DEFENSE LEGAL SERVICES AGENCY
DEFENSE OFFICE OF HEARINGS AND APPEALS

In the matter of:	)	
	)	
	)	
	)	ISCR Case No. 23-01531
	)	
	)	
Applicant for Security Clearance	)	

Appearances

For Government: Nicole A. Smith, Esq., Department Counsel
For Applicant: Lachlan McKinion, Esq.

08/04/2026

Decision

KATAUSKAS, Philip J., Administrative Judge:

The Government alleged security concerns under Guideline E (personal conduct) and Guideline B (foreign influence), largely due to Applicant's personal and family relationships with citizens of Morocco and Somalia. Applicant did not provide sufficient information to mitigate established security concerns under either guideline alleged. Applicant's eligibility for access to classified information is denied.

Statement of the Case

Applicant submitted a security clearance application (SCA) on March 23, 2023. Following a background investigation, the Defense Counterintelligence and Security Agency (DCSA) issued a Statement of Reasons (SOR) to Applicant on October 19, 2023, alleging security concerns under Guidelines E and B. The DCSA issued the SOR 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 Security Executive Agent Directive (SEAD) 4, *National Security Adjudicative Guidelines* (AG), effective June 8, 2017.

On December 18, 2023, Applicant's counsel submitted an 89-page response to the SOR, with five groups of documents attached. The filing also included answers to each SOR allegation, prepared by Applicant on November 7, 2023. Applicant also requested a hearing before an administrative judge from the Defense Office of Hearings and Appeals (DOHA). (Answer)

Department Counsel indicated on March 12, 2024, that she was ready to proceed to hearing. The case was assigned to me on September 9, 2024. On April 2, 2025, DOHA issued a notice scheduling the case for a hearing on June 18, 2025, via video-teleconference through an online platform.

SOR Amendment

On June 12, 2025, Department Counsel filed an Amendment to the SOR, pursuant to Directive ¶ E3.1.13 (Enclosure 3, Additional Procedural Guidance). Department Counsel added two allegations under paragraph 1 of the SOR, under Guideline E (SOR ¶¶ 1.d and 1.e). Applicant answered the amendment on the same day, June 12, 2025. He admitted SOR ¶ 1.d and denied SOR ¶ 1.e, both without further comment.

The hearing convened as scheduled. Department Counsel offered Government's Exhibits (GE) 1 through 7, of which GE 1-5 were substantive exhibits and GE 6 and GE 7 were administrative notice (AN) filings about Somalia and Morocco, respectively. Applicant offered exhibits identified as Applicant's Exhibits (AE) A through D.[1] All exhibits were admitted without objection. Applicant also testified. The record closed at the end of the hearing. DOHA received the hearing transcript (Tr.) on July 21, 2025.

This decision was delayed when all administrative judges were furloughed from October 1 through November 12, 2025, during a federal government shutdown due to a lapse in funding.

Request for Administrative Notice

At Department Counsel's request, I took administrative notice of certain facts concerning Somalia and Morocco and their relationships with the United States. Department Counsel provided supporting documents that verify and provide context for those facts. They are detailed in the Government's administrative notice filings (GE 6 and GE 7, respectively) and addressed, as appropriate, in the Findings of Fact.

[1] Applicant's Answer to the SOR (AE A) also includes five attachments: Answer Tab A is a power of attorney; Answer Tab B is a copy of the SOR and related correspondence; Answer Tab C is a Declaration from Applicant; Answer Tab D contains four Declarations from other witnesses; and Answer Tab E contains emails about Applicant's work performance. Applicant's Exhibits A through D are largely duplicative of either his Answer to the SOR (AE A); his Answer to the SOR Amendment (AE B); Applicant's Declaration (AE C, same as Tab C to the SOR Answer); and the summary of his subject interview (AE D, same as part of GE 2) (see discussion Tr. 10-13).

Where appropriate, I have taken administrative notice of updated and current information from the State Department website, consistent with my obligation to make assessments based on timely information in cases involving the potential for foreign influence. ISCR Case No. 05-11292 at 4 (App. Bd. Apr. 12, 2007) ("Decisions in Guideline B cases should be made to the greatest extent possible in the context of current political conditions in the country at issue.").

Findings of Fact

In his Answers to the SOR and the SOR Amendment, Applicant denied the allegations at SOR ¶¶ 1.a, 1.b, 1.e, and the cross-allegation at SOR ¶ 2.a. He admitted the allegations at SOR ¶¶ 1.c, 1.d, 2.b, and 2.c. His admissions are incorporated into the findings of fact. Additional findings follow.

Applicant is now 52 years old. He was born in Somalia in 1974. He and his family left Somalia in 1991 after civil war broke out there. He lived in refugee camps and with friends in Kenya for much of the next 10 years. After his parents and siblings came to the United States in the mid-1990s, he emigrated in July 2001 as a refugee and became a naturalized U.S. citizen in December 2006. (Tr. 14-15, 34-35; GE 1-GE 4)

Applicant has worked for the last 14 years as a medical translator in a hospital. He has applied for a job as a contract linguist. He has never held a security clearance before. (Tr. 14-15, 35; GE 1, GE 2, GE 3, GE 4; AE C, AE D)

In March 2003, Applicant returned to Kenya to marry a Somali woman whom he had met as neighbors when he lived there. He returned to the U.S. after the ceremony, and she remained in Kenya. Applicant's wife had six children of her own from a prior relationship. He considers them his stepchildren, and he supported them after he married their mother. (Tr. 36-39; GE 1, GE 2, GE 3)

In 2004, Applicant sponsored his wife and his stepchildren for entry into the United States. (GE 3) However, at some point after returning to the United States, with his wife still in Kenya, Applicant met and began living with another woman. On his March 2023 SCA, he disclosed that he had been living with a cohabitant ("C"), since January 2004. He listed C as a resident alien (green card holder) in the United States, and a citizen of Somalia. (GE 1 at 14-15) He also said twice on his April 2023 counterintelligence (CI) questionnaire that he met C and began a relationship with her in 2004. (GE 3 at 6, 12; Tr, 40-42, 57-59) (SOR ¶ 1.d) In his hearing testimony, he testified that the reference to C as his cohabitant by this time (March 2023) was erroneous, since, he said, they were no longer living together. (Tr. 39-40)

The record is somewhat unclear when Applicant's wife found out about C, as well as when Applicant met C. He testified that he called his wife in Kenya to tell her about C. He said that he and his wife were "officially separated" at the time. He said his wife's attitude and reaction was, "Who cares?" He said his wife knew of the relationship and that he was not trying to hide it. (Tr. 22-23)

In his hearing testimony, Applicant explained that when he returned to Kenya in March 2005, he and his wife had an argument, and said they agreed to be separated and to file for divorce. There is no record evidence of what the argument was about. During this same trip, however, his wife became pregnant with their first child together. She told Applicant she was pregnant in a phone call a few weeks later. Applicant later testified he began his relationship with C in April or May 2005, soon after he returned from visiting his wife in Somalia. (Tr. 22-23, 50-52**)**

Applicant also said in his background interview that his wife learned of his relationship with C in 2006, after his wife emigrated to the United States. (GE 2 at 5-6) He also told the interviewer that when his wife learned about his relationship with C and their child together, she got mad and said she wanted him to choose between the two women. Applicant was unable to do that. (GE 2 at 5) In his hearing testimony, Applicant denied making these statements. (Tr. 44-45, 62-63)

In October 2023, Applicant authenticated and adopted the summary of his background interview without making any changes. (GE 2 at 2-3) During his testimony, however, he highlighted his more recent Declaration submitted with his Answer, in which he asserted that his wife knew about his relationship with C before his wife moved to the United States. (AE C; Tr. 47-50, 57-59)

Applicant's wife gave birth to their child in Kenya in February 2006. She and her children arrived in the United States later in 2006, under Applicant's sponsorship. (GE 3, GE 4 at 4) He said, "I still want[ed] to help them come to [the] United States even though we are not going to live together." (Tr. 53) Applicant remained living with C. Their first child was born only months later, in July 2006, and their second child was born in 2007. (GE 4 at 4) The timing of the two births in 2006 strongly supports a conclusion that, whatever his wife knew about C before she came to the U.S. from Kenya (with their newborn daughter), she likely separated from him when she learned not only that Applicant was cohabitating with C but also that C was pregnant with their child.

When Applicant's wife told his family about his relationship with C, his family members in the U.S. (his mother and several siblings) disowned him and broke off contact. They are now estranged from him. (GE 1, GE 2 at 5-6; Tr. 59-60) None of these immediate family members are alleged in the SOR.

Applicant continued to support his wife, his stepchildren, and their child financially after they came to the United States. He felt responsible for them as a father. (GE 1; Tr. 52-56, 62-63) He paid child support and other expenses during his daughter's childhood and teenage years. His child support responsibilities ended when she turned 18, but he remains an actively involved, loving father. As of the June 2025 hearing date, she was 19 years old. Applicant and his wife separated in 2008 and divorced in 2021. (GE 3 at 6; Tr. 56-57, 60-61) He said in his background interview that he did not feel comfortable finalizing the divorce until some of the stepchildren graduated from high school. (GE 3 at 5) Applicant also said he is the sole financial provider for his two children with C. (AE C)

In SOR ¶ 1.e, the Government alleges that when Applicant was confronted in April 2023 (during his CI interview) about his multiple instances of infidelity and asked if he could be blackmailed, he said he did not know and would look at "what is cheaper" to pay. This statement is taken from Applicant's CI questionnaire (GE 3 at 7) but Applicant denied in his hearing testimony that he said it. (Tr. 23-25, 89-91) He also denied being subject to blackmail and said if he were asked to divulge classified information, he would "immediately report that to the Government." (Tr. 23-25, 93-94)

SOR ¶ 2.b alleges that three of Applicant's stepchildren are residents of Somalia. In his testimony, Applicant said one of his stepsons married in Somalia in 2020, and two of the other stepchildren went there to see their brother and his family as well as to learn about Somalian language and culture. (Tr. 25-27, 79-82; AE C)

While they were there, Applicant provided his stepchildren regular, monthly financial support. Since 2020, he has sent about $350 a month to a stepson for about $10,000 total, and since May 2022, he has sent about $250 a month to the two other stepchildren there, for about $2,500 total. (GE 2 at 6, GE 3 at 9) (SOR ¶ 2.b) In his hearing testimony, Applicant said this financial support was not provided by him alone, but also by their mother and remaining siblings in the U.S. He said his stepchildren are all U.S. citizens and that they returned to the U.S. from Somalia in late 2024 and early 2025. (Tr. 79-82) But in his Declaration, Applicant said he had not spoken to his stepchildren in Somalia since September 2023. (AE C) There is no definitive documentation of the current location of the three stepchildren who traveled to Somalia.

In 2011, Applicant sponsored his cohabitant's mother and her two sons for entry into the U.S. (GE 3 at 3-4) C's mother came to the United States sometime later. She passed away in 2020. Before she died, she gave C family property in Somalia.

Beginning in about 2020, Applicant withdrew large amounts of cash in U.S. Dollars to finance the development of the property in Somalia. His cohabitant's mother had died and left C some land. C wanted to develop the property, and these cash withdrawals were for her to build a house there. The price of the house was about $52,000. (GE 2 at 9, GE 3 at 3-4)

In his Declaration, Applicant said he has no connection with C's property in Somalia, beyond the fact that he directed her to "reputable builders" there. He is not on the mortgage or the title to the property and has no involvement with it. He has seen the house only once, in 2021. (AE C) Applicant said C approached Applicant, and she told him she had money to finance the house but needed help finding builders in Somalia. Applicant contacted others in the Somali community in State 1, where they lived, and found someone to recommend. (Tr. 63-66)

Applicant said he deposited C's money into his bank account and then wired it to Somalia to finance her house there. In his background interview, he discussed three large transactions, totaling about $52,000. (GE 2 at 9, GE 3 at 3-4) Although he executed the transactions, he said it was always C's money, and that he has no financial interest in the property. (Tr. 65-67)

Applicant indicated in his April 2023 CI questionnaire that he and C remained romantically involved at that time, though living separately for financial reasons. At that time, he said they were in daily contact. (GE 3 at 12, GE 4 at 1) In his hearing testimony, Applicant denied this. He said he and C separated in 2019 (before these transactions) though he said they remained in contact as parents. He said they do not cohabitate now. He testified that he was unsure if she still owned the home in Somalia. He denied any business, financial, or property interests in Somalia, including in C's property there. He said the questioning by the CI screener was confusing and the interviewer did not show him what she wrote when he answered her questions. (Tr. 27-28, 68-72)

On his SCA and on his CI questionnaire, Applicant also disclosed a relationship with B, a citizen of Morocco, and that he provided her financial support. On his April 2023 counterintelligence (CI) questionnaire, he explained that B was his girlfriend. He said they met online in 2020 and met in person in Turkey once in 2022. Since December 2021, he sent her about $350 a month, totaling about $5,000 up to that point, for living expenses and to finance her college education. (Tr. 15-17; GE 1, GE 3 at 9) (SOR ¶ 1.a) He explained in his background interview that B is in college in Morocco. She lives with her parents. His cohabitant, C, does not know about B. Applicant said he planned to continue his relationship with B, and was considering moving to Morocco in retirement to be with her. (GE 3 at 6)

Applicant testified that when they met, B was in college, and she asked for his financial help in paying her college tuition. He said he sent her $120 to $250 a month between 2021 when they met and September 2023. They met in person one time, in Turkey in 2022, when Applicant was there on a two-week vacation. He confirmed that he considered moving to Morocco to live with her. He said he had daily contact with B during their relationship. (Tr. 15-19, 75-76) He also said they first met in December 2021 (not 2020) and that he started giving her money in 2022 after meeting her in Turkey (not in December 2021). (Tr. 74, 77-78)

Applicant said he ended contact with B in October 2023 and no longer provides her financial support. He said she is not aware of what he does for a living and that she had no contacts with the Moroccan government. He said he terminated the relationship because he realized it would impact his application for a security clearance. He denied any other relationships with anyone from Morocco. (Tr.15-16, 28-29, 92; AE C)

SOR ¶ 1.b alleges that C was unaware of Applicant's relationship with B. Applicant denied the allegation in his answer to the SOR. He also testified that he left C in 2019, and he did not begin his online relationship with B until later, in 2021. (Tr. 18-19)

When questioned about the reference in his interview summary suggesting that C "would be upset if she found out" about his relationship with B, Applicant suggested the reference was hypothetical. He explained:

> If you are together with your cohabitant and you would do this while you are together, what will happen with [C, his cohabitant]. I said, yes, if we are together, maybe she might get upset. But we were not together, that's what I told her. Hey, I separated 2019, so I'm a free man, so I can have any other relationship. (Tr. 73)

During the COVID-19 pandemic, Applicant's employer cut his working hours from a 40-hour work week down to 20 hours. This negatively impacted his income, and he fell behind on his bills. In January 2022, he filed for bankruptcy under Chapter 7. The bankruptcy was discharged in April 2022. Applicant disclosed his bankruptcy on his SCA and discussed it in his background interview. (GE 1, GE 2 at 9, GE 5) (SOR ¶ 1.c)

During his background interview, Applicant was asked how he was able to make three large cash withdrawals between October 2020 and August 2022 to finance C's property in Somalia while at the same time having difficulty paying his creditors, resulting in a bankruptcy filing. Applicant responded that the Somalian property was financed by money from C, from one of his stepdaughters, and the stepdaughter's partner. He said it was C's money, not his. (GE 3 at 9) (SOR ¶ 2.c)

Applicant acknowledged that he fell behind on credit card payments, which resulted in late fees that he could not pay. In 2022, the year he filed bankruptcy, Applicant was also sending money to B in Morocco to finance her education, as well as sending money to his stepchildren in Somalia. However, he blamed his financial predicament mostly on late fees and the credit card payments' due dates, not on his own financial support of others. (Tr. 84-88) However, it is also noteworthy that Applicant traveled to Turkey (where he met B) in 2022, the same year that he filed for Chapter 7 bankruptcy protection.

Applicant said his subsequent financial situation has improved and he lives comfortably. He has no credit cards, no debts, and no payments to people overseas, family members or otherwise. (AE C; Tr. 19-21, 83-84, 88, 93)

Applicant also said he decided to end any foreign relationships, including not only with B but also with his stepchildren, because he believed continuing the relationships could negatively impact his eligibility for a clearance. (Tr. 78-79, 92-93) He denied any ongoing contact or relationship with any foreign individual, whether from Morocco, Somalia, or elsewhere. He denied that he was a risk for blackmail or foreign influence. He wants to use his language and translator skills to aid the U.S. military and protect national security. He asserted his unwavering loyalty to the United States and is dedicated and devoted to the mission and to the country and understands the vigilance and integrity required of a clearance holder. (Tr. 29-33)

Declarations from other Witnesses

Applicant provided several declarations from other witnesses attesting to his excellent character. (AE D) Mr. L is an immigration attorney in State 1, where Applicant lives. He has known Applicant since 2015 both professionally and personally. He assisted Applicant in procuring immigrant visas for his family members. Mr. L considers Applicant a friend, and a responsible, trustworthy individual. He takes his job as a medical interpreter and the professional confidentiality that comes with it seriously. (AE D)

Mr. S has been a personal friend of Applicant's since 2002. He considers Applicant a loyal, law-abiding American who can be fully trusted with access to classified information. (AE D)

Mr. M has been a naturalized U.S. citizen since 2011. He has known Applicant since 2009 both personally and professionally. Mr. M is a registered nurse and they have had close professional contact. Mr. M attests to Applicant's professional discretion and understanding of the need for confidentiality. Applicant is also a close friend, dedicated family man and a person of integrity. (AE D)

Mr. K. is a decorated U.S. Army and Vietnam veteran who held a high-level clearance. He has known Applicant since Applicant applied to work at a processing plant in 2001. Applicant soon became a Somali interpreter for the company. Mr. K was his direct supervisor. Applicant is well-versed in Somali culture and was an excellent interpreter. He is personable, a hard-worker, and eager to learn. He is also trustworthy and reliable. Mr. K had no reason to question his integrity, and indeed, there were occasions when Applicant exercised trusted professional judgment and discretion in interacting between Mr. K and other employees of Somali descent. (AE D) All of the witnesses endorsed Applicant's loyalty and suitability for access to classified information. (AE D)

Applicant also provided emails and commendations from various doctors and medical professionals praising his work as an interpreter, often on difficult, delicate medical cases that required his personal and professional skill and judgment. (AE E)

Somalia

The Government's administrative notice filing about Somalia is dated March 5, 2024, and the supporting documentation is from 2022 and 2023. (GE 7) According to the U.S. Department of State, a Level 4 (Do Not Travel) Travel Warning remains in effect for Somalia. The current warning, issued May 21, 2026, advises:

> Do not travel to Somalia due to risk of crime, kidnapping, terrorism, unrest, health, landmines, systematic mistreatment of women, systematic mistreatment of gay and lesbian individuals, piracy, abuse of residents in rehabilitation centers, and confiscation of passports by family members. . . . Do not travel to Somalia for any reason.[2]

[2] https://travel.state.gov/en/international-travel/travel-advisories/somalia.html (As of May 21, 2026)

Morocco

In GE 7, the Government stated that its heightened risk concern with respect to Morocco is based, in part, upon Applicant's ties to Morocco through his relationship with a woman there whom he met through an online dating website and to whom he provided financial support, rather than any specific country conditions in Morocco. The Government provided a State Department document from June 2022 about U.S. relations with Morocco. (GE 7) As discussed above, Applicant testified that he terminated contact with the Moroccan woman, B, in fall of 2023, no longer provides her financial support, and no longer harbors thoughts of retiring to Morocco with her. Applicant has no current or recent connections to Morocco since then, or with his ex-girlfriend, B, to suggest a current ongoing foreign influence security concern. Morocco need not be discussed any further.

Policies

It is well established that no one has a right to a security clearance. As the Supreme Court has held, "the clearly consistent standard indicates that security determinations should err, if they must, on the side of denials." *Department of Navy v. Egan*, 484 U.S. 518, 531 (1988).

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

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

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that "[a]ny doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security." In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record. Likewise, I have not drawn inferences grounded on mere speculation or conjecture.

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

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

Analysis

Guideline E: Personal Conduct

AG ¶ 15 details the security concern regarding personal conduct:

> Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes. . . .

AG ¶ 16 describes conditions that could raise a security concern and may be disqualifying. The following disqualifying conditions are potentially applicable:

> (d) credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information; and
>
> (e) personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress by a foreign intelligence entity or other individual or group. Such conduct includes: (1) engaging in activities which, if known, could affect the person's personal, professional, or community standing.

Applicant married a Somali woman in Kenya in 2003. At some point after he returned to the United States, he met and began a relationship with C. This was most probably in 2004, based on what he reported about her on his SCA and in his CI questionnaire. He returned to Kenya in 2005, and his wife became pregnant with their child. By the time his wife emigrated to the U.S. in 2006, she had given birth to their daughter. She also came to the U.S. with her six children (Applicant's stepchildren) as well.

By the time they arrived, Applicant's cohabitant, C, was also expecting a child with him. It is likely that this development upset his wife when she learned of it, most likely after she arrived in the U.S. Applicant testified that he and his wife did not formally separate until 2008, though they were clearly living apart, as he was living with C during most of their marriage, and he had two children with her. SOR ¶ 1.d is established.

In about 2021, Applicant met a Moroccan woman online. They established a long-distance relationship. He began to support her financially, and they saw each other in person in Turkey in 2022. The relationship ended in September or October 2023 and they have had no further contact. While there are no ongoing security concerns as to this relationship itself (SOR ¶ 1.a), a security concern is also alleged on the grounds that the relationship occurred, or may have occurred, while Applicant was cohabitating with C (SOR ¶ 1.b)

SOR ¶ 1.b alleges that C is unaware of Applicant's relationship with B. Applicant denied the allegation. It is unclear, however, whether he denied "that she was unaware of the relationship with B" or whether he was denying that it is, or remains, a security concern. Applicant testified that he and C ceased cohabitating in 2019. If so, even though she is the mother of two of his children, that would limit the security significance of his relationship with B in Morocco from 2021 to 2023. But here too, Applicant listed C as his cohabitant on his SCA and his CI questionnaire, both prepared in spring 2023. Those references are more likely to be accurate than his subsequent testimony, which includes new statements and new timeframes that conveniently explain away the security concerns of various allegations. It is more likely than not that Applicant was still cohabitating with C when he began his relationship with B, just as it is more likely than not that he began cohabitating with C in 2004, with his wife still in Kenya.

Applicant also remains involved with C, at least as a parent to their two children. Yet he offered no evidence from C about what she knew or did not know about B, or about when their relationship and cohabitation began. Regardless, even though the relationship with B has concluded, the fact that he likely hid the relationship with B from C is a circumstance that placed him in a position of vulnerability to coercion or influence from a foreign citizen, B (to whom he has acknowledged providing financial support during their relationship).

While the passage of time since an Applicant last engaged in conduct is a relevant factor that should be considered, even dated conduct can be the source of an applicant's current vulnerability to coercion or influence. ISCR Case No. 22-01002 at 3 (App. Bd. Sept. 26, 2024 (citing ISCR Case No. 02-32254 (App. Bd. May 26, 2004). AG ¶¶ 16(d) and 16(e) apply to SOR ¶ 1.b.

As to SOR ¶ 1.e, Applicant denies saying in his CI interview that he would look at whatever is "cheaper to pay" when questioned about whether he could be blackmailed due to his affair(s). However, the notes from the interviewing agent reflect that he said it. (GE 3 at 7) He also denied that he was subject to blackmail, both during the interview process and in his hearing testimony. Given the record evidence of the actual statement, it is more likely than not that Applicant made the statement, as alleged. Whether he truly meant it and whether blackmail remains a security concern, AG ¶¶ 16(d) and 16(e) nonetheless apply to SOR ¶ 1.e.

SOR ¶ 1.c alleges that Applicant filed for Chapter 7 bankruptcy in 2022. Applicant explained that he filed bankruptcy when he fell behind on his bills due to a decline in working hours and income during the COVID pandemic. Filing for bankruptcy, particularly during such circumstances, is not a security concern, whether under Guideline F (not alleged) or Guideline E. The real concern here is the fact that Applicant filed bankruptcy around the same time that he used his U.S. bank account to send large sums of money to Somalia. Applicant explains that circumstance by testifying it was C's money that he deposited into his bank account and sent to Somalia on her behalf to fund the construction of her house there, in 2022. This, too, is uncorroborated, and if it is true, it nonetheless shows a bond between Applicant and C (and Somalia). Further, he also travelled to Turkey in 2022 (where he met B). While the cost of the trip is not in the record, the fact that Applicant undertook a foreign trip the same year that he filed bankruptcy is at least indicative of poor judgment, financial or otherwise. However, the bankruptcy itself, as alleged, does not establish disqualifying conduct, though it may be considered under the whole person concept in connection with other conflicting acts and circumstances of Applicant's at the same time.

AG ¶ 17 lists conditions that could personal conduct security concerns, including:

> (c) the offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;
>
> (d) the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that contributed to untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur; and
>
> (e) the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress.

Applicant and his wife are now divorced. He testified that he and C no longer cohabitate. He says they stopped cohabitating before his relationship with B began. This evidence was offered to minimize the coercive effect of his pattern of taking up with other women while in ongoing relationships. How much of this is believable is a matter of credibility. Applicant made different statements about how and when he met C and B on his SCA and also in his background interview, only to change his story later, chiefly in his testimony. He asserted that he misunderstood the clearance application process, which he blamed on his lack of experience.

Even so, the information he provided earlier in the process is more credible. This reduces the extent to which he has acknowledged the behavior and limits the mitigating effect of his assertions that his behavior will not recur. Even though Applicant has ceased his relationship with B and no longer lives with C, he has a troubling pattern of involving himself in relationships with foreign women and providing financial support to them. He has not established that this pattern of conduct is unlikely to recur, or that his current relationship status lessens the possibility of vulnerability to coercion or exploitation. No Guideline E mitigating conditions fully apply.

Guideline B: Foreign Influence

AG ¶ 6 details the security concern about "foreign contacts and interests" as follows:

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

The nature of a nation's government, its relationship with the United States, and its human-rights record are relevant in assessing the likelihood that an applicant's family members 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, a family member or friend is associated with or dependent upon the government, the country is known to conduct intelligence-collection operations against the United States, or the foreign country is associated with a risk of terrorism.

A heightened security risk is established by the administratively noticed facts about Somalia, especially human rights concerns, risks of terrorism, and ongoing regional instability. Applicant has ongoing ties to Somalia, through both his former cohabitant and his stepchildren.

Applicant's former cohabitant is a Somali citizen and U.S. green card holder. She lives in the U.S. but remains a Somali citizen She is the mother of two of Applicant's children, even if they are no longer cohabitating or romantically involved. Regardless, they have a familial bond that was strong enough that Applicant allowed C to use his bank accounts to send large amounts of money to finance the construction of a house on her inherited property. Applicant also visited Somalia to see the property in 2021.

Applicant is clearly close to his stepchildren, whom he helped to emigrate to the United States (along with his wife at the time). He sent them money in Somalia when they moved there. Even if they have now returned to the United States as he says (and are U.S. citizens), his assertions that he has broken off contact with them are not credible.

Applicant's credibility is also undermined by his inconsistent statements about several important facts about his background, including when he met and began a relationship with C, when his wife found out about her, when his relationship with C ended, and whether she knew about his online relationship with B in Morocco. On the whole, his statements in his SCA and CI questionnaire are more credible than his hearing testimony.

Likely while cohabitating with C, Applicant established a long-distance relationship with B, a Moroccan citizen and resident that he met online. They dated long distance for a period of time, evidently without C's knowledge, and he provided her financial support. He also met her in Turkey in 2022, the same year he filed Chapter 7 bankruptcy.

AG ¶¶ 7(a) and 7(b) both apply to Applicant's stepchildren then in Somalia (SOR ¶ 2.b), his then cohabitant, C, for whom he used his U.S. bank account to facilitate transfer of over $50,000 to Somalia for the purchase of her home there (SOR ¶ 2.c), and his Moroccan girlfriend. (SOR ¶ 2.a cross-allegation).

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; and
>
> (c) contact or communication with foreign citizens is so casual or infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation.

Applicant has not had any contact with B, the Moroccan citizen he met online, since fall of 2023, almost two years before the hearing date. Even if his relationship with her was clandestine, it has now ceased. No current foreign influence security concerns are established under Guideline B as to her. AG ¶ 8(c) applies to B, since the relationship has ceased. Nonetheless, the record is replete with instances when Applicant befriended women from countries that do raise security concerns, and those instances blossomed into romances and some into cohabitations that led to the birth of children. Applicant demonstrates a predilection for such liaisons, and his record is a predictor of security concerns in the future.

Applicant testified that his stepchildren who moved to Somalia are no longer there, having relocated back to the United States. He also says they are U.S. citizens. These assertions are undocumented. Applicant no longer cohabitates with C, but he used his U.S. bank account to facilitate the construction of her house in Somalia. He also helped her find builders there. Even if he has no ownership interest in the house itself, he and C maintain strong ties, as shown by the above circumstances and by their joint parental relationship. No mitigating conditions apply to these family members.

Whole-Person Concept

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

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

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept. I considered the potentially disqualifying and mitigating conditions given all the facts and circumstances surrounding this case.

I have incorporated my comments under Guidelines B and E in my whole-person analysis. Applicant is credited with establishing an excellent career in the healthcare field where he performs well and where his skills and cultural expertise are highly valued. Nevertheless, Applicant's multiple relationships with women from foreign countries, which included overlapping, sometimes-secret relationships. These relationships placed him in positions of vulnerability. Further, his hearing testimony, particularly about these circumstances, was not wholly credible. Relevant Government exhibits are more credible and portray Applicant as attempting to tailor testimony to explain away any security concerns. Applicant did not provide sufficient evidence to mitigate the security concerns under the personal conduct and foreign influence guidelines.

Applicant has the burden of showing that the security risk of his prior conduct has been mitigated to warrant granting him access to classified information. He has not met his burden of showing that he warrants such access. Overall, the record evidence leaves me with questions and doubts as to Applicant's eligibility for a security clearance.

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 E:	AGAINST APPLICANT
Subparagraphs 1.a, 1.c:	For Applicant
Subparagraphs 1.b, 1.d, 1.e:	Against Applicant
Paragraph 2, Guideline B:	AGAINST APPLICANT
Subparagraphs 2.a:	For Applicant
Subparagraphs 2.b-2.c:	Against Applicant

Conclusion

Considering all of the circumstances, it is not clearly consistent with the interests of national security to grant Applicant a security clearance. Eligibility for access to classified information is denied.

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Philip J. Katauskas
Administrative Judge