

**DEPARTMENT OF DEFENSE  
DEFENSE OFFICE OF HEARINGS AND APPEALS**

In the matter of:	)	
	)	
[Redacted]	)	ADP Case No. 15-01511
	)	
Applicant for Public Trust Position	)	

**Appearances**

For Government: Rhett Petcher, Esq., Department Counsel  
For Applicant: *Pro se*

03/08/2017

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**Decision**

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Applicant submitted an Electronic Questionnaire for Investigations Processing (e-QIP) on November 22, 2013, seeking eligibility for a public trust position. On November 4, 2015, the Department of Defense (DOD) sent him a Statement of Reasons (SOR), citing trustworthiness concerns under Guidelines B (Foreign Influence) and C (Foreign Preference). DOD acted under DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); DOD Regulation 5200.2-R, *Personnel Security Program* (January 1987), as amended (Regulation); and the adjudicative guidelines (AG) implemented by DOD on September 1, 2006.

Applicant timely answered the SOR and requested a hearing before an administrative judge. The case was assigned to me on November 30, 2016, and I conducted the hearing on January 12, 2017. Government Exhibits (GX) 1 through 3 were admitted in evidence without objection. Applicant testified, presented the testimony of one witness, and submitted Applicant's Exhibits (AX) A through C, which were admitted without objection. DOHA received the transcript (Tr.) on January 19, 2017. After the record closed, I informed Department Counsel of my intent to issue a summary disposition in Applicant's favor, and he did not object.

The SOR alleges that Applicant's mother-in-law is a citizen of Pakistan who resides with him in the United States and that Applicant has family members who are citizens and residents of Pakistan, to whom Applicant has sent money. It also alleges that Applicant possesses a Pakistani visa.

Applicant was born in Pakistan and became a U.S. citizen in 1997. His wife, parents, and three brothers are naturalized U.S. citizens and live in the United States. His three children are native-born U.S. citizens. He has infrequent contact with distant relatives in Pakistan, but he has sent them money for medical treatment and living expenses. He obtained a Pakistani visa to care for an uncle who was dying from cancer. He used his U.S. passport for the travel. The visa expired in August 2016.

About five years ago, Applicant's mother-in-law came to the United States and lived with Applicant after her husband's death until July 2016. She now lives with Applicant's brother-in-law in the United States.

The mitigating conditions in AG ¶ 8(a), 8(b), 8(c) apply to Applicant's family ties in Pakistan. Assuming without deciding that his Pakistani visa was comparable to a foreign passport, it is expired, and AG ¶ 9(e) is applicable.

I have weighed the evidence and given consideration to the whole-person concept. Applicant was candid, sincere, and credible at the hearing. I conclude that he has met his burden of persuasion to show that it is clearly consistent with the interests of national security to grant him eligibility for a public trust position. The case is decided for Applicant.

LeRoy F. Foreman  
Administrative Judge