DEFENSE LEGAL SERVICES AGENCY
DEFENSE OFFICE OF HEARINGS AND APPEALS

In the matter of:	)	
	)	
	)	ISCR Case No. 25-01206
	)	
Applicant for Security Clearance	)	

Appearances

For Government: Brittany C. White, Esq., Department Counsel
For Applicant: Samir Nakhleh, Esq.

09/04/2026

Decision

HOGAN, Erin C., Administrative Judge:

Security concerns arising under Guideline B, Foreign Influence, and Guideline E, Personal Conduct are mitigated. However, security concerns under Guideline D, Sexual Behavior, and Guideline J, Criminal Conduct, are not mitigated. Eligibility for access to classified information is denied.

Statement of the Case

Applicant's most recent Electronic Questionnaires for Investigations Processing (e-QIP) or security clearance application (SCA) was submitted on October 12, 2024. (Government Exhibit (GE 2)) On November 19, 2025, the Defense Counterintelligence and Security Agency (DCSA) issued a Statement of Reasons (SOR) alleging security concerns under Guidelines D, J, E, and 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.

On December 9, 2025, Applicant answered the SOR. On February 19, 2026, Department Counsel was ready to proceed, and on March 27, 2026, the case was assigned to me.

On April 21, 2026, the Defense Office of Hearings and Appeals (DOHA) notified Applicant that his hearing was scheduled on May 21, 2026. The hearing was held on that date. The Government offered three exhibits, Government Exhibits (GE) 1-3, which were admitted without objection. The Government requested that administrative notice be taken of facts regarding the Republic of the Philippines. The Government's filing was marked as Administrative Notice (AN) 1. Applicant did not object to AN 1. Applicant testified and called no witnesses. Applicant initially offered 12 exhibits, which were marked as Applicant Exhibits (AE) A – L and admitted into evidence without objection. The record was held open to allow Applicant to submit additional evidence. Through his counsel, Applicant submitted eight additional documents, which were marked as AE M – AE S, and admitted without objection. On June 4, 2026, DOHA received the transcript (Tr.) of the hearing.

Some details in the decision were excluded to protect Applicant's right to privacy. Specific information is available in the cited exhibits.

Statement of Facts

In Applicant's answer to the SOR, he admitted the allegations in SOR ¶¶ 1.a, 2.a, 4.a - 4.b and denied the allegations in SOR ¶¶ 1.b and 3.a. His admissions are accepted as findings of fact. (Response to SOR)

Applicant is a 46-year-old employee of a DOD contractor who has worked for the same employer since 2025. He was previously granted a position of public trust. This is his first time applying for a security clearance. He has a high school diploma and also completed an apprenticeship in June 2011. He has not served in the military. He was previously married and divorced in February 2014. He married again in August 2025. He has no children. (Tr. 14-17; GE 2)

SOR Allegations

The SOR allegations are summarized under each guideline below:

The SOR allegations under Guideline D, Sexual Behavior, include that from approximately April 2015 to at least January 2025, Applicant paid prostitutes for sex at least 25 times. (SOR ¶ 1.a: GE 3 at 23, 26); and Applicant's spouse does not know that he paid prostitutes for sex. (SOR ¶ 1.b: None of the Government's evidence supports the allegation in SOR ¶ 1.b.)

The SOR allegation under Guideline J, Criminal Conduct, cross-alleges the allegation under SOR ¶ 1.a. (SOR ¶ 2.a) The SOR allegation under Guideline E, Personal Conduct, cross-alleges the allegations under SOR ¶¶ 1.a and 1.b. (SOR ¶ 3.a)

The SOR allegations under Guideline B, Foreign Influence, include that Applicant's spouse is a citizen of the Philippines (SOR ¶ 4.a: GE 3 at 14-16, 20-21); and Applicant's spouse owns a condominium and a house in the Philippines with an approximate total value of $140,000 and has bank accounts with deposits totaling $61,000. (SOR ¶ 4.b: GE 3 at 16, 21)

Guideline D – Sexual Behavior

Applicant admits that he paid prostitutes for sexual intercourse at least 25 times over a ten-year period but states it began in October 2015 instead of April 2015. This was after he and his first wife divorced in 2014. He would visit prostitutes on average of 2-3 times per year. He denies having paid minors for sex or being involved in trafficking, coercion, or violence. He was never arrested or charged for this conduct. He was aware that paying prostitutes for sex was illegal. He would find prostitutes on-line through a portal. He would call a phone number and would be told where to meet the prostitute. Sometimes he met the women in hotel rooms. Sometimes he would meet the women at a massage parlor, which looked like a legitimate business. (Tr. 44-51)

Applicant paid for a monthly membership with an online service which would arrange the meeting with the prostitute. When he met with the prostitute, he would pay the additional fee for the service they provided during the visit. (Tr. 45-48) He was aware of the legal risks but claims it was very discreet. (Tr. 53-54)

Applicant met his wife through a legitimate online dating service in 2022. She is a citizen and resident of the Philippines. They started living together in 2023. He proposed to her in August 2024. Applicant continued to hire prostitutes for sex until January 2025. He decided to stop using prostitutes because he was in love with his wife and wanted to have a happy marriage with her. (Tr. 20-22)

In his response to the SOR, dated December 9, 2025, Applicant denied the allegation in SOR ¶ 1.b, which alleged his wife did not know that he paid prostitutes for sex. He indicated that his spouse is aware of the 10-year period when he paid prostitutes for sex. During the hearing, he testified that his spouse was aware that he had paid prostitutes for sex when they were dating but was not aware of specific details. Her main concern was whether he had contracted any sexually transmitted diseases (STDs). Once he received the SOR, he had a long conversation with his wife about his past use of prostitutes and disclosed the full extent of his use of prostitutes. He said that she was a little sad but forgave him. (Tr. 20-22; AE M)

Guideline B – Foreign Influence

Applicant’s wife came to the United States in 2022 on a tourist visa to visit a friend who was getting married. She met Applicant through a virtual dating platform. She was in the U.S. but in a different state from Applicant. They started to communicate through the dating platform. After she returned to the Philippines, they continued to communicate online. She worked in the Philippines for a U.S. company. The company sponsored her for a three-year work VISA, and she came to work in the U.S. in 2023. Applicant and his girlfriend moved in together in the spring of 2023 and were married in August 2025. (Tr. 30-31)

Applicant's wife's immediate family are citizens of and reside in the Philippines. Her mother is in her late 70s. Two sisters and three brothers are also citizens and residents of the Philippines. She only keeps in weekly contact with her older sister. She is estranged from her mother because she believes that she has treated her like "an ATM." Two of her brothers are in their 30s and live with her mother. They do not work even though they have college degrees, which is an additional irritant for Applicant's wife. She has no contact with her brothers as well. (Tr. 67-68) Her father has passed away. Applicant's wife communicates with her mother through her sister. She sends her mother between $450 to $500 each month for living expenses. (Tr. 36)

Applicant's wife had a successful career working for a U.S. company while in the Philippines. She owns two residences in the Philippines. She bought a house for her parents to live in. It is worth about USD $56,000. Her mother and two brothers live in the house. She also owns a condominium in Manilla. This is where she lived. The value of the condominium is approximately USD $112,000. The total combined value of both properties is approximately USD $168,000. Both properties are paid off. She is putting the condominium on the market. It will likely be sold to the person who is currently renting the condominium. Applicant's wife also has four bank accounts in the Philippines. Two accounts are with the same bank. The total value of all four bank accounts is approximately $52,082. She has no other assets in the Philippines. (Tr. 31-34; AE N; AE O)

Applicant has never been to the Philippines. All his assets are in the United States. He has approximately $175,000 in investments to include his 401(k)-retirement account. His home is worth around $500,000. His wife's annual salary is about $184,000. She is still employed by the U.S. company who employed her while she lived in the Philippines. She received a U.S. permanent resident card a few weeks before the hearing. She will apply for U.S. citizenship in a few years. She has not returned to the Philippines since she left in 2023. (Tr. 37-39, 67,73-74; AE K; AE L)

Administrative Notice – Republic of the Philippines

The following information was taken from AN 1.

The Philippines is a multiparty constitutional republic with a bicameral legislature. In 2024, there were key developments in the human rights situation in the Philippines with respect to judicial independence and integrity. Despite this progress, the overall human rights situation did not change in a systemic way. The Philippines has significant human rights issues including arbitrary or unlawful killings; disappearances; torture or cruel, inhuman or degrading treatment or punishment, arbitrary arrest or detention; unlawful recruitment or use of child soldiers by terrorists and groups in rebellion against the government; serious restrictions on freedom of expression and media freedom, including violence and threats of violence; and threats of violence against labor activists.

Terrorists in the Philippines on occasion target civilians, critical infrastructure, and security forces using explosive devices and firearms. The Philippines remained in the world's top 20 countries with the most terrorist incidents.

Whole-Person Factors

Applicant's supervisor, Mr. P., wrote a letter on his behalf. Applicant has worked for his employer for over 11 years. During that time, Mr. P. has come to trust and depend on Applicant. He has worked with him on many projects, and he finds solutions that are efficient and allow them to complete sensitive projects while meeting deadlines and saving on costs. He is easy to get along with and works well with others. Mr. P. recommends him for a position of trust or a security clearance. (AE C)

Mr. C., a former coworker of Applicant's, wrote that he has known Applicant for eight years. He worked with Applicant on several assignments. When Mr. C. was an apprentice, Applicant shared his experience and knowledge with him. He emphasized that their work is important and confidential. He describes Applicant as a reliable asset and a trustworthy person. He does not hesitate to recommend him for a position of trust or a security clearance. (AE B)

Applicant's resume shows that he has had a long and successful career. He earned several certificates and a license related to his career field. (AE A; AE Q; AE R; AE S)

Policies

The U.S. Supreme Court has recognized the substantial discretion of the Executive Branch in regulating access to information pertaining to national security emphasizing, "no one has a 'right' to a security clearance." *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). As Commander in Chief, the President has the authority to "control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy" to have access to such information. *Id*. at 527. The President has authorized the Secretary of Defense or his designee to grant 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, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended.

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the adjudicative guidelines. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with an evaluation of the whole person. An administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. An administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable.

The Government reposes a high degree of trust and confidence in 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 the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of classified information. Clearance decisions must be "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." *See* Exec. Or. 10865 § 7. Thus, this decision should not be construed to suggest that it is based, in whole or in part, on any express or implied determination about applicant's allegiance, loyalty, or patriotism. It is merely an indication the applicant has not met the strict guidelines the President, Secretary of Defense, and Director of National Intelligence have established for issuing a clearance.

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The Government has the burden of establishing controverted facts alleged in the SOR. *See Egan*, 484 U.S. at 531. "Substantial evidence" is "more than a scintilla but less than a preponderance." *See v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994). The guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant's security suitability. *See* ISCR Case No. 95-0611 at 2 (App. Bd. May 2, 1996).

Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. An applicant "has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his [or her] security clearance." ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). The burden of disproving a mitigating condition never shifts to the Government. *See* ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005). "[S]ecurity clearance determinations should err, if they must, on the side of denials." *Egan*, 484 U.S. at 531; *see* AG ¶ 2(b).

Analysis

Guideline D - Sexual Behavior

AG ¶ 12 provides the security concern arising from sexual behavior:

> Sexual behavior that involves a criminal offense; reflects a lack of judgment or discretion; or may subject the individual to undue influence of coercion, exploitation, or duress. These issues, together or individually, may raise questions about an individual's judgment, reliability, trustworthiness, and ability to protect classified or sensitive information. Sexual behavior includes conduct occurring in person or via audio, visual, electronic, or written transmission. No adverse inference concerning the standards in this

> Guideline may be raised solely on the basis of the sexual orientation of the individual.

AG ¶ 13 provides conditions that could raise a sexual behavior security concern and may be disqualifying in this case:

> (a) sexual behavior of a criminal nature, whether or not the individual has been prosecuted; and
>
> (c) sexual behavior that causes an individual to be vulnerable to coercion, exploitation, or duress.

AG ¶¶ 13(a) and 13(c) are established with regard to SOR ¶ 1.a. AG ¶ 13(a) applies because of Applicant's paying prostitutes for sex was illegal. He was aware that it was illegal when he decided to hire prostitutes for sex. This was not a situation where it occurred on one occasion. He hired prostitutes for sex over a ten-year period between 2015 to 2025. While this happened around two or three times a year, it remains concerning considering the lengthy period of the behavior. AG ¶ 13(c) applies because Applicant's sexual behavior made him vulnerable to coercion, exploitation, and duress.

I find SOR ¶ 1.b for Applicant. First, there was no evidence in the Government's case file which supported this SOR allegation. Second, Applicant denied the allegation because he had disclosed to his wife when they were dating that he had paid prostitutes for sex. Even if the allegation were true, it is a fact that would have been relevant when considering Applicant's behavior alleged in SOR ¶ 1.a but does not allege an independent sexual behavior concern.

In ISCR Case No. 10-04641 at 4 (App. Bd. Sept. 24, 2013), the DOHA Appeal Board concisely explained Applicant's responsibility for proving the applicability of mitigating conditions as follows:

> Once a concern arises regarding an Applicant's security clearance eligibility, there is a strong presumption against the grant or maintenance of a security clearance. *See Dorfmont v. Brown*, 913 F. 2d 1399, 1401 (9th Cir. 1990), *cert. denied*, 499 U.S. 905 (1991). After the Government presents evidence raising security concerns, the burden shifts to the applicant to rebut or mitigate those concerns. *See* Directive ¶ E3.1.15. The standard applicable in security clearance decisions is that articulated in *Egan*, *supra*. "Any doubt concerning personnel being considered for access to classified information will be resolved in favor of the national security." Directive, Enclosure 2, [App. A] ¶ 2(b).

AG ¶ 14 lists conditions that could mitigate sexual behavior security concerns:

> (b) the sexual behavior happened so long ago, so infrequently, or under such unusual circumstances, that it is unlikely to recur and does not cast

doubt on the individual's current reliability, trustworthiness, or judgment; and

(c) the behavior no longer serves as a basis for coercion, exploitation, or duress;

AG ¶ 14(b) partially applies because Applicant has not paid a prostitute for sex since January 2025. He has also since remarried. However, this mitigating condition is given less weight due to Applicant's ten-year history of frequenting prostitutes. Not enough time has passed to conclude that Applicant will not repeat this behavior at some point in the future. His lengthy history of frequenting prostitutes even though he knew it was illegal raises questions about his reliability, trustworthiness, and judgment.

AG ¶ 14(c) applies because Applicant fully disclosed his sexual misconduct to his wife and security investigators. He had a long discussion with his wife and disclosed his history of visiting prostitutes. He is no longer vulnerable to coercion, exploitation, or duress, based on these disclosures.

While Applicant has some mitigation under the Sexual Behavior guideline, it is insufficient to mitigate the security concern because his extensive history of paying prostitutes for sex, which showed poor judgment and raised questions about his trustworthiness and reliability. Sexual Behavior security concerns are not mitigated.

Guideline J – Criminal Conduct

AG ¶ 30 describes the security concern about criminal conduct, "Criminal activity creates doubt about a person's judgment, reliability, and trustworthiness. By its very nature, it calls into question a person's ability or willingness to comply with laws, rules, and regulations."

AG ¶ 31 lists a condition that could raise a security concern and may be disqualifying in this case:

(b) evidence (including, but not limited to, a credible allegation, an admission, and matters of official record) of criminal conduct, regardless of whether the individual was formally charged, prosecuted, or convicted.

SOR ¶ 1.a was cross-alleged under the Criminal Conduct guideline. Applicant admits that he paid for prostitutes for sex from approximately October 2015 to approximately January 2025. He was aware that paying prostitutes for sex was against the law. Although he was never arrested this was criminal conduct. AG ¶ 31(b) applies.

AG ¶ 32 describes four conditions that could mitigate security concerns including:

(a) so much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;

(b) the individual was pressured or coerced into committing the act and those pressures are no longer present in the person's life;

(c) no reliable evidence to support that the individual committed the offense; and

(d) there is evidence of successful rehabilitation; including, but not limited to, the passage of time without recurrence of criminal activity, restitution, compliance with the terms of parole or probation, job training or higher education, good employment record, or constructive community involvement.

AG ¶¶ 32(a) and 32(d) both partially apply. Applicant stopped frequenting prostitutes in January 2025. More than a year and eight months have passed since his last offense. Applicant is now married and has a good employment record. However, it is too soon to conclude that Applicant will abstain from hiring prostitutes for sex in the future based on his ten-year history of frequenting prostitutes. AG ¶¶ 32(b) and 32(c) do not apply based on the facts of this case. Overall, Applicant did not meet his burden to mitigate the Criminal Conduct security concern.

Guideline E - Personal Conduct

The SOR cross-alleged all of the SOR allegations under the Personal Conduct guideline. All of the allegations were appropriately addressed under the Sexual Behavior and Criminal Conduct guidelines. Regarding the cross-allegation of SOR ¶ 1.a under Personal Conduct, I consider the following:

AG ¶ 15 provides the overall security concern arising from 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. The following will normally result in an unfavorable national security eligibility determination, security clearance action, or cancellation of further processing for national security eligibility:

AG ¶ 16 provides conditions that could raise a personal conduct security concern and may be disqualifying. The disqualifying conditions relevant to this case include:

(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. This includes, but is not limited to, consideration of:

(2) any disruptive, violent, or other inappropriate behavior;

(3) a pattern of dishonesty or rule violations; 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. Specifically (1) engaging in activities which, if known, could affect the person's personal, professional, or community standing.

AG ¶ 16(d)(2) and AG ¶ 16(d)(3) would apply because of Applicant's history of paying prostitutes for sex from 2015 to 2025. All of this conduct would be considered inappropriate. However, AG ¶ 16(d) excludes "credible adverse information that is not explicitly covered under any other guideline," and this information is explicitly covered under Guidelines D and J. Therefore, neither AG ¶ 16(d)(2) nor AG ¶ 16(d)(3) apply.

AG ¶ 16(e) applies because the above conduct made Applicant vulnerable to exploitation, manipulation, or duress. His past activities, if known, could affect his personal, professional, or community standing. This concern was addressed under the Sexual Behavior concern. Under Personal Conduct it is mitigated under AG ¶ 17(e): "the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress." Applicant's full disclosure of his past conduct to his wife and the background investigators make him no longer vulnerable to exploitation, manipulation, or duress.

The security concerns under the Personal Conduct guideline are mitigated.

Guideline B - Foreign Influence

The security concern for foreign influence 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 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. The following 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; 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.

The nature of a nation's government, including its level of control, its relationship with the United States, and its human-rights record are relevant in assessing the likelihood that an applicant's family members and foreign contacts are vulnerable to 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. The Philippines has terrorism issues in certain parts of the country. However, they are a long-time ally of the United States. According to a Bilateral Relations Fact Sheet from the U.S. State Department's Bureau of East Asian and Pacific Affairs titled, "U.S. Relations with the Philippines", the United States established diplomatic relations with the Philippines in 1946. On August 29, 2026, the two countries celebrated the 75th Anniversary of the United-States-Philippines Mutual Defense Treaty.

Guideline B is not limited to countries hostile to the United States. "The United States has a compelling interest in protecting and safeguarding classified information from any person, organization, or country that is not authorized to have access to it, regardless of whether that person, organization, or country has interests inimical to those of the United States." ISCR Case No. 02-11570 at 5 (App. Bd. May 19, 2004).

Applicant's wife, her mother, and siblings are all citizens of the Philippines. His wife's mother and siblings all reside in the Philippines. His wife resides in the United States and just became a permanent resident of the United States. AG ¶ 7(b) applies with respect to his wife's immediate family members who are citizens of and reside in the Philippines.

AG ¶ 7(f) applies with regards to Applicant's wife's two properties that she owns in the Philippines and her four bank accounts located in the Philippines. Applicant's wife has a successful career. She was able to purchase a home for her parents and a two-bedroom condominium for herself. There is a risk that Applicant may be subject to foreign influence because of his wife's property interests.

Conditions that could mitigate foreign influence security concerns are provided under AG ¶ 8. The following are potentially applicable:

> (a) the nature of the relationships with foreign persons, the country in which these persons are located, or the positions or activities of those persons in that country are such that it is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual, group, organization, or government and the interests of the United States;
>
> (b) there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, or allegiance to the group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the United States, that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest;
>
> (c) contact or communication with foreign citizens is so casual and infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation; and
>
> (f) the value or routine nature of the foreign business, financial, or property interests is such that they are unlikely to result in a conflict and could not be used effectively to influence, manipulate, or pressure the individual.

AG ¶ 8(a) applies because Applicant's wife resides with him in the United States. While his wife's mother and siblings reside in the Philippines, they are not close to Applicant and his wife. It is unlikely that Applicant will be placed in a position of having to choose between the interests of a foreign individual or the Philippine government and the interests of the United States.

Applicant was born and raised in the United States. His career is located in the United States. He bought a home in the United States, which is worth approximately $500,000. His investments and 401(k)-retirement account in the United States total approximately $175,000. His immediate family members are all United States citizens residing in the United States. Applicant's longstanding relationships and loyalties in the United States support the premise that he can be expected to resolve any conflict of interest in favor of the United States interests. AG ¶ 8(b) applies.

While Applicant's in-laws are citizens and residents of the Philippines, he never speaks to them. He has never visited the Philippines. AG ¶ 8(c) applies because he is not close to his in-laws. His wife has not returned to the Philippines since she moved to U.S. in 2023. She is now a permanent U.S. resident.

AG ¶ 8(f) applies because Applicant's wife is in the process of selling her condominium. The other home that she owns was purchased for her mother. Applicant's assets are located in the United States. His net worth is such that he is not likely to be influenced by his wife's assets in the Philippines.

The security concerns raised under Foreign Influence are mitigated.

Whole-Person Concept

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

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

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

I considered the following whole-person information: Applicant's favorable 10 years of service with his employer; his past employment history; the letters from his friends and co-workers attesting to his good character and work performance. Applicant is devoted to his wife.

The reasons for denying Applicant's security clearance are more persuasive than the reasons for granting his security clearance. While Applicant has not paid a prostitute for sex since January 2025, a security concern remains because of his lengthy history of hiring prostitutes. Applicant was aware that this conduct was illegal but continued to hire prostitutes for over 10 years. His behavior raised questions about his judgment, trustworthiness, and reliability. It is too soon to conclude that he will not engage in this conduct in the future.

It is well settled that once a concern arises regarding an applicant's security clearance eligibility, there is a strong presumption against granting a security clearance. *See Dorfmont*, 913 F. 2d at 1401. "[A] favorable clearance decision means that the record discloses no basis for doubt about an applicant's eligibility for access to classified information." ISCR Case No. 18-02085 at 7 (App. Bd. Jan. 3, 2020) (citing ISCR Case No. 12-00270 at 3 (App. Bd. Jan. 17, 2014)). After much consideration, I conclude doubts remain about Applicant's ability to protect classified information.

I have carefully applied the law, as set forth in *Egan*, Exec. Or. 10865, the Directive, the AGs, and the Appeal Board's jurisprudence, to the facts and circumstances in the context of the whole person. For the reasons discussed in the decision, I find Applicant mitigated the security concerns under Guideline E, Personal Conduct, and Guideline B, Foreign Influence. The security concerns under Guideline D, Sexual Behavior, and Guideline J, Criminal Conduct are not mitigated.

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 D:	AGAINST APPLICANT
Subparagraph 1.a:	Against Applicant
Subparagraph 1.b:	For Applicant
Paragraph 2, Guideline J:	AGAINST APPLICANT
Subparagraph 2.a:	Against Applicant
Paragraph 3, Guideline E:	FOR APPLICANT
Subparagraph 3.a:	For Applicant
Paragraph 4, Guideline B:	FOR APPLICANT
Subparagraphs 4.a – 4.b:	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 access to classified information. Eligibility for access to classified information is denied.

Erin C. Hogan
Administrative Judge