DEFENSE LEGAL SERVICES AGENCY
DEFENSE OFFICE OF HEARINGS AND APPEALS

In the matter of:	)	
	)	
	)	ISCR Case No. 25-00294
	)	
Applicant for Security Clearance	)	

Appearances

For Government: Carroll Connelley, Esq., Department Counsel
For Applicant: *Pro Se*

08/20/2026

Decision

PRICE, Eric C., Administrative Judge:

Security concerns raised under Guidelines F (Financial Considerations) and B (Foreign Influence) are not mitigated. Eligibility for a security clearance is denied.

Statement of the Case

Applicant submitted a security clearance application (SCA) on February 12, 2024. On April 7, 2025, the Defense Counterintelligence and Security Agency (DCSA) sent him a Statement of Reasons (SOR) alleging security concerns under Guideline F. The DCSA acted under Executive Order 12968, *Access to Classified Information*, dated August 2, 1995; DOD Manual 5200.02, *Procedures for the DoD Personnel Security Program (PSP)*, dated April 3, 2017 (Manual); and Security Executive Agent Directive 4, dated December 10, 2016 (SEAD 4).

Applicant answered the SOR on April 17 and 21, 2025. (Answer) He admitted all allegations in the SOR without explanation and requested a hearing. The case was assigned to me on September 18, 2025. The hearing was delayed when all administrative judges were furloughed from October 1 to November 12, 2025, during a federal government shutdown due to a lapse in federal funding. On December 30, 2025, the

Defense Office of Hearings and Appeals (DOHA) notified Applicant that the hearing was scheduled to be conducted by video teleconference on January 29, 2026.

I convened the hearing as scheduled. Government Exhibit (GE) 1 through GE 5 were admitted in evidence without objection. (Transcript (Tr.) 14-17) Applicant testified but presented no documentary evidence. Department Counsel moved to amend the SOR in conformity with evidence adduced at hearing and I granted that request without objection. (Tr. 77-80, 93-95) On February 3, 2026, Department Counsel amended the SOR (SOR Amendment) alleging concerns under Guideline B (Foreign Influence) and requested that I take administrative notice of relevant facts about the Federal Republic of Nigeria (Nigeria). (HE I, III; Tr. 110-14) On February 4, 2026, Applicant answered the SOR Amendment, admitted the allegations without explanation, and requested to reconvene the hearing. (HE II)

On February 12, 2026, DOHA notified Applicant that the hearing was scheduled to reconvene by video teleconference on March 5, 2026. (HE IV) I reconvened the hearing as scheduled. I granted Department Counsel's request for administrative notice of relevant facts about Nigeria without objection. (HE III; Tr. 113-14) Applicant testified but presented no documentary evidence. The record was held open to provide Applicant an opportunity to submit documentary evidence. (Tr. 134-40; HE V) Applicant timely submitted Applicant Exhibit A which was admitted into evidence without objection. DOHA received the transcripts of the hearing on February 9 and March 19, 2026, respectively. The record closed on May 1, 2026. (HE VI)

Findings of Fact

Applicant is a 29-year-old software developer employed by a defense contractor since November 2023. He was born in Haiti, first entered the United States in 2003, and became a U.S. citizen in 2004. He graduated from high school in 2015 and attended college from 2015 to 2018 but has not earned a degree. He was a freelance software developer from May 2013 to February 2024. In July 2025, Applicant married a citizen and resident of Nigeria. He has never held a security clearance. (GE 1, GE 2 at 4; Tr. 10, 18-24, 50-57)

Financial Considerations

The SOR alleges Applicant has approximately $23,037 of delinquent debt, SOR ¶¶ 1.a through1.i. He admitted each allegation without explanation. (Answer)

Applicant reported no delinquent debts in his February 2024 SCA and initially denied any delinquent debts during a March 2024 interview with a government investigator. After the investigator confronted him with debts shown in a credit report and later alleged in SOR ¶¶ 1.a through 1.g, he provided various explanations for failing to disclose the delinquent accounts. In a November 2024 response to interrogatories, Applicant claimed he contacted some creditors and reported payment arrangements for the debts alleged in SOR ¶¶ 1.a through 1g but indicated he had not made any payments on those debts. Applicant testified that he had received settlement offers from the creditors for the debts alleged in SOR ¶¶ 1.a through 1.g and said that he may have been confused when he responded that he had payment plans with those creditors in his response to interrogatories. He also said that he was fearful of contacting creditors and of possibly paying the wrong accounts. He said that he had been searching online for a debt consolidation company (DCC) since mid-2025 to help identify current creditors, to negotiate payment plans, and that he hoped to find a DCC soon. Applicant repeatedly stated his intent to resolve the delinquent debts. He has focused on paying his living expenses, student loans, vehicle loan, providing financial support for his wife, and paying some smaller debts. (GE 1 at 21-27, GE 2 at 2-3, GE 3 at 4-9; Tr. 31-35, 41-56)

Applicant attributed his financial problems to underemployment during the COVID-19 pandemic, auto loan payments, his 2025 wedding, and to travel expenses to meet his spouse's family in Nigeria. Credit reports from February 2024 and April 2025 show the delinquent debts alleged in the SOR. The credit reports confirm Applicant obtained a $34,091 vehicle loan in March 2021 with monthly payments of $785, and that as of April 1, 2025, his timely payments reduced the balance to $16,601. (GE 4-5; Tr. 57-76)

SOR ¶ 1.a: apartment lease account placed for collection of $17,024. During a March 2024 interview, Applicant told a government investigator that he disputed the debt amount and believed that he owed about $7,000 for unpaid rent from September and October 2022. He further stated that he vacated the apartment early because of water damage from a hurricane. At the hearing, he testified that he moved out of the apartment before the hurricane struck because it was predicted to hit the city where he lived and that he expected the landlord to let him out of the lease. He consulted with an attorney about negotiating a settlement and the attorney advised him that he was responsible for the entire amount alleged, $17,024. He said he was unable to set up a payment plan because he was still trying to determine who had the account for collection. He said that he phoned the creditor and "believe[d] they said they would be contacting [him]" but that they never did. He has been trying to find a DCC to assist him in identifying the creditor's contact information and to assist in resolving the debt. (GE 2 at 2; Tr. 24-34, 66-68) This debt is unresolved.

SOR ¶¶ 1.b through 1.g and 1.i: credit accounts placed for collection of $1,282, $492, $315, $213, and $304, and credit cards charged off for $741 and $530, respectively. Credit reports from February 2024 and April 2025 show the collection accounts were assigned for collection between November 2019 and July 2023. Applicant testified that: (1) he negotiated a settlement amount for SOR ¶ 1.b and was awaiting payment details; (2) a credit report showed he resolved SOR ¶ 1.c in March 2023; (3) he resolved SOR ¶ 1.d; and (4) that he believed that he paid the debt alleged in SOR ¶ 1.g. He did not recall paying the debt alleged in SOR ¶ 1.d but believed that his bank used funds from another account to pay it because it was not listed on his recent credit reports. He was looking for a DCC to help resolve the debts alleged in SOR ¶¶ 1.e through 1.f, 1.h, and 1.i. He said that he would submit documentary evidence that supported his resolution claims but did not do so. (GE 4-5; Tr. 34-48) These debts are unresolved.

SOR ¶ 1.h: telecommunications account placed for collection of $2,136. Applicant testified that he had not contacted the original creditor or the current collection agency and that he needed professional assistance to determine the proper way to pursue a settlement. After the hearing he submitted a letter from the creditor dated April 30, 2026, that showed an agreement to settle this debt "upon receipt of $2,136.05, in good funds[.]" The letter noted the agreement was "not binding … if payment is returned for any reason or not received." There is no evidence that Applicant made the agreed upon payment. (Tr. 47-48; AE A) This debt is unresolved.

Applicant reported about $97,000 in gross annual income and that he always had funds remaining after paying monthly bills, including his wedding expenses. He testified that he had $28,000 in a bank account and about $140,000 in an investment account. He received financial counseling from family members but not from a credible entity, such as a non-profit credit counseling service. (Tr. 35, 48-55, 73-77; GE 4 at 5, GE 5 at 1)

During the hearing, Applicant was informed of the importance of providing documentary evidence regarding the matters alleged in the SOR, including evidence of debt payments, his efforts to address or resolve his delinquent debts, and updated credit reports. (Tr. 70-73) When the hearing reconvened on March 5, 2026, Applicant testified that he had documentary evidence that he paid seven accounts over the previous month and that he planned to submit them after the hearing, but he did not do so. (Tr. 114-16)

SOR ¶¶ 2.a through 2.c: Applicant's wife, father-in-law, mother-in-law, sister-in-law, and two brothers-in-law are citizens and residents of Nigeria. Applicant admitted each allegation without explanation. (HE II)

Applicant married his spouse, a citizen and resident of Nigeria, in July 2025. They were expecting their first child in July 2026. They have communicated online since 2021 and first met in person in June 2025. His spouse is a nurse's assistant and performs missionary work for a non-governmental organization (NGO) she founded in Nigeria. They communicate daily. He filed a petition for a U.S. spouse visa, and his spouse plans to permanently relocate to the United States once the visa is granted. His spouse lives in an apartment about 40 minutes from her parents. Applicant sometimes provides his spouse financial support totaling about $1,000 a month. She also receives financial support from her parents. (Tr. 50-53, 80-83, 90-94, 116-139)

Applicant's father-in-law and mother-in-law are both pastors in Nigeria. His father-in-law was a colonel in the Nigerian armed forces and retired in 2025 after 35 years of service. His mother-in-law was a hairdresser and realtor; she currently co-owns an event planning business. He met his parents-in-law in June 2025 and has visited them 2 to 3 times. He communicates with his parents-in-law weekly. His spouse is close to her parents, and they communicate daily. His parents-in-law built a home in about 2025 that is worth about $40,000, but he does not believe that his spouse will inherit the home. (Tr. 83-86, 91-94, 116-139)

Applicant's sister-in-law is an unemployed baker, and his two brothers-in-law are students. His spouse is close to her siblings and sees them weekly. Applicant communicates with his sister-in-law and two brothers-in-law monthly. (Tr. 86-92, 126-131)

I have taken administrative notice that Nigeria has struggled to develop effective systems to address corruption, poverty, and social service delivery, leading to widespread and longstanding public mistrust of government. Nigeria has experienced growing insecurity due to terrorism, inter-communal conflicts, criminal banditry and kidnapping, and maritime piracy. Nigerian criminal enterprises operate in more than 80 countries, including the United States. They engage in drug trafficking and financial fraud, including internet-enabled crimes and scams. (HE III)

I have also taken administrative notice that the United States is the largest foreign investor in Nigeria. The elections of 2007 marked the first civilian-to-civilian transfer of power in the country's history, and the subsequent elections in 2011, 2015, 2019, and 2023 were deemed broadly fair despite voting irregularities, intimidation, and violence. The United States has long supported and remains committed to supporting Nigerian institutions and the Nigerian people. The U.S.-Nigeria Binational Commission has provided a key forum for high-level discussions since 2010 and has focused on key areas of mutual interest, including good governance, anti-corruption efforts, trade, investment, development, food security, security, and counter-terrorism efforts. Nigeria is an important U.S. security partner and a vital member of the "Defeat ISIS" coalition. (HE III)

Policies

"[N]o one has a 'right' to a security clearance." *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). As Commander in Chief, the President has the authority to "control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information." *Id.* at 527. The President has authorized the Secretary of Defense or his designee to grant applicants eligibility for access to classified information "only upon a finding that it is clearly consistent with the national interest to do so." Executive Order 10865 § 2.

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

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. Decisions include, by necessity, consideration of the possible risk that the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of classified information.

Clearance decisions must be made "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." Exec. Or. 10865 § 7. Thus, a decision to deny a security clearance is merely an indication the applicant has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance.

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The Government has the burden of establishing controverted facts alleged in the SOR. *See Egan* at 531. "Substantial evidence" is "more than a scintilla but less than a preponderance." *See v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994). The guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant's security suitability. ISCR Case No. 15-01253 at 3 (App. Bd. Apr. 20, 2016).

Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. An applicant has the burden of proving a mitigating condition, and the burden of disproving it never shifts to the Government. *See* ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

An applicant "has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance." ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). "[S]ecurity clearance determinations should err, if they must, on the side of denials." *Egan* at 531.

Analysis

Guideline B, Foreign Influence

The security concern under this guideline is set out in AG ¶ 6:

> Foreign contacts and interests, including, but not limited to, business, financial, and property interests, are a national security concern if they result in divided allegiance. They may also be a national security concern if they create circumstances in which the individual maybe manipulated or induced

to help a foreign person, group, organization, or government in a way inconsistent with U.S. interests or otherwise made vulnerable to pressure or coercion by any foreign interest. Assessment of foreign contacts and interests should consider the country in which the foreign contact or interest is located, including, but not limited to, considerations such as whether it is known to target U.S. citizens to obtain classified or sensitive information or is associated with a risk of terrorism.

The following disqualifying conditions under AG ¶ 7 are potentially relevant:

(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.

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). Nevertheless, the nature of a nation's government and its relationship with the United States are relevant in assessing the likelihood that an applicant's family members are vulnerable to government coercion. The risk of coercion, persuasion, or duress is significantly greater if the foreign country has an authoritarian government, or if a family member is associated with or dependent upon the government. An administrative judge must also consider any terrorist activity in the country at issue.

There is a rebuttable presumption that a person has ties of affection for, or obligation to, the immediate family members of their spouse. *See* ISCR Case No. 10-09986 at 3 (App. Bd. Dec. 15, 2011). "[A]n applicant's ties of affections for his or her in-laws has less to do with the applicant's feelings towards that family but instead contemplates the bonds of affection that the applicant's spouse holds for his or her immediate family members, which is then imputed to the applicant as a result of the marital relationship. This is true even though an applicant has minimal or no direct contact with the relatives." ISCR Case No. 19-02096 at 7 (App. Bd. Feb. 29, 2024) (citation omitted).

AG ¶¶ 7(a) requires substantial evidence of a "heightened risk." The "heightened risk" required to raise one of these disqualifying conditions is a relatively low standard.

"Heightened risk" denotes a risk greater than the normal risk inherent in having a family member living under a foreign government. *See, e.g.*, ISCR Case No. 12-05839 at 4 (App. Bd. Jul. 11, 2013). Insecurity in Nigeria due to terrorism, inter-communal conflicts, and criminal activity, and Applicant's relationship with his spouse, and his and his spouse's contact with her mother and father (a retired colonel in the Nigerian military), and siblings, which is imputed to him, are sufficient to establish the requisite "heightened risk" and potential conflict of interest. Applicant's admissions and other record evidence establish AG ¶¶ 7(a) and 7(b).

The following conditions that could mitigate foreign influence security concerns under AG ¶ 8 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. interests; and
>
> (c) contact or communication with foreign citizens is so casual or infrequent that there is little likelihood that it could create a risk of foreign influence or exploitation.

AG ¶ 8(a) is not established. Nigeria is a friendly country and democracy that has experienced insecurity due to terrorism, inter-communal conflicts, and criminal activity. Applicant did not sufficiently demonstrate that it is unlikely he could be placed in a position of having to choose between the interests of a foreign individual or government and those of the United States due to his family ties in Nigeria. His spouse and her family currently live and work in Nigeria and his father-in-law retired from the Nigerian armed forces in 2025 as a colonel. Applicant has legitimate and appropriately close relationships with his spouse and her family members living in Nigeria.

AG ¶ 8(b) is not fully established. Applicant has resided in the United States since he was a small child and has been a U.S. citizen since 2004. His professional career is centered in the United States. He has petitioned to have his spouse join him in the United States permanently. However, there is currently insufficient evidence to conclude that he can be expected to resolve any potential conflict of interest in favor of U.S. interests.

AG ¶ 8(c) is not established. Applicant’s contact and communication with his spouse and her family, and his spouse’s contact with her parents and siblings, which is imputed to him, are neither casual nor infrequent.

Guideline F, Financial Considerations

The security concern under this guideline is set out in AG ¶ 18:

> Failure to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. . . .

This concern is broader than the possibility that a person might knowingly compromise classified or sensitive information to raise money. It encompasses concerns about a person’s self-control, judgment, and other qualities essential to protecting classified or sensitive information. A person who is financially irresponsible may also be irresponsible, unconcerned, or negligent in handling and safeguarding classified or sensitive information. *See* ISCR Case No. 11-05365 at 3 (App. Bd. May 1, 2012).

The record evidence, including Applicant’s admissions, establish two disqualifying conditions under this guideline: AG ¶ 19(a) (inability to satisfy debts), and AG ¶ 19(c) (a history of not meeting financial obligations).

The following mitigating conditions under AG ¶ 20 are potentially applicable:

> (a) the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual’s current reliability, trustworthiness, or good judgment;
>
> (b) the conditions that resulted in the financial problem were largely beyond the person’s control (e.g., loss of employment, a business downturn, unexpected medical emergency, a death, divorce or separation, clear victimization by predatory lending practices, or identity theft), and the individual acted responsibly under the circumstances;
>
> (c) the individual has received or is receiving financial counseling for the problem from a legitimate and credible source, such as a non-profit credit counseling service, and there are clear indications that the problem is being resolved or is under control;
>
> (d) the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts; and

> (e) the individual has a reasonable basis to dispute the legitimacy of the past-due debt which is the cause of the problem and provides documented proof to substantiate the basis of the dispute or provides evidence of actions to resolve the issue.

AG ¶¶ 20(a), 20(c) and 20(d) are not established. Applicant's financial problems are long-standing and ongoing. Although he claimed to have evidence that several SOR debts had been resolved, he failed to submit any documentary evidence to support his claims. He has not sought or received financial counseling from a legitimate and credible source contemplated in AG ¶ 20(c), or shown that his financial problems are unlikely to recur. His financial behavior casts doubt on his current reliability, trustworthiness, and good judgment.

AG ¶ 20(b) is not fully established. Applicant's underemployment during the COVID-19 pandemic was a condition largely beyond his control; however, he has not provided sufficient evidence that he acted responsibly under the circumstances.

AG ¶ 20(e) is not established. Applicant told a background investigator that he disputed the amount of the debt alleged in SOR ¶ 1.a, but he has since admitted that the amount of the debt alleged is accurate and that he intends to pay it.

Whole-Person Analysis

Under AG ¶ 2(c), the ultimate determination of whether to grant a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept. An administrative judge must evaluate an applicant's security eligibility by considering the totality of the applicant's conduct and all the relevant circumstances. An administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(d):

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

I 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 F in my whole-person analysis and applied the adjudicative factors in AG ¶ 2(d).

The foreign influence security concerns do not arise from any questionable conduct by Applicant but rather circumstances that are normal results of his current family situation. However, it is well settled that "[o]nce a concern arises regarding an applicant's security clearance eligibility, there is a strong presumption against the grant or maintenance of a security clearance." ISCR Case No. 09-01652 at 3 (App. Bd. Aug. 8, 2011), *citing Dorfmont v. Brown,* 913 F.2d 1399, 1401 (9th Cir. 1990), *cert. denied*, 499 U.S. 905 (1991). Applicant has not overcome that presumption.

After weighing the disqualifying and mitigating conditions under Guidelines B and F, and evaluating all the evidence in the context of the whole person, I conclude Applicant has not mitigated the security concerns raised by his foreign family connections and financial considerations. Overall, the record evidence leaves me with questions and doubts as to his eligibility and suitability for a security clearance at this time.

This decision should not be construed as a determination that Applicant cannot or will not attain the state of reform necessary for award of a security clearance in the future. With a longer track record of financial responsibility, and after his spouse relocates to the United States, he may be able to demonstrate persuasive evidence of his security clearance worthiness.

Formal Findings

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

Paragraph 1, Guideline F (Financial Considerations):	AGAINST APPLICANT
Subparagraphs 1.a–1.i:	Against Applicant
Paragraph 2, Guideline B (Foreign Influence):	AGAINST APPLICANT
Subparagraphs 2.a–2.c:	Against Applicant

Conclusion

I conclude that it is not clearly consistent with the national security interests of the United States to grant Applicant eligibility for access to classified information. Eligibility for a security clearance is denied.

Eric C. Price
Administrative Judge