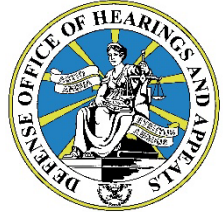




**DEFENSE LEGAL SERVICES AGENCY
DEFENSE OFFICE OF HEARINGS AND APPEALS**



In the matter of:

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ISCR Case No. 25-01308

Applicant for Security Clearance

Appearances

For Government:

Aubrey De Angelis, Esquire, Department Counsel

For Applicant:

Pro se

07/14/2026

Decision

CEFOLA, Richard A., Administrative Judge:

Statement of the Case

On February 10, 2026, in accordance with DoD Directive 5220.6, as amended (Directive), the Department of Defense issued Applicant a Statement of Reasons (SOR) alleging facts that raise security concerns under Guidelines B and C. The SOR further informed Applicant that, based on information available to the government, DoD adjudicators could not make the preliminary affirmative finding it is clearly consistent with the national interest to grant or continue Applicant's security clearance.

Applicant answered the SOR on February 12, 2026, and requested a hearing before an administrative judge. (Answer.) The case was assigned to me on May 11, 2026. The Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing on May 12, 2026, scheduling the hearing for June 1, 2026. The hearing was convened as scheduled. The Government offered Exhibits (GXs) 1 and 2, which were admitted without objection, and Hearing Exhibit (HXs) I and II for administrative notice. Applicant testified on his own behalf, but offered no exhibits on his behalf. DOHA received the transcript of the hearing (TR) on June 12, 2026.

Procedural Rulings

At the hearing, the Government requested I take administrative notice of certain facts relating to Portugal and to France. Department Counsel provided a 10-page summary of the facts related to Portugal, and a 10-page summary of the facts related to France, identified as HEs I and II, respectively. The documents provide elaboration and context for the summary. I take administrative notice of the facts included in the U.S. Government reports. They are limited to matters of general knowledge, not subject to reasonable dispute. They are set out in the Findings of Fact.

Findings of Fact

Applicant admitted all the allegations in SOR, except for ¶¶ 2.i, and 2.j., which he denied. After a thorough and careful review of the pleadings, exhibits, and testimony, I make the following findings of fact.

Applicant is a 47-year-old employee of a defense contractor. He has a PhD in Computer Science. Applicant has been employed with the defense contractor since 2013. He is divorced from a French national and has one adult child. Applicant was born in Portugal and moved to France as a one-year-old. Both Portugal and France are members of the North Atlantic Treaty Organization (NATO) to which the United States also belongs. (TR at page 5 line 12 to page 6 line 6, at page 12 line 2 to page 20 line 17, and HXs I and II.)

Guideline B - Foreign Influence

1.a~1.c. The Applicant owns three properties in Portugal. One is only worth about \$12,000, but the other two are worth between \$300,000 to \$400,000. He estimates his net worth in the U.S. to be about \$2,000,000. (TR at page 24 line 6 to page 26 line 16, and at page 35 line 17 to page 36 line 1.)

1.d. Applicant does expect to receive a \$2,500 monthly pension from the French government. (TR at page 34 line 1 to page 35 line 5.)

Guideline C - Foreign Preference

2.a. and 2.b. Since becoming a U.S. citizen in 2019, Applicant has applied for and was granted French citizenship in 2022. He also exercised his right to vote in French elections in 2024. (TR at page 29 line 7 to page 31 line 12, and at page 33 lines 17~25.)

2.c, 2.e, 2.g. and 2.h. Since becoming a U.S. citizen in 2019, Applicant has also voted in Portuguese elections in 2024. Applicant failed to report to appropriate security officials that he has a valid Portuguese passport, which he has used in 2024 and again in 2025 to exit the U.S. and to enter Portugal. (TR at page 20 line 20 to page 23 line 10, and at page 27 line 1 to page 28 line 18.)

2.d. and 2.f. Applicant failed to report to appropriate security officials that he has a valid French passport, which he has used in 2024 to exit the U.S. and enter France. (TR at page 31 lines 13~19.)

2.i. Applicant denies that he intends to continue to use his foreign passports to exit the U.S. and enter either Portugal or France. (TR at page 36 lines 14~19.)

2.j. Applicant does not intend to renounce either his Portuguese or French citizenship. (TR at page 36 line 20 to page 37 line 6.)

Notice

Department Counsel requested that I take administrative notice of certain facts about Portugal and France. Without objection, I have taken administrative notice of the facts contained in the request. The facts are summarized in the written request and will not be repeated verbatim in this decision.

Policies

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

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

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that "[a]ny doubt concerning personnel being considered for national security eligibility will be resolved in favor of 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.

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

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

Section 7 of Executive Order (EO) 10865 provides that adverse decisions shall be “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See *also* EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

Analysis

Guideline B - Foreign Influence

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

Foreign contacts and interests, including, but not limited to, business, financial, and property interests, are a national security concern if they result in divided allegiance. They may also be a national security concern if they create circumstances in which the individual may be manipulated or induced to help a foreign person, group, organization, or government in a way inconsistent with U.S. interests or otherwise made vulnerable to pressure or coercion by any foreign interest. Assessment of foreign contacts and interests should consider the country in which the foreign contact or interest is located, including, but not limited to, considerations such as whether it is known to target U.S. citizens to obtain classified or sensitive information or is associated with a risk of terrorism.

The guideline notes several conditions that could raise security concerns under AG ¶ 7. Three are potentially applicable in this case:

(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;

(c) failure to report or fully disclose, when required, association with a foreign person, group, government, or country; and

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

Applicant has substantial property interests in Portugal, between \$300,000 and \$400,000, and is entitled a \$2,500 monthly pension from the French government. The evidence is sufficient to raise these disqualifying conditions.

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

(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.

This does not apply. Although Applicant has a significant net worth in the U.S., he also has significant property interests in Portugal, and an assured French pension of about \$30,000 a year. Foreign Influence is found against Applicant.

Guideline C - Foreign Preference

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

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.

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

(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; and

(c) failure to use a U.S. passport when entering or exiting the U.S.

Applicant is a citizen of the United States, and of both Portugal and France. He exercised his two dual citizenships by voting in their elections; and by maintaining, by renewing, and by using his foreign passports. Also, Applicant never reported the passport's existence to his FSO. The evidence is sufficient to raise the above disqualifying conditions.

Conditions that could mitigate foreign preference security concerns are described under AG ¶ 11. Five are potentially applicable:

(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;

(e) the exercise of the entitlements or benefits of foreign citizenship do not present a national security concern; and

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

None of these apply. While Portugal and France are clearly low-risk countries, his voting in their elections and his preferential use of their passports is troubling. Foreign Preference is found against Applicant.

Whole-Person Concept

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

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

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

I considered the potentially disqualifying and mitigating conditions in light of all facts and circumstances surrounding this case. I have incorporated my comments under Guidelines B and C in my whole-person analysis. Overall, the record evidence leaves me with questions and doubts as to Applicant's eligibility and suitability for a security clearance. For all these reasons, I conclude Applicant failed to mitigate the Foreign Influence and Foreign Preference security concerns.

Formal Findings

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

Paragraph 1, Guideline B:	AGAINST APPLICANT
Subparagraphs 1.a~1.d:	Against Applicant
Paragraph 2, Guideline C:	AGAINST APPLICANT
Subparagraphs 2.a~2.j:	Against Applicant

Conclusion

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

Richard A. Cefola
Administrative Judge