



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



In the matter of:)
)
) ISCR Case No. 25-00407
)
Applicant for Security Clearance)

Appearances

For Government: Sakeena Farhath, Esq., Department Counsel
For Applicant: I. Charles McCullough III, Esq.

06/17/2026

Decision

FOREMAN, LeRoy F., Administrative Judge:

This case involves security concerns raised under Guideline B (Foreign Influence).
Clearance is granted.

Statement of the Case

Applicant submitted a security clearance application (SCA) on March 4, 2022. On August 8, 2025, the Defense Counterintelligence and Security Agency (DCSA) sent her a Statement of Reasons (SOR) alleging security concerns under Guideline 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 November 24, 2025, and requested a hearing before an administrative judge. Department Counsel was ready to proceed on March 30, 2026. The case was assigned to me on April 9, 2026. On April 15, 2026, the Defense

Office of Hearings and Appeals (DOHA) notified Applicant that the hearing was scheduled to be conducted by video teleconference on May 21, 2026. On May 1, 2026, the hearing notice was amended to change the time of the hearing on May 21, 2026. I convened the hearing as rescheduled. Government Exhibits (GX) 1 and 2 were admitted in evidence without objection. Department Counsel requested that I take administrative notice of relevant facts pertaining to Ukraine, Russia, Moldova, and Romania, based on documents contained in Administrative Notice (AN) Exhibits 1 (Ukraine and Russia), 2 (Moldova), and 3 (Romania). I granted the request without objections from Applicant.

Applicant testified, presented the testimony of three witnesses, and submitted Applicant's Exhibits (AX) A through F, which were admitted without objection. I considered AX B through F in taking administrative notice of the facts pertaining to Ukraine and Moldova. At Applicant's request, I kept the record open until June 5, 2026, to enable her to submit additional documentary evidence. She timely submitted AX G, which was admitted without objection. DOHA received the hearing transcript on June 4, 2026. The record closed on June 6, 2026.

Findings of Fact

In Applicant's answer to the SOR, she admitted the allegations in SOR ¶¶ 1.a, 1.b, 1.e, 1.f, 1.g, and 1.i. She denied the allegations in SOR ¶ 1.c, 1.d, 1.h-1.k, and 1.m. Her admissions are incorporated in my findings of fact.

Applicant is a 35-year-old senior national security analyst employed by a university in the United States to work on national security issues. She was born in Moldova and is a citizen of Moldova by birth. She came to the United States as a high-school exchange student in 2005, attended college in Bulgaria and Hungary, and returned to the United States in August 2013. She married a U.S. citizen in July 2016. She became a U.S. citizen in May 2021. She and her husband have a one-year-old child. She has a Ph.D. in Russian history, a master's degree in comparative history, and an undergraduate degree in political science and international relations.

Applicant was born shortly before the Soviet Union collapsed. Her mother and father were both in medical school. Her mother became an anesthesiologist, and her father became an obstetrician and gynecologist. Her maternal grandmother was a nurse, and her maternal grandfather was a mining engineer. Her paternal grandmother was a pulmonologist, and her paternal grandfather was an agricultural engineer. When the Soviet Union collapsed, the currency was devalued to the point that it was worthless, there was a shortage of food and necessities, and her family's life savings and retirement accounts were wiped out. Around 1998, Applicant's father abandoned his family, disappeared, and had no contact with any family members for many years. (Tr. 32-34) The record does not reflect how the marriage of Applicant's mother and father was dissolved.

In 2005, when Applicant was fifteen years old, she came to the United States on a student-exchange program and lived with an American family. At about the same time, her mother came to the United States to pursue a master's degree at an American university. Her mother obtained a student visa for herself and a dependent visa for Applicant. (Tr. 35)

After Applicant graduated from high school in the United States, she applied to several colleges but found that the cost was far more than she and her mother could afford. However, Applicant obtained a scholarship to a university in Bulgaria, which was accredited in the United States through a U.S. university. After she received her bachelor's degree, she obtained a full scholarship at a university in Hungary, which was also accredited through a U.S. university, and she received a master's degree in comparative history. (Tr. 35-36) She then began her doctoral studies at a U.S. university, where she met her husband, a U.S. citizen, and they married in 2016. (Tr. 37) She was hired by her current employer in November 2022. (Tr. 39)

The evidence regarding the allegations in the SOR is summarized below:

SOR ¶ 1.a: Mother is a citizen of Moldova. Applicant's mother is a native of Moldova, but she became a U.S. citizen in 2017. She married a U.S. citizen around 2006 and divorced during COVID-19 but remains friends with her former husband. She is a practicing nephrologist at a hospital in the United States. She recently purchased a home in the United States and intends to retire in the United States. (Tr. 43-45).

SOR ¶ 1.b: Father is a dual citizen of Moldova and Romania and a resident of Romania. Applicant had virtually no contact with her father after he abandoned the family. Applicant's mother took legal action to deprive him of parental rights in 2005. Applicant now contacts him two or three times a year for the sole purpose of checking on the welfare of her paternal grandmother. (Tr. 48-49)

SOR ¶ 1.c: Stepmother is a citizen of Russia and resident of Romania. Applicant testified that she has no relationship with her stepmother, and she intensely dislikes her because of her excessive alcohol consumption and her abuse of her paternal grandmother. (Tr. 51)

SOR ¶ 1.d: Three half-brothers are dual citizens of Moldova and Romania and residents of Romania. Applicant testified that she knows the three half-brothers exist, but she does not know where they live, and she has no relationship with them. (Tr. 53)

SOR ¶ 1.e: Paternal grandmother is a citizen and resident of Moldova. Applicant testified that she has minimal contact with her paternal grandmother, who is in poor health and lives on a small pension. She sent her paternal grandmother \$1,000 during COVID, when prices were high, and \$700 more recently for use in emergencies.

She testified that her grandmother is very proud and has not used the money that she sent her. (Tr. 55-56)

SOR ¶ 1.f: Maternal grandfather and grandmother are citizens and residents of Ukraine. Applicant testified that her relationship with her maternal grandfather and grandmother is virtually non-existent. They do not have telephone service, making direct contact impossible. They both have dementia. Applicant learns about their welfare from her mother. (Tr. 58-59)

SOR ¶ 1.g: Aunt is a citizen and resident of Ukraine. Applicant testified that she has minimal contact with this aunt, who is her mother's sister, two or three times a year on holidays. (Tr. 59-60)

SOR ¶ 1.h: Mother's friend is a citizen and resident of Ukraine. Applicant testified that it took some investigation to determine the identity of this person. She concluded that this person was a grade-school friend of her mother, who occasionally sent Applicant email messages, and who spent one night at Applicant's and her husband's home when he was with a Ukrainian mission to the United States and needed a place to spend the night. Applicant testified that she listed him on her SCA in an effort to be "abundantly transparent." (Tr. 60-62)

SOR ¶ 1.i: Aunt is a citizen and resident of Moldova. Applicant disclosed this aunt as a relative and not as a foreign contact. She is her father's sister. She suffers from severe paranoid schizophrenia. Applicant has not spoken to her "in many years." (Tr. 62-63)

SOR ¶ 1.j: Friend is a citizen of Moldova, Romania, and Russia and resides in Moldova. Applicant testified that this was a childhood friend before she came to the United States in 2005. Applicant does not know where she lives or what she does. (Tr. 63-64)

SOR ¶¶ 1.k and 1.l: Friend is a citizen and resident of Ukraine, whose husband is a citizen and resident of Russia. This friend was a classmate and roommate of Applicant in Bulgaria. The friend is no longer married, works for an American company in the United States, and is dating a U.S. citizen. (Tr. 64-65)

SOR ¶ 1.m: Bank account in Moldova with approximate value of \$746. Applicant opened this account for "pocket money" while she was attending the university in Moldova. She closed the account in October 2022. (Tr. 66) When she was interviewed by a security investigator in December 2023, she provided a copy of the document reflecting that the account was closed. (GX 3, Subject interview on December 1, 2023, at 6)

Three of Applicant's professional colleagues testified on her behalf. A social and data scientist who has known her for three years testified that Applicant has worked on a

number of projects and has always shown great diligence in her work supporting U.S. interests. (Tr. 14-15)

A former graduate-school classmate and current friend of Applicant's family testified that, when he first met Applicant, she was "almost rootless" with a lack of attachment to her parents and extended family. However, after she married and became a U.S. citizen, she appeared to feel like she could finally "put down roots." This classmate and friend testified that he attended the celebration of Applicant's U.S. citizenship, and that she was the happiest that he could recall seeing her, except for her wedding. (Tr. 19)

Applicant's current supervisor has known her for about four years. She considers Applicant to be "extremely responsible." She admires Applicant for her integrity, especially when working on projects where others are doing classified work. In those situations, she maintains her own "self-policing, never pushing the boundaries or even remotely coming close to not abiding by the rules." (Tr. 27-29) Applicant received a "special achievement award" in May 2026 for her duty performance. (AX A)

Administrative Notice

Russia

I have taken administrative notice that Russia is one of the top three most aggressive and capable collectors of economic information and technological intelligence from U.S. sources. I have also taken administrative notice that Russia provides military and missile technologies to countries of security concern, including China, Iran, Syria, and Venezuela, and that Russian military programs continue to be driven by the perception that the United States and the North Atlantic Treaty Organization (NATO) are its principal strategic challenges and greatest potential threat. Finally, I have taken administrative notice that Russia's human rights record is uneven, and in some areas it is poor. The judiciary is not independent and is subject to manipulation by political authorities. Abuses include attacks on journalists, physical abuse by law enforcement officers, harsh prison conditions, arbitrary detention, politically motivated imprisonment, electronic surveillance without judicial permission, warrantless searches of residences and other premises, and widespread corruption in the executive, legislative, and judicial branches.

Russia uses traditional state-sponsored media, unauthentic websites, social media networks, online bots, trolls, and individuals to broadcast pro-Russian narratives and conduct information operations targeting the United States. Since the Russian invasion of Ukraine in 2022, Russia's information systems have focused on justifying its actions and seeking to reduce U.S. domestic and Western support for Ukraine.

Ukraine

Ukraine is a republic with a semi-presidential political system composed of three branches of government: a unicameral legislature, an executive led by a directly-elected president who is the head of state and commander in chief, and a prime minister who is chosen through a legislative majority and, as head of government, leads the cabinet of ministers and the judiciary.

Ukraine last held parliamentary and presidential elections in 2019. The constitution prohibits parliamentary and presidential elections during martial law, allowing the president and parliamentarians to retain their authority until martial law is lifted.

There have been several instances of efforts by Russian officials to recruit Ukrainian officials to gain access to sensitive information to destabilize Ukraine or support operations against the United States. There have been multiple criminal cases involving attempts by Ukrainian citizens to illegally export dual-use export-controlled items to Russia.

The United States has heavily supported Ukraine in its defense against invasion by Russia. In May 2026, the United States announced that it would provide more than \$700 million in new assistance to support Ukraine's defense against Russian.

The U.S. Department of State has issued a Level 4 (Do Not Travel) warning for Ukraine because of Russia's war against Ukraine. There have been instances of Russian forces or their proxies singling out U.S. citizens in Russian-occupied areas of Ukraine for detention, interrogation, or harassment.

Moldova

Moldova is a parliamentary democracy with competitive multiparty elections. Years of rule by the Communist Party from 2001 to 2009 ended with election-related violent protests and new parliamentary elections in 2009. A series of pro-Europe ruling coalitions governed Moldova from 2010 to 2019. A pro-Russian candidate was elected president in 2016 and the Socialist Party gained a plurality in the parliamentary election in 2019. A pro-European candidate was elected as president in 2020, and the "Party of Action and Solidarity" won a parliamentary majority in 2021.

Moldova is a member of the United Nations, the Organization for Security and Cooperation in Europe, the North Atlantic Cooperation Council, the International Monetary Fund, the World Bank, the World Trade Organization, and NATO's Partnership for Peace program.

The policy of the U.S. Government is to help Moldova strengthen its democratic institutions, increase prosperity, secure its internationally recognized borders, and

integrate with Europe and the West. Since 1992, the United States has provided more than \$1.5 billion in assistance.

Transnistria is a region of Moldova that is not under the control of the Moldovan government. Russian troops remained in this region after Moldova became independent from the Soviet Union in 1991. Russia maintains about 1,500 troops in the region, who are under control of a peacekeeping force that included Moldovan and separatist personnel.

The Department of State has issued a Level 2 (Exercise Increased Caution) warning for Moldova due to unresolved conflict between the breakaway region of Transnistria and the central government. It has issued a Level 3 (Reconsider Travel) for the Transnistria region.

Romania

The United States established diplomatic relations with Romania in 1880, following its independence. After the 1989 revolution ended communist rule, the United States and Romania have become close partners. Romania joined NATO in 2004. After the Russian invasion of Ukraine in February 2022, Romania provided more than \$3.1 million in assistance to Ukraine. There are approximately 3,000 U.S. military personnel at several military bases in Romania. At the June 2025 NATO Summit, the President of the United States announced that a rotational brigade combat team would be headquartered in Romania.

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 Defense 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 Defense 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 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 following disqualifying conditions are relevant:

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;

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; and

AG ¶ 7(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.

No disqualifying conditions are established by the foreign connections alleged in SOR ¶¶ 1.a (mother), 1.c (stepmother), 1.d (half-brothers), 1.f (maternal grandmother and grandfather), 1.i (aunt-father's sister), 1.j (childhood friend), 1.k (former roommate), 1.l (former roommate's husband, and 1.m (closed bank account). Applicant has rebutted these allegations, and they are resolved in her favor.

AG ¶¶ 7(a) and 7(b) are established by Applicant's contacts with her father (SOR ¶ 1.b), paternal grandmother (SOR ¶ 1.e), aunt (SOR ¶ 1.g), and the friend of Applicant's mother who spent the night with Applicant and her husband while working with the Ukrainian mission (SOR ¶ 1.h).

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.

AG 8(a) is established for the foreign contacts alleged in 1.e (paternal grandmother) and 1.h (mother's friend), Neither of these contacts pose a risk of a conflict of interest.

AG ¶ 8(b) is established for the foreign contacts alleged in SOR ¶¶ 1.b (father) and 1.e (paternal grandmother). Applicant has shown that her loyalties are in the United States and that she can be expected to resolve any conflict of interest in favor of the United States.

AG ¶ 8(c) is established for foreign contacts alleged in SOR ¶¶ 1.g (aunt-mother's sister) and 1.h (mother's friend who visited once). These contacts were minimal and do not create a risk of foreign influence or exploitation.

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 Guideline G in my whole-person analysis and applied the adjudicative factors in AG ¶ 2(d). Applicant was candid, sincere, and credible at the hearing. Her testimony and demeanor at the hearing reflected her pride and joy of being a citizen of the United States. Her attachment to the United States began when she was a 15-year-old exchange student and has grown as she has established herself personally and professionally in the United States. After weighing the disqualifying and mitigating conditions under Guideline F and evaluating all the evidence in the context of the whole person, I conclude that Applicant rebutted the allegations in SOR ¶¶ 1.a, 1.c, 1.d, 1.f, 1.i, 1.j, 1.k, 1.l, and 1.m, and she has mitigated the security concerns raised by her foreign contacts alleged in SOR ¶¶ 1.b, 1.e, 1.g, and 1.h.

Formal Findings

I make the following formal findings on the allegations in the SOR:

Paragraph 1, Guideline B (Foreign Influence): FOR APPLICANT

Subparagraphs 1.a-1.m: For Applicant

Conclusion

I conclude that it is clearly consistent with the national security interests of the United States to grant Applicant eligibility for access to classified information. Clearance is granted.

LeRoy F. Foreman
Administrative Judge