



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



In the matter of:)
)
) ISCR Case No. 17-00775
)
Applicant for Security Clearance)

Appearances

For Government: Andrew W. Henderson, Esq., Department Counsel
For Applicant: *Pro se*

02/01/2018

Decision

COACHER, Robert E., Administrative Judge:

On April 17, 2017, the Department of Defense (DOD) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline B, foreign influence. The action was taken under Executive Order (EO) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG).¹

Applicant responded (Answer) to the SOR on May 5, 2017. The case was assigned to me on October 11, 2017. The hearing was held as scheduled on January 18, 2018. On January 24, 2018, I proposed that this case was appropriate for a summary disposition in Applicant's favor. Department Counsel did not object.

The concern under Guideline B is that Applicant's mother is a dual U.S.-Pakistani citizen who splits time residing in both countries; that his sister and her family are citizens and residents of Pakistan and that his brother-in-law is employed by the

¹ I decided this case using the AG implemented by DOD on June 8, 2017. However, I also considered this case under the previous AG implemented on September 1, 2006, and my conclusions are the same using either set of AG.

Pakistani Merchant Navy; that his other in-laws are residents and citizens of Pakistan; that he owns land in Pakistan valued at approximately \$30,000; and that he sends money to his mother-in-law in Pakistan. Through Applicant's admissions and administrative noticed facts about Pakistan, the Government established, by substantial evidence, a heightened risk concerning Applicant's contacts with his Afghan relatives and his property in Pakistan. AG ¶¶ 7(a), 7(b), and 7(f) apply. Applicant testified and presented documentary evidence establishing there is no conflict of interest with his family members in Pakistan because of his deep and long-standing relationship and loyalties to the United States, as evidenced by his work history and his substantial financial ties to the United States. Based on the record evidence as a whole, I conclude that the security concern is mitigated under mitigating conditions AG ¶¶ 8(b) and 8(f).

The concern over Applicant's foreign relatives and his foreign financial interest does not create doubt about his current reliability, trustworthiness, good judgment, and ability to protect classified information. In reaching this conclusion, I weighed the evidence as a whole and considered if the favorable evidence outweighed the unfavorable evidence. I also gave due consideration to the whole-person concept. Accordingly, I conclude that he met his ultimate burden of persuasion to show that it is clearly consistent with the national interest to grant his eligibility for access to classified information. This case is decided for Applicant.

Robert E. Coacher
Administrative Judge