



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



In the matter of:

Applicant for Security Clearance

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ISCR Case No. 25-00962

Appearances

For Government: George A. Hawkins, Esq., Department Counsel
For Applicant: *Pro se*

06/26/2026

Decision

HARVEY, Mark, Administrative Judge:

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

Statement of the Case

On May 19, 2024, Applicant completed an Electronic Questionnaires for Investigations Processing or security clearance application (SCA). (Government Exhibit (GE) 1) On October 20, 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 Guidelines B and C. (HE 1) On November 2, 2025, Applicant provided his response to the SOR. (HE 2) On January 16, 2026, Department Counsel was ready to proceed. On February 3, 2026, the case was assigned to me.

On February 11, 2026, the Defense Office of Hearings and Appeals (DOHA) issued a notice scheduling the hearing on April 20, 2026. (HE 5) The hearing was held as scheduled, using the Microsoft Teams video teleconference system.

During the hearing, Department Counsel offered two exhibits into evidence, Applicant did not offer any exhibits into evidence; there were no objections; and all proffered documents were admitted into evidence. (Tr. 18-20; GE 1-GE 2) On April 30, 2026, DOHA received a copy of the transcript. The record was held open after the hearing until April 30, 2026. (Tr. 60, 65) One post-hearing document was received and admitted without objection. (Applicant Exhibit (AE) A)

Administrative Notice

Department Counsel requested administrative notice (AN) concerning Israel and the Palestinian Territories (Israel) and the Russian Federation (Russia). (Tr. 19; HE 3; HE 4) 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 requests without quotation marks and footnotes. I have made some other punctuation changes and not included the discussion of terrorist acts by individuals in Israel and surrounding areas. There is no evidence that Applicant, his family members, or friends are involved in or victims of terrorism. Russian entities under U.S. and allied nation sanctions are omitted. Specific and numerous human rights issues in Israel involving terrorists and in Russia involving the Russian Government have not been included. The last paragraph of the Israel section is general information from multiple DOD factsheets from DOD's news website, which are available at <https://www.war.gov/Spotlights/Operation-Epic-Fury/>. On June 16, 2026, I submitted that paragraph to Department Counsel and Applicant for comments or objections. (HE 5) On June 22, 2026, Department Counsel suggested that I cite a better source, and noted:

[A] heightened risk is a risk greater than the normal risk inherent in having a contact living under a foreign government – is not a high standard to meet. ISCR Case No. 19-02096 at 6 (App. Bd. Feb. 29, 2024). The US lacks many true foreign country “friends” and your references shows a current coincidental interest of the US and Israel, a factor that does not diminish the heightened risk posed by Israel. (HE 6)

On June 22, 2026, I have added the citation to the U.S. Department of State website, Bureau of Political-Military Affairs, “U.S. Security Cooperation with Israel Fact Sheet” (Apr. 25, 2025), <https://www.state.gov/u-s-security-cooperation-with-israel/>. (stating “Israel has been designated as a U.S. Major Non-NATO Ally under U.S. law. This status provides foreign partners with certain benefits in the areas of defense trade and security cooperation and is a powerful symbol of their close relationship with the United States. Consistent with statutory requirements, it is the policy of the United States to help Israel preserve its QME, or its ability to counter and defeat any credible conventional military threat from any individual state or possible coalition of states or from non-state actors, while sustaining minimal damages and casualties.”) (HE 6)

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.g, and 2.b. (HE 3) He denied the allegations in SOR ¶¶ 2.a, 2.c, and 2.d. He also provided extenuating and mitigating information. (HE 3) His admissions are accepted as findings of fact. Additional findings follow.

Applicant is a 58-year-old principal electrical engineer, who has been employed by a defense contractor for almost two years. (Tr. 7, 9, 22) He was born in Uzbekistan, and in 1985, he graduated from high school in Uzbekistan. (Tr. 7, 22; GE 1) In 1991, he received a bachelor’s degree from a university in Russia. (Tr. 7) In 2008, he immigrated to the United States. (Tr. 7) In 2012, he received a master’s degree from a U.S. university in electrical and computer engineering. (Tr. 7, 22) He has not served in the U.S. military. (Tr. 7, 26) In 1997, he married, and his two sons are ages 25 and 29. (Tr. 7-8) His two sons reside in the United States, and they are U.S. citizens. (Tr. 8-9) In 2020, he became a U.S. citizen. (Tr. 7)

Foreign Influence and Foreign Preference

The SOR alleges under the foreign influence guideline the following issues: ¶ 1.a—his spouse and two children are tri-citizens of Israel, Russia, and the United States; ¶ 1.b—his parents are citizens and residents of Israel; ¶ 1.c—his parents-in-law are citizens and residents of Russia; ¶ 1.d—his sister and brother-in-law are citizens and residents of Israel; ¶ 1.e—his extended family, including his aunts, nephews, and cousins, are citizens

and residents of Israel; ¶ 1.f—he has multiple friends who are citizens and residents of Israel; and ¶ 1.g—he has multiple friends who are citizens and residents of Russia. In his SOR response, he admitted these seven SOR allegations. (HE 2)

The SOR alleges under the foreign preference guideline the following issues: ¶ 2.a—Applicant used his Israel passport in lieu of his United States passport to exit the United States in about February 2023; ¶ 2.b—from 1995 to 2006, he served in the Israeli military (Israel Defense Force); ¶ 2.c—he expects to receive a pension of approximately \$494,000 from the Israeli Government upon reaching retirement age; and ¶ 2.d—his spouse expects to receive a pension of approximately \$205,000 from the Israeli Government upon reaching retirement age.

Applicant and his spouse are citizens of Russia, Israel, and the United States. (Tr. 23; GE 1; GE 2) His two sons were born in Israel, and they are citizens of Russia, Israel, and the United States. (Tr. 25) Applicant and his spouse both live in the United States. (Tr. 26) His spouse arranged for their two sons to become Russian citizens at the Russian embassy in Israel. (Tr. 57) She has obtained Russian passports for them. (Tr. 57)

Applicant served in the Israeli military from the ages of 27 to 38 (1995 to 2006). He was in the Israeli army reserve, where his duties were being on a rescue team and being a guard. (Tr. 27) At some point, he was demobilized. (Tr. 27) He was naturalized as a U.S. citizen in 2020 at the age of 53. (Tr. 28)

In 2021, Applicant was issued a U.S. passport, and it is scheduled to expire in 2031. (Tr. 28-29) Prior to 2021, he used an Israeli passport. (Tr. 31) He most recently renewed his Israeli passport in 2023, and it will not expire until 2033. (Tr. 20; GE 1 at 1-9) Applicant said an Office of Personnel Management (OPM) investigator erroneously wrote in his report that Applicant used his Israeli passport to travel outside the United States in 2023, when he mostly used his U.S. passport for this travel. (Tr. 32-35) In 2024, he entered Israel with his U.S. passport, and he exited Israel using his new Israeli passport. (Tr. 34) His Israeli passport does not show a date stamp after 2020. (AE A)

Applicant's parents-in-law are citizens and residents of Russia. (Tr. 41) His spouse communicates with her parents on a weekly basis, and sometimes he talks to them too. (Tr. 41, 58) He has not visited Russia since 2007. (Tr. 42, 54) Applicant's spouse is somewhat estranged from her mother, and their communications have been limited for several years. (Tr. 43) Her communications with her father are approximately on a weekly basis. (Tr. 43) She most recently communicated with her parents two days before his hearing. (Tr. 44) Her parents receive financial support from a "national security type of pension or retirement funding." (Tr. 59) Their primary source of support is from the Russian Government; however, they also have some savings as a financial resource. (Tr. 59)

Applicant's parents, sister, and her husband are citizens and residents of Israel. (Tr. 44-45) He communicates with them on a weekly basis. (Tr. 44-45) The Israeli Government does not employ them. (Tr. 45) His parents are retired. (Tr. 45)

Applicant has other relatives and friends who are citizens and residents of Israel. He has two nephews, two aunts, and two cousins, who are citizens and residents of Israel. (Tr. 46-48) He communicates with his nephews, aunts, and one cousin about one to four times a year. (Tr. 48-49; GE 2 at 15) He communicates with one cousin about every two or three weeks. (Tr. 50; GE 2 at 16) He has eight friends who are citizens and residents of Israel, and he communicates with them about two to four times a year. (Tr. 51-52; GE 2 at 17) He visited Israel in 2015, December 2017 to January 2018, October 2021, April 2023, and July 2024. (Tr. 49-50)

Applicant has two friends who are citizens and residents of Russia. (GE 2 at 17) He communicates with them about three or four times a year. (Tr. 51-52; GE 2 at 17)

SOR ¶¶ 2.c and 2.d allege Applicant and his spouse expect to receive pensions of approximately \$494,000 and \$205,000, respectively, from the Israeli Government upon reaching retirement age. Applicant explained that he lived for 16 years in Israel, and he worked for companies, which matched his five percent IRA-type contribution, resulting in these substantial pension funds. (Tr. 35) These are not Israeli Government accounts or funds. (Tr. 35) The accounts are privately managed and are similar to U.S. 401(k) accounts. (Tr. 37-38) He could transfer the funds to a U.S. account; however, he would forfeit about 30 percent of the fund. (Tr. 37-38) He does not intend to retire in Israel. (Tr. 39) His spouse's account is similar to Applicant's account. He and his spouse have U.S. investment, and 401(k) retirement accounts, which he values in total at about \$900,000. (Tr. 39-40)

Russia

Under Peter I (1682-1725), the Principality of Muscovy expanded and became the Russian Empire. The Romanov 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).

During the Russia-Ukraine war 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 is to restore Russian strength and security in areas near its European borders against perceived U.S. and Western encroachment. This Russian effort 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 PRC, 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.

On February 23, 2024, marking two years of Russia's unprovoked and unlawful full-scale war against Ukraine and in response to the death of opposition politician and

anticorruption activist Aleksey Navalny, OFAC sanctioned almost 300 individuals and entities. Together with actions from the U.S. Department of State (State), this is the largest number of sanctions imposed since Russia's full-scale invasion of Ukraine. State is designating three Government of Russia officials in connection with Navalny's death; together, Treasury and State are sanctioning over 500 targets to impose additional costs for Russia's repression, human rights abuses, and aggression against Ukraine. The Department of Commerce is also adding more than 90 companies to the Entity List.

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 (PRC), 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 PRC, Iran, and Russia. PRC'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, electronic, 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's 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. The Russian Government committed numerous human rights issues.

Israel

The State of Israel was established in 1948. The UN General Assembly proposed in 1947 partitioning the British Mandate for Palestine into an Arab and Jewish state. The Jews accepted the proposal, but the local Arabs and the Arab states rejected the UN plan and launched a war. The Arabs were subsequently defeated in the 1947-1949 war that followed the UN proposal and the British withdrawal. Israel took control of the West Bank, the eastern part of Jerusalem, the Gaza Strip, the Sinai Peninsula, and the Golan Heights

during the 1967 war. It ceded the Sinai back to Egypt in the 1979-1982 period but has continued to administer the other territories through military authorities.

Israel is a multiparty parliamentary democracy. Although it has no constitution, its parliament, the unicameral 120-member Knesset, has enacted a series of “Basic Laws” that enumerate certain rights and freedoms. Certain fundamental laws, orders, and regulations legally depend on the existence of a “state of emergency,” which has been in effect since 1948.

The West Bank – Under the Oslo Accords -- a series of agreements that were signed between 1993 and 1999 -- Israel transferred to the newly created Palestinian Authority (PA) security and civilian responsibility for the many Palestinian-populated areas of the West Bank, as well as the Gaza Strip. . . . The PA last held national elections in 2006, when the Islamic Resistance Movement (Hamas) won a majority of seats in the Palestinian Legislative Council (PLC). Fatah, the dominant Palestinian political faction in the West Bank, and Hamas failed to maintain a unity government, leading to violent clashes between their respective supporters and to Hamas’s violent seizure of all PA military and governmental institutions in the Gaza Strip in 2007. In 2018, the Palestinian Constitutional Court dissolved the PLC. In recent years, Fatah and Hamas have made several attempts at reconciliation, but the factions have been unable to implement agreements.

Gaza – The Gaza Strip has been under the de facto governing authority of Hamas since 2007. Israel in 2005 unilaterally withdrew all of its settlers and soldiers and dismantled its military facilities in the Gaza Strip, but it continues to control the Gaza Strip’s land borders, maritime territorial waters, cyberspace, telecommunications, and airspace. In 2006, Hamas won a majority in the Palestinian Legislative Council election. Fatah, the dominant Palestinian political faction in the West Bank, and Hamas failed to maintain a unity government, leading to violent clashes between their respective supporters and Hamas’s violent seizure of all PA military and governmental institutions in the Gaza Strip in 2007.

Hamas, a U.S.-designated foreign terrorist organization, maintained de facto control over Gaza before October 7, 2023, and provided safe haven for itself and other terrorist groups, such as the Palestinian Islamic Jihad (PIJ). Israel’s military response following the October 7 attack disrupted much of Hamas’s de facto control over much of Gaza by the end of 2023, outside of pockets in the South of Gaza where most Hamas fighters and other terrorist groups withdrew ahead of the Israeli advance from the North.

The Department of State issued a Reconsider Travel Advisory for Israel due to terrorism and civil unrest. The security situation in Israel, including Tel Aviv and Jerusalem, is unpredictable, and U.S. citizens are reminded to remain vigilant and take appropriate steps to increase their security awareness as security incidents, including mortar and rocket fire and armed UAV intrusions and missiles, can take place without warning. The Department of State issued a Do Not Travel Advisory for Northern Israel

(within 4 kilometers/2.5 miles of Lebanese and Syrian borders). The Israeli authorities restrict travel to areas close to the border given the Israeli Defense Forces continued presence and activity.

The Department of State issued a Reconsider Travel Advisory for the West Bank due to terrorism and armed conflict. Over the past several months, there has been an increase in violence, Israeli military operations, and terrorist attacks. Some incidents have resulted in injury or death of U.S. citizens. During periods of unrest, the Israeli Government may restrict access to and within the West Bank, and some areas may be placed under curfew.

The Department of State issued a Do Not Travel Advisory for Gaza due to terrorism and armed conflict. The U.S. government is unable to provide routine or emergency consular services to U.S. citizens in Gaza as U.S. government employees are prohibited from traveling there. The security environment within Gaza and on its borders is extremely dangerous and volatile.

On October 7, 2023, Hamas militants launched a combined unguided rocket and ground terrorist attack from Gaza into southern Israel. The same day Israel's Air Force launched air strikes inside Gaza and initiated a sustained air campaign against Hamas targets across the Gaza Strip. The following day, Prime Minister Netanyahu of Israel formally declared war on Hamas, and on October 28, 2023, the Israel Defense Forces launched a large-scale ground assault inside Gaza.

On October 7, 2023, Hamas, PIJ, and other Palestinian terrorists launched a large-scale attack on Israel from the Gaza Strip, killing an estimated 1,200 individuals, injuring more than 5,400, and abducting 253 hostages. Israel responded with a sustained, wide-scale military operation in Gaza, which had killed more than 21,000 Palestinians and injured more than 56,000 by the end of the year, displaced most Palestinians in Gaza, and resulted in a severe humanitarian crisis. The continuing conflict had a significant negative impact on the human rights situation in the country.

Even in degraded form, Hamas continues to pose a threat to Israeli security. The group retains thousands of fighters and much of its underground infrastructure and probably has used the ceasefire to reinforce and resupply its military and munitions stock so that it can fight again. Hamas is capable of resuming a low-level guerilla resistance and to remain the dominant political action in Gaza for the foreseeable future. Low expectations on all sides that a ceasefire will endure and the absence of a credible post-fighting political and reconstruction plan, portend years of instability. While Hamas's popularity has declined among Gazans, its popularity remains high among West Bank Palestinians, especially relative to the PA.

During the Gaza conflict, Iran encouraged and enabled its various proxies and partners to conduct strikes against Israeli and at times U.S. forces and interests in the region. The Houthis have emerged as the most aggressive actor, attacking commercial

shipping in the Red Sea and Indian Ocean, U.S. and European forces, and Israel. In addition to receiving Iranian assistance, the Houthis have expanded their reach by broadening partnerships with other actors, such as Russia and Russian arms brokers, PRC commercial defense companies, al-Shabaab, and Iraqi Shia militants. Iraqi Shia militias continue to try to compel a U.S. withdrawal from Iraq through political pressure on the Iraqi government and attacks on U.S. forces in Iraq and Syria.

On June 21, 2025, because of the current security situation and ongoing conflict between Israel and Iran, the U.S. Embassy has directed that all U.S. government employees and their family members continue to shelter in place in and near their residences until further notice.

Separate from the war in Gaza, Israeli authorities reported 289 shooting attacks in 2023, after 305 such incidents reported in 2022. Most of the shootings occurred as Israeli troops entered Palestinian cities in the West Bank to arrest suspects allegedly involved in terrorist activities, but many terrorist attacks targeted Israeli civilians. The Israeli security agency Shin Bet reported 270 Palestinian shooting attacks committed in or emanating from the West Bank in 2023, a drop from 2022 (305), though there was no report for August of this year. Terrorists in Israel engaged in numerous significant human rights issues in Israel.

The United States and Israel have acted as Allies in a conflict against Iran and its proxies. Beginning on March 1, 2026, the United States and Israel launched thousands of airstrikes into Iran. The United States destroyed the Iranian Navy, and the United States and Israel destroyed numerous Iranian drones and missiles. The United States provided anti-missile defense systems to Israel and other military equipment. The military operations entail close cooperation, and I infer that effective coordination of military operations requires sharing of intelligence between the United States and Israel.

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) and 7(b) are established. AG ¶ 7(f) is not established because the SOR does not allege under Guideline B that Applicant has business, financial, or property interests in Israel or Russia. 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).

Israel. The SOR alleges, and the record establishes, the following facts concerning Applicant's connections to Israel: ¶ 1.a—his spouse and two children are tri-citizens of Israel, Russia, and the United States; ¶ 1.b—his parents are citizens and residents of Israel; ¶ 1.d—his sister and brother-in-law are citizens and residents of Israel; ¶ 1.e—his extended family, including his aunts, nephews, and cousins, are citizens and residents of Israel; and ¶ 1.f—he has multiple friends who are citizens and residents of Israel.

There is no evidence that any of his relatives and friends are living in the West Bank or Gaza or have connections to Hamas, or any of Iran's proxies. The evidence is that Applicant's connections are to citizens and residents who live in Israel and not to

nearby territories which are exceptionally dangerous places due to conflict with Israel and terrorists.

AG ¶ 8(a) can mitigate security concerns related to Applicant's connections to Israel. AG ¶ 8(a) focuses on "the country in which these persons are located, or the positions or activities of those persons in that country." None of Applicant's relatives or friends who are residents of Israel are in positions or involved in activities, which raise security concerns. Based on the country information about Israel, "it is unlikely [applicant] will be placed in a position of having to choose between the interests" of his family and friends who are citizens and residents of Israel and the interests of the United States.

The government has no burden to rebut mitigating conditions. However, I am not convinced that the Israeli Government would use Applicant's family or friends living in Israel to attempt to coerce him to obtain classified information. I have taken administrative notice of facts relating to Israel in the administrative notice section, *supra*. The following facts are particularly relevant:

Israel is a multiparty parliamentary democracy. . . . The United States and Israel have acted as Allies in a conflict against Iran and its proxies. Beginning on March 1, 2026, the United States and Israel launched thousands of airstrikes into Iran. The United States destroyed the Iranian Navy, and the United States and Israel destroyed numerous Iranian drones and missiles. The United States provided anti-missile defense systems to Israel and other military equipment. The military operations entail close cooperation, and I infer that effective coordination of military operations requires sharing of intelligence between the United States and Israel.

Applicant's relationships with relatives and friends who are citizens and residents of Israel, and the Israeli citizenship of his spouse and children are mitigated. Israeli officials would not engage in illegal activities to coerce Applicant to provide classified information because this conduct would jeopardize the close relationship between the United States and Israel. The remainder of this section addresses connections to Russia and not Israel.

Russia. The SOR alleges, and the record establishes, that Applicant has significant contacts with Russia: ¶ 1.a—his spouse and two children are tri-citizens of Israel, Russia, and the United States; ¶ 1.c—his parents-in-law are citizens and residents of Russia; and ¶ 1.g—he has multiple friends who are citizens and residents of Russia.

Applicant is a citizen of Russia, and this status is not alleged in the SOR as a security concern. It will not be considered for disqualification purposes; however, it will be considered in the mitigation and whole-person assessments.

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 involving security concerns related to the spouse of a security clearance holder, 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's spouse has frequent contact with her parents, especially with her father. Her parents are citizens and residents of Russia. Applicant 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." Her frequent contacts with her parents are manifestations of her care and concern for them.

The factors outlined in ISCR Case No. 19-00831 concerning Russia's hostility towards the United States, including Russian actions in Ukraine, continue. The United States supports Ukraine in this struggle and has imposed sanctions on various Russian entities for their roles in the invasion of Ukraine. 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 or his spouse's 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 spouse's relatives live in Russia and her 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 in-laws in Russia. The Russian Government could stop the pension-type payments from the Russian Government to put pressure on Applicant and his spouse. These relationships create “a heightened risk of foreign inducement, manipulation, pressure, or coercion” under AG ¶ 7. The record contains substantial evidence of Applicant’s spouse’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 spouse’s parents, with whom she frequently communicates, 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. In 2008, he immigrated to the United States. In 2012, he received a master’s degree from a U.S. university in electrical and computer engineering. He has not served in the U.S. or Russian militaries. In 2020, he became a U.S. citizen. In 1997, he married, and his two sons are ages 25 and 29. His wife and two sons reside in the United States, and they are U.S. citizens. A U.S. Government contractor employs him. As to connections to Russia, he was born in Uzbekistan. He received a bachelor’s degree in Russia. Applicant, his spouse, and his children are Russian citizens. His spouse’s parents are citizens and residents of Russia.

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. See ISCR Case No. 25-00963 at 3-6 (App. Bd. June 16, 2026) (discussing applicability of the disqualifying and mitigating conditions in a case involving connections to Russia and affirming denial of security clearance). AG ¶ 8(b) is not established.

AG ¶ 8(c) indicates potential mitigation when, "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.*

Applicant's spouse has frequent contacts with her parents, especially her father. In ISCR Case No. 24-02470 at 5 (App. Bd. Feb. 18, 2026), the Appeal Board addressed a situation where the frequency of contacts with family in a foreign nation was reduced during the security clearance process. 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 spouse's communications with her parents, are infrequent. However, her contacts with her parents 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 an applicant's contacts with immediate family members in Russia were casual and reversing grant of security clearance).

Applicant's connections to Russia and the behavior of Russian Government entities are balanced against his good character evidence and connections to the United States. His access to classified information could add risk to his spouse's 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's parents-in-law are retired, and they may not be known by Russian authorities. "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 relationship with his spouse, her Russian citizenship, and her relationships with her parents living in Russia. His relationships to others living in Russia are not close enough to cause a security concern, and SOR ¶ 1.g is mitigated. His connections to the United States, taken together, are strong; however, they are insufficient to overcome the foreign influence security concerns under Guideline B relating to Russia.

Foreign Preference

AG ¶ 9 describes the foreign preference security concern as follows:

When an individual acts in such a way as to indicate a preference for a foreign country over the United States, then he or she may provide information or make decisions that are harmful to the interests of the United States. Foreign involvement raises concerns about an individual's judgment, 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.

AG ¶ 10 describes conditions that could raise a security concern and may be disqualifying:

- (a) applying for and/or acquiring citizenship in any other country;
- (b) failure to report, or fully disclose when required, to an appropriate security official, the possession of a passport or identity card issued by any country other than the United States;
- (c) failure to use a U.S. passport when entering or exiting the U.S.;
- (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; and
 - (2) otherwise acting to serve the interests of a foreign person, group, organization, or government in any way that conflicts with U.S. national security interests;
- (e) using foreign citizenship to protect financial or business interests in another country in violation of U.S. law; and
- (f) an act of expatriation from the United States such as declaration of intent to renounce U.S. citizenship, whether through words or actions.

AG ¶¶ 10(c) and 10(d)(1) apply. Additional discussion is in the mitigating section, *infra*. AG ¶ 11 lists conditions that could mitigate security concerns:

- (a) the foreign citizenship is not in conflict with U.S. national security interests;
- (b) dual citizenship is based solely on parental citizenship or birth in a foreign country, and there is no evidence of foreign preference;
- (c) the individual has expressed a willingness to renounce the foreign citizenship that is in conflict with U.S. national security interests;
- (d) the exercise of the rights, privileges, or obligations of foreign citizenship occurred before the individual became a U.S. citizen;
- (e) the exercise of the entitlements or benefits of foreign citizenship do not present a national security concern;

(f) the foreign preference, if detected, involves a foreign country, entity, or association that poses a low national security risk;

(g) civil employment or military service was authorized under U.S. law, or the employment or service was otherwise consented to as required by U.S. law; and

(h) any potentially disqualifying activity took place after receiving the approval by the agency head or designee.

The SOR alleges under the foreign preference guideline that: ¶ 2.a—Applicant used his Israel passport in lieu of his United States passport to exit the United States in about February 2023; ¶ 2.b—from 1995 to 2006, he served in the Israeli military (Israel Defense Force); ¶ 2.c—he expects to receive a pension of approximately \$494,000 from the Israeli Government upon reaching retirement age; and ¶ 2.d—his spouse expects to receive a pension of approximately \$205,000 from the Israeli Government upon reaching retirement age.

Applicant denied that he used an Israeli passport to exit the United States after he became a U.S. citizen in 2020. He served in the Israeli military before he became a U.S. citizen. He and his spouse have pensions from Israeli companies, not the Israeli Government.

AG ¶ 11(d) applies. In 2020, he became a U.S. citizen. Applicant served in the Israeli army before he became a U.S. citizen. He credibly stated that he did not use his Israeli passport to enter or exit the United States after 2020. Foreign preference security concerns 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 his conduct and all the circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(d):

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

Under AG ¶ 2(c), “[t]he ultimate determination” of whether to grant a security clearance “must be an overall commonsense judgment based upon careful consideration of the guidelines” and the whole-person concept. My comments under Guidelines B and C are incorporated in my whole-person analysis. Some of the factors in AG ¶ 2(d) were addressed under those guidelines but some warrant additional comment.

Applicant is a 58-year-old principal electrical engineer, who has been employed by a defense contractor for almost two years. He was born in Uzbekistan, and in 1985, he graduated from high school in Uzbekistan. In 1991, he received a bachelor’s degree from a university in Russia. In 2008, he immigrated to the United States. In 2012, he received a master’s degree from a U.S. university in electrical and computer engineering. In 2020, he became a U.S. citizen. In 1997, he married, and his two sons are ages 25 and 29. His two sons reside in the United States, and they are U.S. citizens.

The reasons for denying Applicant’s security clearance are persuasive. A Guideline B decision concerning Russia must take into consideration the geopolitical situation and dangers in that country. See ISCR Case No. 17-03026 at 4-7 (App. Bd. Jan. 16, 2019) (remanding because administrative judge failed to include administrative notice information from the United Kingdom); ISCR Case No. 07-14508 at 4-5 (App. Bd. Oct. 22, 2008) (remanding because administrative judge’s decision fails to contain updated administrative notice information); 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’s spouse has frequent contacts with her parents, especially her father, and her parents are citizens and residents of Russia. Applicant’s relationships with other relatives and friends in Russia are not a security concern because his contacts are infrequent. 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 spouse’s relationships with family living in Russia. Additional discussion is in the analysis section, *supra*.

Applicant did not meet his heavy burden of showing that his relationship with his spouse and her 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 parents-in-law 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 mitigated foreign preference security concerns; however, he 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
Subparagraph 1.a:	Against Applicant
Subparagraph 1.b:	For Applicant
Subparagraph 1.c:	Against Applicant
Subparagraphs 1.d through 1.g:	For Applicant
Paragraph 2, Guideline C:	FOR APPLICANT
Subparagraphs 2.a through 2.d:	For 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