



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



In the matter of:)
)
) ISCR Case No. 18-00547
)
Applicant for Security Clearance)

Appearances

For Government: Chris Morin, Esq., Department Counsel
For Applicant: Alan V. Edmunds, Esq.

09/26/2018

Decision

RICCIARDELLO, Carol G., Administrative Judge:

On March 12, 2018, the Department of Defense (DOD) issued a Statement of Reasons to Applicant detailing security concerns under Guideline B, foreign influence.¹ Applicant responded to the SOR on March 19, 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 14, 2018. On September 25, 2018, I proposed to the parties that this case was appropriate for a summary disposition in Applicant's favor. Department Counsel and Applicant's Counsel did not object.

Applicant is 33 years old. He married in 2012. He has one child, age four. He is completing his bachelor's degree. He was born in Iraq and worked with the United States military as a translator in Iraq from 2006 to 2009. He was granted a special immigration visa for his service to the U.S. Government and immigrated to the United

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.

States in 2009. Applicant has worked for different U.S. Government contractors since 2010.

Applicant met his wife in the United States. She immigrated to the United States with her family from Iraq in 1991. She is a naturalized U.S. citizen. She works at a doctor's office. All of her their immediate family live in the United States. Her mother lives with Applicant and his family.

Applicant's parents, two brothers, and a sister are citizens and residents of Iraq. The last time he visited his father was in 2016. His mother was present, but they do not have a good relationship, and they did not speak. She wanted him to marry a different woman and remain in Iraq. Applicant last spoke with his mother in 2012. She is a housewife. He had contact with his father in 2012, when his father was sick. He also saw his parents before he immigrated in 2009. His father was a mechanical engineer. His father had no ties with the Iraqi military. He does not know if his parents receive any benefits from the Iraqi government. Applicant spoke with his father regularly until 2018 when he made a conscious choice to stop communicating with his father after he received the SOR.

Applicant has two brothers, ages 30 and 21 years old. He saw them in 2016 and 2009. He spoke with them regularly until 2018 when he made a conscious choice to stop communicating with them after he received the SOR. He does not know what his brothers do for a living. He does not know if his brothers are married.

Applicant's sister is 25 years old. He visited her in 2016 and 2009. He spoke with her regularly, but in 2018, he made a conscious choice to stop communicating with her after he received the SOR.

Applicant has cousins, who are citizens and residents of the United States. Applicant does not own property in Iraq. He does not have financial interests or accounts there. He does not send his family money. He did not serve in the Iraqi military or attend college there. He has a U.S. passport. Applicant has bank accounts in the United States. He has two retirement accounts and has investments in mutual funds. He is registered to vote and exercises his right. He is taking college classes and estimates he will graduate with a degree in 2019.

Applicant is grateful to his adopted country because he is treated the same as other citizens. He wants to serve his country. His loyalty is solely to the United States. Applicant has ceased all communication with his family in Iraq. He has changed his phone number so his family cannot contact him. He credibly testified that he does not plan to reconnect with his family if granted a security clearance. He stated that if someone in his family was to become sick, he would not be notified. His wife does not contact his family. He has worked for the United States Government and contractors for 12 years.

I considered the totality of Applicant's ties to Iraq. I found Applicant's testimony credible. He terminated all communication with his family in Iraq. He does not intend to

resume it. His life is firmly rooted in the United States. I also considered the nature of that government, its human rights record, and the risk of terrorism in that country. The disqualifying conditions under AG ¶¶ 7(a) and 7(b) have been raised by the evidence. However, Applicant's ties to Iraq are outweighed by his relationships and deep loyalties in the United States. I find that it is unlikely he will be placed in a position of having to choose between the interests of the United States and the interests of Iraq. There is no conflict of interest, because Applicant can be expected to resolve any conflict of interest in favor of the United States. The mitigating conditions under AG ¶¶ 8(a), 8(b), and 8(c) are applicable.

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 him eligibility for access to classified information. This case is decided for Applicant.

Carol G. Ricciardello
Administrative Judge