In the matter of:	)	
	)	
	)	ISCR Case No. 26-00490
	)	
Applicant for Security Clearance	)	

Appearances

For Government: Brian L. Farrell, Esq., Department Counsel
For Applicant: Brittany Forrester, Esq.

08/27/2026

Decision

HALE, Charles C., Administrative Judge:

This case involves security concerns raised under Guideline B (Foreign Influence), raised by Applicant's family members in Kosovo. Eligibility for access to classified information is granted.

Statement of the Case

Applicant submitted a security clearance application on May 8, 2025. On April 14, 2026, the Department of Defense sent him a Statement of Reasons (SOR) alleging security concerns under Guideline B. The Department of Defense (DoD) acted under Executive Order (Exec. Or.) 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 adjudicative guidelines (AG) promulgated in Security Executive Agent Directive 4, *National Security Adjudicative Guidelines* (December 10, 2016).

Applicant answered the SOR on April 24, 2026, and requested a decision based on the administrative (written) record, without a hearing before an Administrative Judge. On June 8, 2026, Applicant through his counsel's notice of appearance requested to withdraw his request for determination on the written record and that the matter be converted to a hearing before a DOHA administrative judge. The Government granted the request. The case was assigned to me on July 2, 2026. On July 14, 2026, the Defense Office of Hearings and Appeals (DOHA) notified Applicant that the hearing was scheduled for July 31, 2026. I convened the hearing as scheduled. Government Exhibits (GE) 1 and 2 were admitted in evidence without objection. Applicant presented two witnesses, testified himself, and offered Applicant's Exhibit (AE) A through AE J, which were admitted without objection. The record remained open until August 21, 2026, and he timely submitted AE K though AE T. DOHA received the transcript (Tr.) on August 12, 2026.

Procedural Ruling

Department Counsel requested that I take administrative notice of certain facts relating to the Republic of Kosovo. Applicant did not object and the request was approved. The request and the attached documents were not admitted into evidence but were included in the record as a Hearing Exhibit. The relevant facts administratively noticed are set out in the Findings of Fact below.

Findings of Fact

In Applicant's Answer to the SOR, he admitted the allegations, SOR ¶¶ 1.a through 1.f , with explanations. His admissions in his Answer and at the hearing are incorporated in my findings of fact.

Applicant is a 43-year-old armed security guard, who has been defending a U.S. installation since 2020 and has been promoted to a supervisory position and assigned to train new supervisory personnel. U.S. Government assistance in Kosovo targets the three goals of peace, justice and prosperity. U.S. troops continue to participate in the NATO-led Kosovo Force (KFOR) to maintain a safe and secure environment and freedom of movement for all of Kosovo's citizens. Applicant's position provides security for this U.S. mission. (HE I; Tr. 46; GE 1.)

Applicant entered the United States in 2008 at age 26 and became a U.S. citizen in 2012. He has never served in the Kosovo military but did attend some college in Kosovo. He was working as a professional athlete until he left Kosovo in 2008 for the United States. (GE 1; Tr. 87-106, 116-117.)

After receiving his citizenship Applicant worked in a variety of service jobs over the next four years in United States. From 2012 to 2016 he worked at a car dealership and in 2016 he bought a pizza business and was involved in that until 2019 when his partners sold the business. He went back to his earlier service job full-time, which he had maintained part-time due to its healthcare benefits. He acknowledged the extent of his time in the United States was from 2008 to 2020 and during that period he went back to Kosovo every couple of years. Similarly, he testified he had been back to the United States three times since 2020, with the next trip scheduled in April 2027 during spring break. (GE 1; Tr. 87-106, 116-117.)

Applicant has uncles and cousins who are U.S. citizens and reside in the United States, in three states primarily. He stated they have been living in the United States since 1999. He testified that a person born in Kosovo, by default, obtains that citizenship, unless the person renounces it. When asked if he intended to make the United States his permanent residence when his oldest child comes to the United States for college he responded, “absolutely.” (GE 1; Tr. 87-106, 116-117.)

Applicant and his partners bought the pizza business for $48,000. His share of the $48,000 was $25,000. When they sold the pizza business they lost money. His former business partners were dual citizens of another country, and they still live in the United States. He keeps in touch with them two to three times a year. (Tr. 93-95, 105, 116.)

Applicant is a U.S. taxpayer. In response to query about his taxes, he offered in his post-hearing submission IRS tax transcripts for tax years 2020-2025. (Tr. 85; AE K.) In response to a query about his vehicle ownership he provided proof in his post-hearing submission that he still maintained registration of one vehicle in U.S. and the other he brought over as part of his employment and does not require any Kosovo registration. (Tr. 70, 85-86; AE M, N.) In response to a query about his qualifications to be eligible for the position he held, he provided his Firearm License, Excel Security School Class D License Certificate, Security Officer License, and Certificate of Firearm Proficiency. (Tr. 113-116; AE O, AE Q-R.)

SOR ¶ 1.a alleges Applicant’s spouse is a citizen and resident of Kosovo. He noted in his Answer that his spouse is also a United States citizen and maintains strong, continuing ties to the United States and she was living in Kosovo because that is where he was employed. His wife moved to the United States in 1999 during the war, and she became a U.S. citizen in 2003 or 2004. He met his wife in Kosovo. She was in college in the United States when they met. They have been together for over 20 years. He described it as joint decision on where they would live. She has worked in the business development field for a U.S. company since 2015 and has never worked for the Kosovo government. Both he and his wife pay U.S. taxes, and their primary account is with a major U.S. bank, which in response to a query provided his bank statement in his post-hearing submission. His wife has a U.S. 401(k), and in response to a query, provided her retirement account statement in his post-hearing submission. (Tr. 67- 71, 80, 88, 90, 96, 102; AE E; AE K; AE L; AE S.)

SOR ¶ 1.b alleges Applicant’s three children are citizens and residents of Kosovo. In his Answer he noted these are natural family ties only, his entire family resides with him, and his children were born in the United States and are U.S. citizens. He claimed that they maintain strong, continuing ties to the United States. He brought them to Kosovo because of COVID. He had been away for six or seven months before bringing them over. He acknowledged he had to apply for Kosovo citizenship for his children. He stated he did this so they could attend school. He and his wife later decided to send them to private school because the long-term plan was to return to the United States so the children could attend a U.S. college. His oldest is now looking at colleges in their State of residency in the United States. (Answer; Tr. 71-72, 100-; AE G-I; AE L.)

Applicant’s oldest child keeps in touch with her U.S. friends. His wife supervises the conversations. He does not have any college accounts set up for his children. He is counting on scholarships for his oldest who is doing very well in school. He acknowledged he would be pulling his younger children out of their current school environment, but this was a full family decision. He stated that his youngest could not wait to get back to the United States and noted his youngest had been back the United States after moving to Kosovo. He explained that he believed their U.S. state residency was considered their primary home and that this situation living in Kosovo was temporary. Since obtaining his U.S. passport he has only traveled in and out of the United States on his U.S. passport. (Tr.110-113, 121; GE 2 at 4.)

SOR ¶ 1.c alleges Applicant's mother, brother, and sister are citizens and residents of Kosovo. He testified his mother is a citizen and resident of Kosovo and that she is not dependent on him financially. He described the contact as normal familial contact, nothing out of the ordinary. She visited him twice while he was living in the United States. He does not discuss his job with her. (Tr. 72-73.)

Applicant testified that, like his mother, his brother is a citizen and resident of Kosovo and that he is not dependent on him financially. Their contact is like what he described with his mother, but they share a unique bond as former professional athletes in Kosovo. He affirmed that nothing related to his job or national security interest was discussed with his brother. His brother works for a major U.S. company. His brother does not have any ties to any foreign entities, intelligence services, foreign security, foreign government, or military. His brother visited the United States once between 2008 and 2020. (Tr. 73-75, 96-97, 107.)

Applicant testified that, like his mother and brother, his sister is a citizen and resident of Kosovo and that she is not dependent on him financially. Their contact is like what he has with his mother and brother. He affirmed that nothing related to his job or national security interest was discussed with his sister. Like his brother, his sister works for the same U.S. company. His sister has never visited the United States. (Tr. 75-76, 107, 108.)

The American Chamber of Commerce in Kosovo is one of the most active and well-respected business organizations in the country, and there are over 15 companies registered in Kosovo that have direct U.S. ties. Among the most active are Coca Cola, General Electric, KFC, Marriott, Cisco, Famous Famiglia, Burger King, Domino's, TCI (a subsidiary of SPX Corporation), and Microsoft. There are also other U.S. goods being sold in Kosovo through distributors, as well as local UPS and FedEx offices. (HE I)

SOR ¶ 1.d alleges Applicant's mother-in-law and father-in-law are citizens and residents of Kosovo. He explained in his Answer that his in-laws were also citizens of the United States and currently live there. His father-in-law works in the United States. They are not dependent on him or his wife financially. His contact with his in-laws is similar to what he described with his immediate family. He affirmed that nothing related to his job or national security interest was discussed with his in-laws. He noted that they do spend the summer months in Kosovo. Their home State in the United States is well known for its ideal winter weather and miserably hot and humid summers. (Answer; Tr. 76-77, 91.)

SOR ¶ 1.e alleges Applicant owns a home in Kosovo with an approximate value of $400,000 USD. He and his wife had the home built in 2021. He bought the land in 2020 for $65,000. He and his wife had been saving her paychecks since 2008 and living off his income. In his Answer he explained that the property was a personal residential property and not an investment property for commercial use. He noted he has a family of five and he needed space and owning was more beneficial than renting. He has a number of U.S citizens living around him. When he lived in the United States he and his wife rented. When he returns to the United States he plans to keep the home as a vacation property. While the temperatures are similar between Kosovo and his U.S. state, his U.S. state is much more humid. He was not worried about his ability to sell the property if the time came. (Answer; AE D; Tr. 77-78, 95, 98-100, 107, 118-119.)

Applicant's supervisor explained employees of their company have the privilege of living off base on the local economy, "whether it's purchasing property or renting property" and the "vast majority, whether they have family or they're single men or women, they choose to live off base." Applicant's program manager, Mr. P, explained that a lot of his employees own their own homes. (Tr. 33, 46.)

SOR ¶ 1.f alleges Applicant maintains a bank account in Kosovo with an approximate value of $700 USD. It is the account that receives his paycheck. In his Answer and testimony, he explained that this account is maintained for ordinary personal banking purposes and routine financial activity and the amount varies based on household expenses and normal day-to-day transactions. He reiterated this point in his testimony. (Answer; Tr. 68-70, 79-80.) Both of Applicant's colleagues testified that a local bank account was necessary to carry out daily transactions. He explained U.S. citizens with accounts in Kosovo are required to report income and information to the IRS, which he does as required. He and his wife have just the one Kosovo account and have a bank account with a major U.S. bank, which they consider their primary account. Their U.S. bank account receives his wife's pay. (Answer; Tr. 26, 35-36, 38, 46, 60, 68-70, 79-80, 108-109; AE E; AE K.)

Applicant's immediate supervisor and his program manager testified on his behalf. Both have held security clearances now and in the past. His immediate supervisor (Mr. S) had known Applicant since Applicant was hired in 2020. (Tr. 21.) Mr. S testified Applicant served as a fill-in supervisor for the force protection operation center (FPOC) and was the training officer (FTO) where he trains all the newly promoted supervisors. Mr. S stated, "Yeah, so he's of great importance to us. He's an asset for sure." (Tr. 22.) He explained that all armed guards had to be U.S. citizens and that of his over 20 supervisors nine were dual citizens of Kosovo and the United States. (Tr. 32.) Mr. S concluded his direct testimony with:

> Again, I hold [Applicant] in high regard on a professional level and even on a personal level because we've worked side by side, like I said, for six years now, six years plus. So naturally with colleagues you form a personal bond. But professionally speaking, as well as personally speaking, I do hold him in high regard. He is a [*sic*] very loyal, very intelligent, very trustworthy, high

> moral standards, commitment to everything he believes in. I think I was -- quite honestly, I'm very surprised that we're in this position or he's in this position right now, to be honest with you. (Tr. 28.)

Applicant's program manager, (Mr. P.) had been with the company since 2017 in various capacities. He served in the U.S. military for 24 years and has held a security clearance for over 30 years. He has been in his current position for the last three years. He has known Applicant since Applicant started with the company in 2020. He testified how Applicant was entrusted with being their lead field training officer, and he required Applicant to train all of their supervisors; all of their post supervisors; and that Applicant generates reports for him based on the conduct and performance of the trainees. (Tr. 43-47.) When asked if he believed Applicant understood the responsibilities and obligations of security clearance holder he stated:

> Absolutely. And he wouldn't be in that position [lead field training officer] if I didn't have the trust and the confidence in his ability. And he's given me no reason to question anything. His performance is stellar all the time. (Tr. 48.)

When asked why he was not concerned about Applicant's extended periods of living of Kosovo compared to the United States he stated:

> Well, they spent ten years there. He wants to come back. That's a good question, but I don't think -- the loyalty is to the United States. I mean, that's the way I see it. And they are vetted properly. So I don't have -- I would say [Applicant] is the U.S., and I have no doubt of that. I don't think there's an issue there. (Tr. 55.)

Applicant documented his employment success with letters of achievement. His witnesses also included character letters, and he provided one from another company leader. (AE C.) His site supervisor wrote:

> Throughout his employment on this contract, [Applicant] has not received any disciplinary actions. He has shown that he possesses the leadership skills, traits, and character expected of a supervisor. He is dependable, responsible, and trusted to carry out important duties within the organization.
>
> Based on my personal and professional experience working with [Applicant], I believe he is a person of good character and has a strong work ethic. I respectfully offer my support and recommendation on his behalf. (AE C at 1.)

Applicant concluded his Answer with:

> My professional history reflects sustained trust placed in me by my employer and the mission I support. As an Armed Guard Supervisor and

> Field Training Officer, I have been responsible not only for my own conduct, but also for the training, supervision, and performance of other armed guards in a high-responsibility environment. Those duties required reliability, sound judgment, and consistent adherence to operational and security standards.
>
> I have never acted against U.S. interests, never placed any foreign relationship above my professional obligations, and never knowingly allowed personal circumstances to interfere with my duties. I remain willing to comply fully with all reporting requirements, security procedures, and any additional requests for information relevant to this matter.

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." Exec. Or. 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*, 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. 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*, 484 U.S. 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.

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). Furthermore, "even friendly nations can have profound disagreements with the United States over matters they view as important to their vital interests or national security." ISCR Case No. 00-0317 (App. Bd. Mar. 29, 2002).

The following disqualifying condition under this guideline are potentially applicable:

> 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
>
> AG ¶ 7 (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.

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.

Applicant's family and in-laws are citizens and residents of Kosovo. There is a rebuttable presumption that a person has ties of affection for, or obligation to, the immediate family members of the person's spouse. ISCR Case No. 01-03120, 2002 DOHA LEXIS 94 at * 8 (App. Bd. Feb. 20, 2002); *see also* ISCR Case No. 09-06457 at 4 (App. Bd. May 16, 2011). Applicant's foreign contacts and assets create a potential conflict of interest and a heightened risk of foreign exploitation, inducement, manipulation, pressure, and coercion. When foreign family ties are involved, the totality of an applicant's family ties to a foreign country as well as each individual family tie must be considered. ISCR Case No. 01-22693 at 7 (App. Bd. Sep. 22, 2003). The above disqualifying conditions have been raised by the evidence.

The following mitigating conditions under this guideline are potentially relevant:

> 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 U.S;
>
> AG ¶ 8(b): there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the U.S., that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest; and
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> AG ¶ 8(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.

While Applicant's ties to Kosovo are strong, the record reflects those ties are outweighed by his record of employment guarding the United States mission in Kosovo; his children's experiences in the United States; and their future education plans in the United States, as well as his business relationships and loyalties in the United States.

Applicant was challenged several times during his testimony to support his testimony with further documentary evidence of his ties to the United States, and he met those challenges. By working in the security field, he is uniquely qualified to understand the threats and mindful what could be used against him and he has already been trusted to act in the favor of the United States for the past several years. His financial ties are necessary to live day to day like any of his colleagues. There is no conflict of interest, because he can be expected to resolve any conflict of interest in favor of the United States. AG ¶¶ 8(a), 8(b), and 8(c) are applicable.

Whole-Person Concept

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. In applying the whole-person concept, an 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. 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 have incorporated my comments under Guideline B in my whole-person analysis and applied the adjudicative factors in AG ¶ 2(d). Applicant was candid, sincere, and persuasive at the hearing. His witness testimony described a person able to deal with potential for pressure, coercion, exploitation, or duress. After weighing the disqualifying and mitigating conditions under Guideline B and evaluating all the evidence in the context of the whole person, I conclude Applicant has mitigated the security concerns raised by family ties and interests in Kosovo.

Formal Findings

I make the following formal findings on the allegations in the SOR: Paragraph 1,

Guideline B (Foreign Influence): FOR APPLICANT

Subparagraphs 1.a-1.f: For Applicant

Conclusion

I conclude that it is clearly consistent with the national security interests of the United States to grant Applicant eligibility for access to classified information. Clearance is granted.

Charles C. Hale
Administrative Judge