



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



In the matter of:)
)
) ISCR Case No. 17-02976
)
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 October 4, 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 October 19, 2017. The case was assigned to me on December 13, 2017. The hearing was held as scheduled on January 17, 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 father (a retired Afghan Army Lieutenant Colonel), mother, and several siblings, two brothers-in-law, an uncle, and two cousins are residents and citizens of Afghanistan. Through Applicant's admissions

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.

and administrative noticed facts about Afghanistan, the Government established, by substantial evidence, a heightened risk concerning Applicant's contacts with his Afghan relatives. AG ¶¶ 7(a) and 7(b) apply. Applicant testified and presented documentary evidence establishing there is no conflict of interest with his family members in Afghanistan because of his deep and long-standing relationship and loyalties to the United States, as evidenced by his numerous combat deployments with U.S. forces acting as a linguist in hostile-fire situations, and his family and financial ties to the United States. Based on the record evidence as a whole, I conclude that the security concern is mitigated under mitigating condition AG ¶ 8(b).

The concern over Applicant's foreign relatives 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