



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



Appearances

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

12/08/2025

Decision

BLAZEWICK, R. B., Chief Administrative Judge:

Applicant mitigated the security concerns under Guideline B (Foreign Influence). Eligibility for access to classified information is granted.

Statement of the Case

Applicant submitted a security clearance application (SCA) on June 17, 2024, in connection with his employment in the defense industry. On March 27, 2025, the Department of Defense (DOD) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline B.

Applicant responded to the SOR on April 8, 2025 (Answer) and requested a decision on the written record in lieu of a hearing. Department Counsel submitted the Government's written case on May 6, 2025. A complete copy of the file of relevant material (FORM), including Items 1-3, was provided to Applicant, who was afforded an opportunity to file objections and submit material to refute, extenuate, or mitigate the security concerns. Applicant received the FORM on May 19, 2025, and he did not respond within the 30 days allotted. The case was assigned on September 4, 2025. The Government exhibits included in the FORM are admitted in evidence without objection.

The Government also requested I take administrative notice of certain facts relating to the Republic of India. The Government's eight-page Administrative Notice (AN) filing regarding India, along with 12 supporting documents, is marked as AN I. The documents provide elaboration and context for the summary. I take administrative notice of the facts included in the U.S. Government reports. They are limited to matters not subject to reasonable dispute. They are set out in the Findings of Fact.

Findings of Fact

Briefly, the allegations concern Applicant's Indian mother, mother-in-law, sister-in-law, cousin, and aunt (SOR ¶¶ 1.a-1.e); two properties he owns in India (SOR ¶¶ 1.f-1.g); monthly financial support provided to his mother-in-law in India (SOR ¶ 1.h); and two bank accounts he maintains in India (SOR ¶¶ 1.i-1.j).

In his SOR Response, Applicant admitted all of the SOR allegations without further elaboration or explanation. After a thorough and careful review of the pleadings and exhibits submitted, I make the following additional findings of fact.

Applicant is 53 years old. He was born in India. He received a bachelor's degree in 1993 from an Indian university. He entered the United States in 1996 at the age of 23. He came to the U.S. for work and has lived in the U.S. continuously since that time. He became a naturalized U.S. citizen in 2008. (Items 2, 3)

Applicant married in 1995 and has two adult children. His wife was born in India and is a naturalized U.S. citizen. His children were both born in the U.S. and continue to reside here. He has owned his current home in the U.S. since July 2021 and owned his previous home in the U.S. from 2014 to 2021. He started a home improvement business in the U.S. in 2019 and still does work part-time for the business. He has been employed with a defense contractor as a senior innovator since December 2022. This is his first clearance application. (Items 2, 3)

Applicant's mother, age 72, is an Indian citizen who resides with Applicant and his wife in the U.S. His mother has resided in the U.S. since April 2023 and her legal permanent resident card expiration date is May 20, 2034. He has daily in-person contact with her. She has never worked. (Item 2)

Applicant's mother-in-law, age 77, is a citizen and resident of India. He has monthly telephonic contact with her. She has never worked. Applicant sends her monthly financial support in the amount of about \$100, and, as of the date of his personal subject interview (SI) in July 2024, he estimated he had sent her about \$1,000 in total since 2023. (Items 2, 3)

Applicant's sister-in-law is a citizen and resident of India. He has weekly telephonic and electronic contact with her. She works at a school and is not affiliated with the Indian government or military. (Items 2, 3)

Applicant's cousin is a citizen and resident of India. Applicant said they "rarely" have contact. She is self-employed and is not affiliated with the Indian government or military. Applicant's aunt is a citizen and resident of India. She is a homemaker and Applicant said they "rarely" have contact. She is not affiliated with the Indian government or military. Applicants are not required to list cousins or aunts under Section 18 – Relatives on the SCA. Section 19 – Foreign Contacts asks if the Applicant has had "close and/or continuing contact with a foreign national . . . with whom you . . . are bound by affection, influence, common interests, and/or obligation?" Applicant did not report his cousin or aunt on his SCA or in his SI. He only reported this cousin and aunt when asked to complete a matrix requiring a list of ". . . all immediate family members and extended family members to include parents, grandparents, stepparents, aunts, uncles, siblings, step and half siblings, in-laws, and first cousins." (Items 2, 3)

Applicant has a sister and a first cousin who are both naturalized U.S. citizens living in the U.S. His brother, father, father-in-law, and uncle are all deceased. He typically travels to India to visit family about once a year for a few days or weeks, never more than 20 days. (Items 2, 3)

Applicant listed two foreign properties on his SCA. The first is a home in India that he purchased with his spouse in 2015 for about \$80,000. It is currently valued at about \$100,000. At the time of his July 2024 SI, he was not sure what he was going to do with the home because his brother who had been living in it had recently passed away. At the time of the SI, the home was empty, and Applicant was considering selling it. He stated that the property is not important to his overall financial situation, and he would be able and willing to walk away from the property if required, though he would prefer not to. (Items 2, 3)

The second property is a home in India that Applicant reported purchasing with his spouse as an investment property, with an estimated value of \$90,000. The home is still being built, however, and he is aware that the builder ran into financial issues, so he believes the building may never be completed. It is unclear exactly when Applicant put money down on this property, but his brother told him about the property 11 years ago, and Applicant listed a potential completion date of January 1, 2025, on his SCA. It is also unclear whether the \$90,000 he reported is what he already spent, or what the eventual purchase price would be upon completion of the project. He considers the money he spent on this property to be lost, and it is not important to his overall financial situation. If it became security significant, he would be able and willing to walk away from the property and the funds he used to buy it. (Items 2, 3)

Applicant listed two Indian bank accounts on his SCA. The first is just in his name and was opened in 1996. It has an estimated value of \$1,000. This account was used to help his brother out as needed. The second is a joint bank account with his spouse and was opened in 2016 with an estimated value of \$1,600. This account is for Applicant's wife to help her mother. Neither account is important to Applicant's overall financial

situation and he would be willing and able to walk away from both accounts if necessary. (Items 2, 3)

The Republic of India

India is a multiparty, federal, parliamentary democracy with a bicameral legislature. Elections are generally considered to be free and fair. Significant human rights issues abound in India, including unlawful and arbitrary killings; government corruption; abuses of police powers; political prisoners or detainees; restrictions and intrusions on privacy, freedom of expression, media, internet freedom, freedom of peaceful assembly, freedom of association, and freedom of movement; and violence against women and minorities.

Terrorism is a serious concern in India, with numerous terrorist and insurgent groups active throughout the country. These groups are known to target public places, including those frequented by Westerners. The U.S. Department of State has issued a Level 2 “Exercise Increased Caution” travel advisory for India due to crime and terrorism. The Department of State has issued Level 3 “Reconsider Travel” and Level 4 “Do Not Travel” advisories for several areas in India due to terrorism and violence.

There have been multiple criminal cases in the U.S. concerning securities fraud, industrial espionage, and import-export enforcement related to India. Recently, an Indian government employee and an Indian national were charged in connection with a plot to assassinate a U.S. citizen on U.S. soil. There are also concerns in the U.S. that allies or partners are conducting cyber espionage and other forms of intelligence collection when given access to U.S. military and civilian technologies.

Policies

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) implemented by the DOD on June 8, 2017.

“[N]o one has a ‘right’ to a security clearance.” *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). As Commander in Chief, the President has the authority to “control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information.” *Id.* at 527. The President has authorized the Secretary of Defense or his designee to grant applicants eligibility for access to classified information “only upon a finding that it is clearly consistent with the national interest to do so.” EO 10865 § 2.

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the adjudicative guidelines. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, an administrative judge

applies these guidelines in conjunction with an evaluation of the whole person. An administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. An administrative judge must consider all available and reliable information about the person, past and present, favorable and unfavorable.

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. Decisions include, by necessity, consideration of the possible risk that the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of classified information.

Clearance decisions must be made "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." EO 10865 § 7. Thus, a decision to deny a security clearance is merely an indication the applicant has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance.

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The Government has the burden of establishing controverted facts alleged in the SOR. See *Egan* at 531. "Substantial evidence" is "more than a scintilla but less than a preponderance." See *v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994). The guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant's security suitability. See ISCR Case No. 15-01253 at 3 (App. Bd. Apr. 20, 2016).

Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. An applicant has the burden of proving a mitigating condition, and the burden of disproving it never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

An applicant "has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance." ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). "[S]ecurity clearance determinations should err, if they must, on the side of denials." *Egan* at 531.

Analysis

Guideline B, Foreign Influence

The security concern for foreign influence is set out in AG ¶ 6:

Foreign contacts and interests, including, but not limited to, business, financial, and property interests, are a national security concern if they result in divided allegiance. They may also be a national security concern if they create circumstances in which the individual may be manipulated or induced to help a foreign person, group, organization, or government in a way inconsistent with U.S. interests or otherwise made vulnerable to pressure or coercion by any foreign interest. Assessment of foreign contacts and interests should consider the country in which the foreign contact or interest is located, including, but not limited to, considerations such as whether it is known to target U.S. citizens to obtain classified or sensitive information or is associated with a risk of terrorism.

The guideline notes several conditions that could raise security concerns under AG ¶ 7. The following are potentially applicable in this case:

- (a) contact, regardless of method, with a foreign family member, business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion;
- (b) connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual's obligation to protect classified or sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information or technology;
- (e) shared living quarters with a person or persons, regardless of citizenship status, if that relationship creates a heightened risk of foreign inducement, manipulation, pressure, or coercion; and
- (f) substantial business, financial, or property interests in a foreign country, or in any foreign owned or foreign-operated business that could subject the individual to a heightened risk of foreign influence or exploitation or personal conflict of interest.

Guideline B is not limited to countries hostile to the United States. "The United States has a compelling interest in protecting and safeguarding classified information from any person, organization, or country that is not authorized to have access to it, regardless of whether that person, organization, or country has interests inimical to those of the United States." ISCR Case No. 02-11570 at 5 (App. Bd. May 19, 2004). Nevertheless, the nature of a nation's government and its relationship with the United States are relevant in assessing the likelihood that an applicant's family members are vulnerable to government coercion. The risk of coercion, persuasion, or duress is significantly greater if the foreign country has an authoritarian government, or if a family

member is associated with or dependent upon the government. An administrative judge must also consider any terrorist activity in the country at issue.

AG ¶¶ 7(a), 7(e), and 7(f) require substantial evidence of a “heightened risk.” The “heightened risk” required to raise one of these disqualifying conditions is a relatively low standard. “Heightened risk” denotes a risk greater than the normal risk inherent in having a family member living under a foreign government. See, e.g., ISCR Case No. 12-05839 at 4 (App. Bd. Jul. 11, 2013). Applicant’s family connections and property interests, and the significant human rights issues and risk of terrorism in India, are sufficient to establish a “heightened risk.” AG ¶¶ 7(a), 7(b), 7(e), and 7(f) apply.

AG ¶ 8 provides conditions that could mitigate security concerns. The following are potentially applicable:

- (a) the nature of the relationships with foreign persons, the country in which these persons are located, or the positions or activities of those persons in that country are such that it is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual, group, organization, or government and the interests of the United States;
- (b) there is no conflict of interest, either because the individual’s sense of loyalty or obligation to the foreign person, or allegiance to the group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the United States, that the individual can be expected to resolve any conflict of interest in favor of the U.S. interests;
- (c) contact or communication with foreign citizens is so casual or infrequent that there is little likelihood that it could create a risk of foreign influence or exploitation; and
- (f) the value or routine nature of the foreign business, financial, or property interests is such that they are unlikely to result in a conflict and could not be used effectively to influence, manipulate, or pressure the individual.

Applicant has continuously lived in the U.S. for most of his life, almost 30 years. His wife and several other members of his family immigrated to the U.S. and became citizens, and both his children were born and raised in the U.S. He has owned at least two homes in the U.S. since he has lived here, and, notably, started a small business in the U.S. He only goes back to India about once a year for a relatively short duration.

Applicant’s mother has lived with him in the U.S. for over two years and is a U.S. legal permanent resident. She is elderly and has never worked, with no ties to the Indian government or military. Similarly, although his mother-in-law lives in India, she is also elderly and has never worked, with no ties to the Indian government or military. Applicant

provides his mother-in-law with minimal financial support, about \$100 a month. Although his sister-in-law works, she too has no ties to the Indian government or military. Given Applicant's significant ties to the U.S. and the minimal risk that these three relatives pose, I find that it is unlikely that Applicant will be placed in a position of having to choose between the interests of the U.S. and the interests of India due to these foreign relatives. AG ¶ 8(a) applies to SOR ¶¶ 1.a-1.c, and 1.h.

It appears Applicant only reported his cousin and aunt when instructed to list all extended family members regardless of closeness. Based on the instruction on the SCA, he did not report them, presumably because he did not feel "bound by affection, influence, common interests, and/or obligation" with them. He describes his contact with them as "rarely." The evidence indicates that his sense of loyalty or obligation to his cousin and aunt is so minimal as to not present a conflict of interest, and given his ties to the U.S. discussed above, he can be expected to resolve any conflict of interest in favor of the U.S. His contact or communication with them is so casual and infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation. AG ¶¶ 8(b) and 8(c) apply to SOR ¶¶ 1.d and 1.e.

One property Applicant owns in India was a home used by his brother, who has since passed away. As of the date of the SI, he had not decided what to do with it yet and was considering selling it. The second property is an investment property that has yet to be built and may never be built. Applicant has already considered the money he spent on it to be lost. He stated that neither property was important to his overall financial situation, and he would be willing and able to walk away from them if necessary. The value of these properties is relatively low and not a crucial part of Applicant's overall finances, and they are used or intended to be used in a routine manner. As such, they are unlikely to result in a conflict and could not be used effectively to influence, manipulate, or pressure Applicant. AG ¶ 8(f) applies to SOR ¶¶ 1.f and 1.g.

Applicant's two bank accounts in India both contain de minimus amounts of money. One was used to send money to Applicant's now-deceased brother, and the other is used by his wife to help provide money to her mother. Neither are important to Applicant's overall financial situation, and he would be willing and able to walk away from these accounts. Given the minimal value of these accounts and the routine nature in which they are used, they are unlikely to result in a conflict and could not be used effectively to influence, manipulate, or pressure Applicant. AG ¶ 8(f) applies to SOR ¶¶ 1.i and 1.j.

Whole-Person Concept

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept. In applying the whole-person concept, an administrative judge must evaluate an applicant's eligibility for a security clearance by considering the totality of the applicant's conduct and all relevant

circumstances. An administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(d):

(1) the nature, extent, and seriousness of the conduct; (2) the circumstances surrounding the conduct, to include knowledgeable participation; (3) the frequency and recency of the conduct; (4) the individual's age and maturity at the time of the conduct; (5) the extent to which participation is voluntary; (6) the presence or absence of rehabilitation and other permanent behavioral changes; (7) the motivation for the conduct; (8) the potential for pressure, coercion, exploitation, or duress; and (9) the likelihood of continuation or recurrence.

I have incorporated my comments under Guideline B in my whole-person analysis and applied the adjudicative factors in AG ¶ 2(d). Because Applicant requested a determination on the record without a hearing, I had no opportunity to evaluate his credibility and sincerity based on demeanor. See ISCR Case No. 01-12350 at 3-4 (App. Bd. Jul. 23, 2003).

Overall, the record evidence leaves me without questions or doubts about Applicant's eligibility and suitability for a security clearance. I conclude Applicant mitigated the foreign influence security concerns.

Formal Findings

Formal findings for or against Applicant on the allegations set forth in the SOR, as required by section E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1, Guideline B (Foreign Influence): **FOR APPLICANT**

Subparagraphs 1.a-1.j: **For Applicant**

Conclusion

It is clearly consistent with the national interest to grant Applicant eligibility for a security clearance. Eligibility for access to classified information is granted.

Robert B. Blazewick
Chief Administrative Judge