matter of:)
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) ISCR Case No. 25-00814
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Applicant for Security Clearance)
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Appearances

For Government: Carroll J. Connelley, Esq., Department Counsel
For Applicant: *Pro se*

06/08/2026

Decision

FOREMAN, LeRoy F., Administrative Judge:

Applicant did not mitigate the security concerns under Guideline F (Financial Consideration) and Guideline B (Foreign Influence). His application for eligibility for access to classified information and assignment to duties designated as national security sensitive is denied.

Statement of the Case

Applicant submitted a Questionnaire for National Security Positions (SCA) on November 26, 2024. On July 24, 2025, the Defense Counterintelligence and Security Agency (DCSA) sent him a Statement of Reasons (SOR) alleging security concerns under Guidelines F and B. The DCSA acted under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; Department of Defense (DOD) Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) promulgated in Security Executive Agent Directive 4, *National Security Adjudicative Guidelines* (December 10, 2016), which became effective on June 8, 2017.

Applicant answered the SOR on August 27, 2025, and requested a decision on the written record in lieu of a hearing. Department Counsel submitted the Government's written case on February 3, 2026. A complete copy of the file of relevant material (FORM) was sent to Applicant, who was given an opportunity to file objections and submit material to refute, extenuate, or mitigate the Government's evidence. He received the FORM on March 3, 2026, and submitted a response. Department Counsel did not object to Applicant's response. The case was assigned to me on April 30, 2026.

The Government's FORM consists of the pleadings in the case (Government Exhibit (GE) 1), the documents in support of the allegations in the SOR (GE 1 through 7), and Government's motion that I take administrative notice of certain facts about the country conditions in Afghanistan, as well as its relationship with the United States as of February 3, 2026, as referenced in official U.S. Government documents (Administrative Notice (AN) I). GE 1 through 7, as well as Applicant's response to the Government's FORM, are admitted into evidence, without objection. I also have taken administrative notice of the facts contained in AN I, without objection.

Findings of Fact

The SOR alleges five separate delinquent accounts comprised of consumer debt totaling approximately \$41,000 (SOR ¶¶ 1.a and 1.e). All the debts alleged on the SOR are reported as delinquent on Applicant's credit bureau reports (CBR) accessed in November 2024 (GE 5) and June 2025 (GE 6). The SOR also alleges that Applicant's mother, sister, and two brothers are citizens and residents of Afghanistan (SOR ¶ 2.a.). (GE 2-4) In his answer to the SOR, Applicant admits all the allegations. (GE 1) His admissions are incorporated in my findings of fact.

Applicant is a 60-year-old married man with four adult and two minor children. He has no prior military history and obtained his bachelor's degree in 1995 and a master's degree in 1999. He is a native of Afghanistan and immigrated to the United States in 2016. He became a naturalized United States citizen in 2022. He has been sponsored by a government contractor since November 2024.

Applicant's financial condition was stable until his wife became seriously ill in 2023. After exhausting all available options to find effective treatment for her condition domestically, they decided to seek medical care abroad. Although Applicant had ample savings at the time, the medical treatment his wife needed was more extensive than he had anticipated. The medical costs, coupled with two months of living and housing expenses abroad, necessitated him to overextend himself financially and rely heavily on credit cards to make ends meet. During this time, he also lost his job, which further impacted his financial stability. (GE 1 - 4)

In June 2023, Applicant engaged the services of a debt-resolution company to resolve his debt. He enrolled approximately \$34,301 of his debt in the program with the intent to make monthly payments of \$491 to resolve his debt. The debts initially enrolled are listed in SOR ¶¶ 1.a -1.c. In February 2025, he added the debt listed in SOR ¶¶ 1.d, raising his monthly payment obligation to \$652 for the next four years through February 2029. He provided copies of the email communication with the company discussing the

addition of two accounts, those listed in SOR ¶ 1.d and 1.e. Based on a ledger dated July 2025, since engagement, he has deposited approximately \$6,760 into the account in consistent approximate monthly payments of \$491, and later \$643. The funds deposited are being used to cover monthly service fees and payments to the creditor listed in paragraphs ¶¶ 1.a-1.b.

In Applicant's response to Government's FORM, he provided updated information regarding his debt-resolution program. He stated that to date his debt-resolution program had successfully settled three of his outstanding debts, that he recently deposited \$4,000 into his account, and that the remaining three debts were scheduled to be resolved in the coming weeks. He anticipates being free of debt and associated financial disputes in the near future.

The SOR alleges a foreign influence concern, as it relates to Applicant's immediate family members, who are citizens and residents of Afghanistan. He admits the foreign family contacts but denies foreign influence concerns. His foreign family members consist of his mother, one sister, and two brothers. His mother is elderly and sick and his sister cares for her. He checks in on their well-being as needed. He insists that their relationship is purely personal and non-political in nature, that he maintains no ties to any other foreign persons or organizations, that his loyalties are with the United States, and that he holds no divided allegiance nor has any interests that conflict with those of the United States. (GE 1 Answer)

I have taken administrative notice of the following facts regarding Afghanistan. The United States established diplomatic ties with Afghanistan in 1935. In 2012, the United States and Afghanistan entered into the Strategic Partnership Agreement to strengthen their bilateral relationship, support Afghanistan's capabilities as a partner, and improve the lives of the Afghan people. In February 2020, the United States and the Taliban signed the Doha Agreement, which led to the withdrawal of U.S. and Allied forces from Afghanistan. In August 2021, the Taliban, which was designated a Foreign Terrorist Organization (FTO) by the U.S. Secretary of State, forcibly seized power in Afghanistan. Terrorist organizations are allowed to operate in Afghanistan with little to no impunity and are known to target U.S. citizens and individuals with ties to U.S. Citizens. (AN I)

The Taliban did not formally change existing laws. Instead, they promulgated edicts that contradicted those laws and were inconsistent with Afghanistan's obligations under international conventions. They have engaged in violence and abuse of citizens, disregard for human rights, serious corruption, terrorism, and random violence. The U.S. Department of State Advisory is Level 4: "Do not travel to Afghanistan due to civil unrest, crime, terrorism, risk of wrongful detention, kidnapping and limited health facilities." (AN I)

Decades of disorder and warfare have made Afghanistan fertile territory for international terrorism. U.S. citizens and other foreign nationals are primary targets of terrorist organizations. The security situation in Afghanistan is extremely unstable and the threat to U.S. citizens remains critical. No province in Afghanistan should be considered immune from violence, and the potential exists throughout the country for hostile acts, either targeted or random, against U.S. and other foreign nationals at any time. (AN I)

Policies

“[N]o 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 War or his designee to grant applicants 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 § 2.

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, an administrative judge applies these guidelines 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 and reliable information about the person, past and present, favorable and unfavorable.

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. Decisions include, by necessity, consideration of the possible risk that 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 made “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” Exec. Or. 10865 § 7. Thus, a decision to deny a security clearance is merely an indication the applicant has not met the strict guidelines the President and the Secretary of War 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* at 531. Substantial evidence is “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of all the contrary evidence in the same record.” *See* ISCR Case No. 17-04166 at 3 (App. Bd. Mar. 21, 2019). It is “less than the weight of the evidence, and the possibility of drawing two inconsistent conclusions from the evidence does not prevent [a Judge’s] finding from being supported by substantial evidence.” *Consolo v. Federal Maritime Comm’n*, 383 U.S. 607, 620 (1966). “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. ISCR Case No. 15-01253 at 3 (App. Bd. Apr. 20, 2016).

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 burden of proving a mitigating condition, and the burden of disproving it never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

An applicant “has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance.” ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). “[S]ecurity clearance determinations should err, if they must, on the side of denials.” *Egan* at 531.

Analysis

Guideline F, Financial Considerations

The concern under this guideline is set out in AG ¶ 18:

Failure to live within one’s means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual’s reliability, trustworthiness, and ability to protect classified or sensitive information. Financial distress can also be caused or exacerbated by, and thus can be a possible indicator of, other issues of personnel security concern such as excessive gambling, mental health conditions, substance misuse, or alcohol abuse or dependence. An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds.

The evidence in the FORM establishes the following disqualifying conditions under this guideline:

AG ¶ 19(a): inability to satisfy debts; and

AG ¶ 19(c): a history of not meeting financial obligations.

The following mitigating conditions are potentially applicable:

AG ¶ 20(a): the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual’s current reliability, trustworthiness, or good judgment;

AG ¶ 20(b): the conditions that resulted in the financial problem were largely beyond the person’s control (e.g., loss of employment, a business downturn, unexpected medical emergency, a death, divorce or separation, clear victimization by predatory lending practices, or identity theft), and the individual acted responsibly under the circumstances;

AG ¶ 20(c): the individual has received or is receiving financial counseling for the problem from a legitimate and credible source, such as a non-profit credit counseling service, and there are clear indications that the problem is being resolved or is under control; and

AG ¶ 20(d): the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts.

AG ¶ 20(a) is established. Applicant's financial condition was stable until his wife became seriously ill in 2023. The medical costs and expenses associated with her treatment, as well as his near-simultaneous job loss were both circumstances that are unlikely to recur and do not cast doubt on his current reliability, trustworthiness, or good judgment.

AG ¶ 20(b) is established. The conditions that resulted in Applicant's financial problem were largely beyond his control, and he took timely and responsible action to address the issue within the same year that it occurred. His wife's illness and his unemployment occurred in 2023, and he engaged a debt-resolution company in June 2023, prior to completing his SCA and the issuance of the SOR.

AG ¶ 20(c) is established in part. Although Applicant has not provided evidence that he has received or is receiving financial counseling for the problem, his engagement and follow through with a debt-resolution company supports a finding that the problem is being resolved.

AG ¶ 20(d) is established. In June 2023, over a year before completing his SCA and nearly two years prior to the issuance of the SOR, Applicant engaged the services of a debt-resolution company to resolve his debt. He responsibly continued to deposit funds into the program that were to be used to resolve his debt, demonstrating that he adhered to a good-faith effort to repay his overdue creditors or otherwise resolve debts. In response to Government's FORM, he provided updated information stating that to date the debt resolution program had successfully settled three of his outstanding debts and that a recent large deposit he made was slated to resolve the three remaining debts.

Guideline B, Foreign Influence

The security concern under this guideline 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 maybe 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 evidence in the FORM establishes the following disqualifying conditions under this guideline:

AG ¶ 7(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

AG ¶ 7(b): connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual's obligation to protect classified or sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information or technology.

AG ¶¶ 7(a) and 7(b) are established for Applicant's contacts and connections to his family members who are citizens and residents of Afghanistan. The Government need not present evidence that a foreign country is currently targeting a particular applicant to obtain access to protected information before it can deny or revoke access to classified information. ISCR Case No. 18-02802 at 3-4 (App. Bd. Nov. 6, 2019). There is a rational connection between an applicant's family ties in a country whose interests are adverse to the United States, even if the family has no connection to the foreign government, and the risk that the applicant might fail to protect and safeguard classified information. See, e.g., ISCR Case No. 22-00364 at 3 (App. Bd. June 22, 2023); ISCR Case No. 01-26893 at 7 (App. Bd. Oct. 16, 2002). The Taliban, which was designated an FTO by the U.S. Secretary of State, seized power in Afghanistan in August 2021. Terrorist organizations are allowed to operate in Afghanistan with little to no impunity and are known to target U.S. citizens and individuals with ties to U.S. citizens. (AN I) Therefore, evidence of such threats is generally relevant in a Guideline B case. See, e.g., ISCR Case No. 02-08813 at 4 (App. Bd. Nov. 15, 2005). Decades of disorder and warfare made Afghanistan fertile territory for international terrorism. U.S. citizens and other foreign nationals are primary targets of terrorist organizations. The security situation in Afghanistan is extremely unstable and the threat to U.S. citizens remains critical.

Close and continuing ties with family members who are citizens of a foreign country with demonstrated hostility towards the United States, its citizens and interests create a heightened risk. Application of Guideline B 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). Moreover, foreign contacts and interests may present 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. Here, Applicant's relationship with his immediate family members creates a potential conflict of interest and makes him vulnerable to foreign exploitation, inducement, manipulation, pressure, or coercion.

The following mitigating conditions are potentially applicable:

AG ¶ 8(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;

AG ¶ 8(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

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.

None of these mitigating conditions are established. Applicant's mother, sister and two brothers are the foreign family members of concern. There is a rebuttable presumption that an applicant has ties of affection for, or obligation to, immediate family members. See ISCR Case No. 22-01556 at 5-6 (App. Bd. Jan. 7, 2026) Applicant has failed to rebut the presumption. He asserts that his familial connections are "purely personal and non-political in nature," that he occasionally checks in on his mother's well-being, that he is loyal to the United States, holds no divided allegiance, and has no conflicting interests. (GE 1 Answer) Infrequency of contact is not necessarily enough to rebut the presumption that he has ties of affection for, or obligation to, his immediate family in Afghanistan. ISCR Case No. 17-01979 at 4 (App. Bd. July 31, 2019). Even if he is not close to his foreign relatives, which has not been established here, it still would be insufficient to rebut the presumption that he shares a sense of obligation to them due to the very nature of their relationship. Lastly, his emphasis that the relationship is personal and non-political in nature is not sufficient to mitigate the risk that Applicant's family's presence in Afghanistan could become a means of foreign influence.

Whole-Person Analysis

Under AG ¶ 2(c), the 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. An administrative judge must evaluate an applicant's security eligibility by considering the totality of the applicant's conduct and all the relevant circumstances. An 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.

I have incorporated my comments under Guidelines F and B in my whole-person analysis and applied the adjudicative factors in AG ¶ 2(d). Because Applicant requested a determination on the record without a hearing, I had no opportunity to evaluate his credibility and sincerity based on demeanor. See ISCR Case No. 01-12350 at 3-4 (App. Bd. Jul. 23, 2003). After weighing the disqualifying and mitigating conditions under Guidelines F and B and evaluating all the evidence in the context of the whole person, I conclude Applicant has not mitigated the security concerns raised by his relationship and ties with immediate family members who are citizens and residents of Afghanistan.

Formal Findings

I make the following 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:

Paragraph 1, Guideline F (Financial Considerations): FOR APPLICANT

Subparagraphs 1.a.-1.e.:	For Applicant
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Paragraph 2, Guideline B (Foreign Influence): AGAINST APPLICANT

Subparagraph 2.a:	Against Applicant
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Conclusion

I conclude that it is not clearly consistent with the national security interests of the United States to grant Applicant eligibility for access to classified information. Clearance is denied.

LeRoy F. Foreman
Administrative Judge