



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



In the matter of:)
)
) ISCR Case No. 17-03882
)
Applicant for Security Clearance)

Appearances

For Government: Chris Morin, Esq., Department Counsel
For Applicant: *Pro se*

09/26/2018

Decision

RICCIARDELLO, Carol G., Administrative Judge:

On January 23, 2018, the Department of Defense (DOD) issued a Statement of Reasons to Applicant detailing security concerns under Guideline B, foreign influence, and Guideline E, personal conduct.¹ Applicant responded to the SOR on March 12, 2018, and requested a hearing before an administrative judge. The case was assigned to me on June 28, 2018. The hearing was held as scheduled on August 15, 2018. On September 24, 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 52 years old. He was a school principal in Somalia in 1991, when the government was overthrown and a civil war ensued. He fled Somalia with his family to Kenya, and they were refugees there for five years. While in Kenya, he served as an interpreter for the United Nations High Commission for Refugees. Because of his work with the United Nations and the U.S. Government, he was granted a special immigration

¹ 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 (AG), which became effective on June 8, 2017.

visa and immigrated to the United States with his family in 1996. He became a naturalized citizen of the U.S. in 2002. His wife and five children are naturalized U.S. citizens and residents. One child is totally disabled and dependent on Applicant for support.

One of Applicant's sons attended medical school in China because it was affordable. His son returned to the United States in May 2018, after graduation. His son does not intend to return to China. His son does not have personal or financial ties to China. His son intends to take his medical boards in the United States and remain here.

Applicant has not had contact with his brother and three sisters since 2010. They were citizens of Somalia. He does not know if his brother is alive. Applicant last saw him at the refugee camp in Kenya in 2010. His brother intended to return to Somalia, but Applicant does not know if he did. He was told by personnel at the Kenyan refugee camp that his brother is no longer there. Regarding his sisters, he last saw them at the refugee camp in Kenya in 2010. He did not know where they were until he was told in February 2018 that they returned to Somalia. He has had no in-person, telephonic, or electronic contact with them since 2010. He does not provide them any support.

The SOR alleged inconsistencies between Applicant's April 2007 electronic Questionnaire for Investigations Processing (e-QIP) and his 2017 counterintelligence focused security screening questionnaire (CFSSQ) regarding the location and times of his past residencies, and his brothers' occupations. Applicant explained the inconsistencies.

Applicant was not living in the United Arab Emirates for three years, but traveled back and forth for a period. He went to Syria for 9 days to receive dental treatment. He went there because the cost was considerably less expensive than in the United States. He listed this travel in his 2007 CFSSQ, but he forgot to list it in the 2017 CFSSQ. Applicant listed one of his brothers was a police officer and later listed that the brother (now deceased) was a teacher. He also listed another brother was a college professor and later that he was a postman. He credibly explained that his mother told him his brothers' occupations had changed. He explained that the Somalian government forces people to change jobs and fulfill different functions for the government or risk punishment. This was the situation with his brothers, who were forced to change occupations.

I considered the totality of Applicant's ties to Somalia, China, and Kenya. I find them to be minimal. I also considered the nature of those governments, their human rights records, and the risk of terrorism in those countries. Because Applicant's contacts in those countries are minimal, AG ¶¶ 7(a), 7(b), and 7(e) have minimally been raised by the evidence. Applicant's ties to these countries are outweighed by his relationship and deep loyalties to the United States. I find that it is unlikely Applicant will be placed in a position of having to choose between the interests of the United States and the interests of Somalia, Kenya, or China. There is no conflict of interest because Applicant can be expected to resolve any conflict of interest in favor of the United States. AG ¶¶ 8(a), 8(b), and 8(c) apply.

I also considered the personal conduct disqualifying conditions under AG ¶¶ (16(a) and 16(b). I find there is insufficient evidence to conclude Applicant deliberately provided false or misleading information. I find that his explanations are credible. He refuted the personal conduct security concerns.

The concerns over Applicant's foreign connections do 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.

Carol G. Ricciardello
Administrative Judge