



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



In the matter of:

ISCR Case No. 17-01413

Applicant for Security Clearance

**Appearances**

For Government: Adrienne Driskill, Esq., Department Counsel

For Applicant: Catie Young, Esq.

March 26, 2018

**Decision**

GOLDSTEIN, Jennifer I., Administrative Judge:

On May 18, 2017, the Department of Defense (DOD) issued a Statement of Reasons to Applicant detailing security concerns under Guidelines C, Foreign Preference; and B, Foreign Influence.<sup>1</sup> Applicant responded to the SOR in an undated submission, and requested a hearing before an administrative judge. The case was assigned to me on January 25, 2018. On February 5, 2018, a notice of hearing was issued scheduling the hearing for March 12, 2018. The hearing was held as scheduled. On March 18, 2018, I proposed to the parties that this case was appropriate for a summary disposition in Applicant's favor. Department Counsel did not object.

Applicant is a 35-year-old, U.S. citizen who has worked for a defense contractor since February 2016. She immigrated to the United States in January 2005 from Nigeria. She was naturalized as a U.S. citizen in June 2010. She is married to a

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<sup>1</sup> This case is adjudicated 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, which became effective on June 8, 2017.

naturalized U.S. citizen. They have two children, who are natural born U.S. citizens. (Tr. 20-28.)

Under the guideline for Foreign Preference, the SOR alleged Applicant used her Nigerian passport to travel to Nigeria in March 2014. Applicant admitted this, but noted she used her Nigerian passport prior to accepting employment with a government contractor. She has formally renounced her Nigerian citizenship. (AE D.)

Under the Guideline for Foreign Influence, the SOR alleged that Applicant's father, father-in-law, and cousins are citizens and residents of Nigeria. Her father is now a permanent legal resident of the United States and has no plans to return to Nigeria. He lives with Applicant's mother. (Tr. 38-44.) Applicant has only met her father-in-law once. (Tr. 47.) He is a citizen and resident of Nigeria. Applicant's husband speaks to his father "very rarely," as his father had three or four wives and they are not close. (Tr. 45-50.) Applicant only communicated with one cousin in Nigeria since immigrating to the United States. That cousin was alleged to be employed by the Government of Nigeria, and works for the Ministry of Engineering. Applicant's contact with this cousin is infrequent and casual. (Tr. 50-55.)

Mitigating conditions set out in AG ¶¶ 8 (b), 8(c), and 11(c) have been established by the evidence. There is no doubt about Applicant's current reliability, trustworthiness, good judgment, and ability to protect classified information. In reaching this conclusion, I weighed the evidence as a whole and considered whether the favorable evidence outweighed the unfavorable evidence. I also gave due consideration to the whole-person concept. Accordingly, I conclude that Applicant met her ultimate burden of persuasion to show that it is clearly consistent with the national interest to grant her national security eligibility for access to classified information. National security eligibility is granted.

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Jennifer Goldstein  
Administrative Judge