



**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. 25-00899

Appearances

For Government: Lauren A. Shure, Esq., Department Counsel

For Applicant: *Pro se*

09/10/2026

Decision

Curry, Marc E., Administrative Judge:

Applicant failed to mitigate the foreign influence security concerns generated by his relationship with friends and professional acquaintances from the People's Republic of China (PRC). His application for a security clearance is denied.

Statement of the Case

On March 17, 2026, the Department of Defense Counterintelligence and Security Agency Adjudication Vetting Services (DCSA) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline B, foreign influence, explaining why it was unable to find it clearly consistent with the national security to grant security clearance eligibility. The DCSA took the action under Executive Order (EO) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the National Adjudicative Guidelines (AG) effective for any adjudication made on or after June 8, 2017. On April 21, 2026, Applicant answered the SOR admitting the allegations and electing a decision based on the evidence on file rather than a hearing. On May 13, 2026, Department Counsel prepared a File of Relevant Material (FORM), setting forth the Government's arguments against Applicant's security clearance-worthiness. The FORM contains four attachments, identified as Item 1 through Item 4, and 24 documents about the geo-political relationship of the PRC vis a vis the United States, identified as Item I through Item XXIV. I admitted

Items 1 through 4, and I took administrative notice of the facts set forth in Items I through XXIV.

Applicant received a copy of the FORM on June 9, 2026. He was given 30 days to file a response. Applicant elected not to file a response, whereupon the case was assigned to me on August 4, 2026. (Item 3 at 10)

Findings of Fact

Applicant is a 41-year-old single man who was born and raised in the United States. (Item 3 at 5, 7) He is a chemical engineer who has been working with his current employer, a defense contractor, since 2022. (Item 3 at 12) He earned a bachelor's degree in 2007 and a doctorate in 2015 from U.S. universities. (Item 3 at 11-12)

Applicant has a significant number of friends who are citizens and residents relatives of foreign countries, including PRC, Australia, Taiwan, and Switzerland, as alleged in subparagraphs 1.a through 1.g. (Response to SOR) Many of these relationships began when Applicant was studying for his doctorate degree. (Item 3 at 14) He lived in a school-provided apartment in a building that was mostly occupied by visiting scholars and foreign students. (Item 4 at 11) He befriended several of these students, tutoring them, proofreading their assignments, and helping them learn English. (Item 3 at 17; Item 4 at 11) The majority of these foreign friends were from the PRC. (Item 3 at 23-66) One of these friends was a visiting professor from the PRC. (Item 4 at 16) The professor asked Applicant to help his teenage daughter learn English, and Applicant agreed to help her. (Item 4 at 16) During one of these sessions, Applicant mentioned to the daughter that he was interested in teaching English in the PRC. Subsequently, her father approached him about an opportunity to work in a paid postdoctoral program at a state-run university in the PRC where he could work on research similar to what he was conducting for his doctoral studies. (Item 3 at 14) Applicant was initially reluctant to pursue this position because he preferred to teach English. After consulting with his postdoctoral advisor, he decided to apply for the position. (Item 3 at 14)

Applicant was hired by the PRC university and began working there in August 2015. He worked there through August 2017. (Item 3 at 14; Item 4 at 11) He received a stipend of \$70,000 USD, which was paid to him by the university. (Item 4 at 16)

While living in the PRC, Applicant opened a bank account, as alleged in subparagraph 1.g. (Item 4 at 16) He deposited his pay into this account. This bank account remains open because Applicant cannot close it without a work permit, which he no longer possesses. (Item 3 at 66) The balance is nominal. (Item 4 at 19)

Applicant maintains yearly contact with approximately 30 Chinese citizens. (Item 3 at 23-66) He visits them when he is in the PRC and they visit him when they are in the United States. (Item 4) Many of these individuals work in academia or serve as professors at PRC universities. (Item 4) One of these friends is a professor who served in the

Chinese military more than 12 years ago, as alleged in subparagraph 1.e. (Response at 2) Her husband also served in the PRC military. (Response at 2)

Applicant has discussed potential business opportunities with some of his friends from the PRC. (Item 3 at 70) Other than the friend whose daughter he tutored, Applicant's current contact with other friends and acquaintances from the PRC is limited to catching up during the holidays via the Internet. (Item 4 at 12, 17) He is no longer in touch with most of these people. (Item 3 at 68) Applicant contends that the nature of these relationships is such that it is unlikely he would be placed in a position of having to choose between the interests of his foreign friends and the United States. (Response to SOR)

Applicant traveled to PRC most recently for a three-week trip in 2023. (Item 4 at 12, 17) While preparing for the trip, he gave one of his friends who was a citizen and resident of China \$2,000 USD for him to convert to Chinese currency and deposit into Applicant's PRC account to cover Applicant's trip expenses. (Item 4 at 18-19) While Applicant was visiting the PRC in 2023, he attempted to close his bank account but was unable to do so because he did not have the proper documentation. (Item 18 at 23) Currently, the account balance is approximately \$5.00 USD. (Item 4 at 18) Applicant is no longer concerned about this account because of its nominal balance.

Applicant has a friend who is a citizen and resident of Australia, a friend who is a citizen and resident of Taiwan, and a friend who is a citizen and resident of Switzerland. (Item 3 at 75-79) He has lost contact with his Australian friend and his Swiss friend. (Item 4) He has kept in minimal contact with his Taiwanese friend and currently knows little about him other than that he moved to Singapore. (Item 4)

Administrative Notice

The PRC views the United States as a strategic competitor and adversary. It seeks to counter and undermine U.S. influence and power through a range of diplomatic, economic, and military means. (Item I at 21) The PRC develops and employs a vast array of intelligence capabilities to enhance its military resources, systematically targeting U.S. intellectual property, defense technology, and other critical secrets. (Item I at 69) For example, the PRC sponsors rogue hackers to target religious organizations, journalists, and government agencies to gather sensitive information. (Item XIII at 3)

The PRC's intelligence services frequently seek U.S. citizens with PRC connections, such as academicians. (Item VI at 1) They do so by recruiting academics and scientists from specific career fields for similar positions in the PRC. The positions typically require the academician to fulfill a work requirement of two or more years. (Item VI at 2-3)

The PRC has shown the ability to compromise U.S. infrastructure through formidable capabilities for both espionage and strategic advantage in the event of a conflict. (Item I at 9)

The PRC has engaged in significant human rights abuses, including arbitrary and unlawful killings, disappearances, torture and detention of predominantly Muslim groups in internment camps. (Item XXII at 1) The PRC and its agents use violence and threats of violence against individuals outside the country to repress dissent. (Item XXII at 39)

Policies

The U.S. Supreme Court has recognized the substantial discretion the Executive Branch has in regulating access to information pertaining to national security, emphasizing that “no one has a ‘right’ to a security clearance.” *Department of the Navy v. Egan*, 484 U.S. 518, 528 (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 required to be considered 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 overall 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 ¶ 1(d) 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 applicant or proven by Department Counsel. . . .” The applicant has the ultimate burden of persuasion to obtain a favorable security decision.

Under the whole-person concept, the administrative judge must consider the totality of an applicant’s conduct and all relevant circumstances in light of the nine adjudicative process factors in AG ¶ 2(d). They are as follows:

- (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.

Analysis

Guideline B: Foreign Influence

The foreign influence concern under this guideline is 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. (AG ¶ 6)

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). 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 15 types of facts for administrative notice).

To assess foreign influence concerns, I must consider evidence of the geopolitical profile of the country in question vis a vis the United States. In this case, the Government did not present such evidence about Australia, Taiwan, and Switzerland. Consequently, I conclude that Applicant's relationship with friends from these countries does not generate a security concern. I resolve subparagraphs 1.b through 1.d for Applicant.

Although SOR allegations are not drafted with the specificity of criminal pleadings, they must, at minimum, be drafted specifically enough for an applicant to prepare a response. The allegation set forth in subparagraph 1.f ("you helped many international scholars and students financially whenever the need arose") is vague and overbroad and, and as such, does not meet this threshold. Consequently, I resolve subparagraph 1.f in Applicant's favor.

The PRC is one of the United States' most significant strategic adversaries. It uses espionage to undermine U.S. foreign policy and steal intellectual property from U.S. businesses in efforts to gain a strategic military advantage. Moreover, the PRC's intelligence services frequently target U.S. citizens with PRC connections, such as Applicant, to work in fields in the PRC similar to their field of study in the United States, in hopes of eliciting information from them. Under these circumstances, Applicant's relationship with his friends who are citizens and residents of PRC, and his bank account in the PRC trigger the application of the following disqualifying conditions under AG ¶ 7:

(a) contact, regardless of method, with a foreign family member, business or professional associate, friend, or other person who is a citizen of, or resident in a foreign country if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion; and

(b) connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual's obligations 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.

Although Applicant maintains a bank account in the PRC, the amount of money deposited in it is nominal. Consequently, the disqualifying condition set forth in AG ¶ 7(f), "substantial business, financial, or property interest in a foreign country . . . that could subject the individual to a heightened risk of foreign influence or exploitation or personal conflict of interest," does not apply. I resolve subparagraph 1.g in Applicant's favor.

AG ¶ 7(a) and 7(b) are potentially mitigated by the following mitigating conditions set forth under 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;

(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 and infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation.

Applicant's contact with his friends from the PRC is primarily limited to intermittent contact on social media during holiday seasons. However, he is friends with approximately 30 PRC residents. Given the number of friends, their ties to academia in the PRC, and the PRC's history of attempting to induce unwitting people into disclosing sensitive or classified information, I conclude that none of the mitigating conditions apply.

Whole-Person Concept

In reaching my decision, I considered that Applicant, who has a very heavy burden of overcoming the foreign influence risk that the PRC posed, provided no response to Department Counsel's FORM.

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 F:	AGAINST APPLICANT
Subparagraph 1.a:	Against Applicant
Subparagraphs 1.b – 1.d:	For Applicant
Subparagraph 1.e:	Against Applicant
Subparagraphs 1.f – 1.g:	For Applicant

Conclusion

Considering all of the circumstances presented by the record 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.

Marc E. Curry
Administrative Judge