



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



In the matter of: )  
 )  
 ) ISCR Case No. 22-00243  
 )  
Applicant for Security Clearance )

## Appearances

For Government: Brian Farrell, Esq., Department Counsel  
For Applicant: *Pro se*

06/26/2025

## Decision

LAFAYE, Gatha, Administrative Judge:

Applicant failed to provide sufficient evidence to mitigate security concerns under Guidelines B (foreign influence), E (personal conduct), and F (financial considerations). Eligibility for access to classified information is denied.

## **Statement of the Case**

Applicant submitted a security clearance application (SCA) on August 1, 2023. On January 2, 2025, the Department of Defense (DOD) issued a Statement of Reasons (SOR) alleging security concerns under Guidelines B and E. The DOD acted 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) effective within the DOD on June 8, 2017.

Applicant answered the SOR on January 9, 2025, and elected to have his case decided on the written record in lieu of a hearing. Department Counsel submitted the Government's written case on January 29, 2025, including documents marked as Government Exhibits (GE) 1 through GE 11. He amended the SOR on the same date through the file of relevant material (FORM) and alleged a new security concern under Guideline F, and two additional personal conduct security concerns under Guideline E.

A complete copy of the FORM was sent to Applicant, who was given an opportunity to file objections and submit material to refute, extenuate, or mitigate the Government's evidence. Applicant received the FORM on February 11, 2025. He responded to the new allegations in the Amended SOR on February 21, 2025, and submitted additional documentary evidence with his response. The case was assigned to me on May 19, 2025. I labeled Applicant's response to the FORM and documents submitted with it collectively as Applicant Exhibit (AE) A and admitted it in evidence without objection. GE 1 and GE 2 are already part of the administrative record. I admitted GE 3 through GE 11 in evidence without objection.

### **Procedural Ruling**

Department Counsel requested that I take administrative notice (AN) of certain facts related to country conditions in the Republic of Djibouti (Djibouti) and the neighboring Federal Republic of Somalia (Somalia), from official U.S. Government sources. Applicant did not object and I granted the request. In this decision, I take administrative notice of certain official U.S. Government facts related to Djibouti (AN I) and Somalia (AN II), and the facts administratively noticed are set forth in the Findings of Facts, below.

### **Findings of Fact**

In his Answer, Applicant admitted the SOR allegations in ¶¶ 1.a through 1.f, and denied the SOR allegation in ¶¶ 2.a through 2.d, and 3.a. His admissions are incorporated in my findings of fact. After careful review of the evidence, I make the following additional findings of fact.

Applicant is 41 years old. Born in Djibouti in May 1984, he is a Djiboutian citizen by birth. He has never married and has no children. He earned his high school diploma in Djibouti in June 2005. He was awarded a 500 Euro scholarship from the Djibouti government to attend college in the People's Republic of Algeria (Algeria) from 2005 to 2008, and he earned an associate degree in March 2008. (GE 3, 4, 6, 11)

In October 2013, Applicant immigrated to the United States after winning the visa lottery. He arrived in the United States as a permanent resident. Upon arrival, Applicant resided with his Djiboutian sponsor for a few weeks in State 1 (S1) before attending college in State 2 (S2) from 2014 to 2018. He did not complete a degree. He became a naturalized United States citizen in September 2019. He is a dual citizen of Djibouti and the United States and maintains active passports for each country. Applicant last renewed his Djibouti passport in October 2020, he said, to simplify his travels to Djibouti and Ethiopia. He has expressed a willingness to renounce his Djibouti citizenship if necessary for a security clearance. (GE 3, 4, 6, 11)

In 2023, Applicant applied for a linguist position with a federal contractor supporting DOD in Djibouti. He said he wants to live near his family in Djibouti, and that a security clearance will enable him to qualify for better U.S. Government positions in the future.

Applicant's employment is contingent upon his eligibility for a security clearance. (GE 3, 4, 6, 11)

Applicant completed his first SCA in March 2021 when he first applied for a previous linguist position with a federal contractor in Djibouti. (GE 4) His most recent SCA, completed in August 2023, indicates Applicant has resided in four U.S. states since immigrating to the United States and has worked primarily as a self-employed contract driver. He does not own property in the United States. He has resided primarily with friends and roommates from Djibouti or Somalia throughout his time in the United States, only renting occasionally for short periods of time. (GE 3, 4, 6, 11)

After moving to State 2 where he attended college, Applicant initially worked as a warehouse employee from April through June 2014. He claimed he next worked as a security officer for security company in S2 from July 2014 through December 2017; however, he was unable to provide proof of this employment. He said he did not know what happened to the company but claimed he received W2 statements from them. He did not submit any W2 statements to support the assertion. (GE 11)

Applicant also claimed he was self-employed and working part-time in State 3 (S3) located more than 2,000 miles away during part of this time. He said he initially worked as Lyft driver in S3 from April 2015 through July 2018, and then as an Uber driver from September 2015 through March 2020. From July 2018 through July 2020, he worked full-time as a material attendant for a company in S3. He also listed working part-time as a flex driver in S3 from April through July 2020. He said he was unemployed from August 2020 through July 2021 in S3 after he resigned due to fear of becoming ill during the COVID-19 pandemic. (GE 3, 4, 6, 11)

Applicant said he worked full time as a self-employed Uber and Lyft driver in a different state, state 4 (S4), from August 2021 through November 2022. Next, he was unemployed and residing in Djibouti from December 2022 through May 2023, living with his mother and extended family. In June 2023, he returned to the United States, moved in with friends in S4, and resumed his work as a self-employed Uber driver. (GE 3, 4, 6, 11)

Applicant's record reflects two significant periods where he resided in Djibouti. First, from October 2020 through February 2021 (five months), he resided in Djibouti with his family. Next, from November 2022 through May 2023 (seven months), he again resided with his family in Djibouti. Applicant also visited family and friends in Canada in July 2022. He listed a tourism trip to Ethiopia in November 2022, while enroute to Djibouti. (GE 3, 4, 5, 6).

Applicant's mother, three sisters, and three brothers are citizens and residents of Djibouti (SOR ¶¶ 1.a-1.c). He maintains weekly contact with his mother, a traditional Djiboutian housewife, and has provided substantial financial support to her, primarily, to build her a home in Djibouti, discussed in more detail below. Applicant also maintains close and continuing contact with four of his six siblings, two brothers (B1, B3) and two

sisters (Z1, Z3). He communicates with one sister (Z3) every week. He said he also maintains contact at least quarterly with his remaining siblings, a sister (Z2) and a brother (B2), who has been an employee of the U.S. Government in Djibouti since 2008. In January 2023, he paid \$69,000 USD to purchase an auto parts business in Djibouti that he co-owns with his brother (B3). He said B3 acquired the license for the business and they both pay monthly rent for the storefront. The SOR in ¶ 1.f alleges that Applicant co-owned an auto parts store in Djibouti, valued at about \$69,000 USD. (GE 3, 8, 11)

Applicant has six personal friends who are citizens and residents of Djibouti (SOR ¶ 1.d), and he admitted he has maintained close and continuing relations with them. He communicates with them in person, by telephone, and electronically, most of them weekly and monthly, and two quarterly. Three friends are employees of the Djibouti government doing work at the Port of Djibouti, the University of Djibouti, and the Djibouti Department of Budget. Two friends are students, and one friend is self-employed. Applicant acknowledged that his relations with his mother, six siblings and six friends are important to him personally but said they do not compromise his loyalty to the United States or his ability to protect classified information. (GE 3, 4, 8, 11; Answer to SOR)

Applicant denied providing consistent financial support to any foreign national, but admitted providing funds to his mother for building a house in Djibouti. He said he did not believe providing funds to his family to build his mother a house was considered "financial support." His mother wanted him to build her a house, and he started sending funds to build his mother's house in 2016. He said he had been saving and living frugally, and in about 2016, he was able to send \$35,000 USD via Western Union to his brother (B2) to purchase the property. He said he provided about \$55,000 USD of financial support for building the house in 2020 when he visited Djibouti. He paid for the building materials and hired workers to finish the home while there. His mother's house was finished in 2020, and his mother and family members are living there. The house is a six-bedroom property in Djibouti with a stated worth of about \$120,000 USD. He is set to inherit 50% of the property when his mother dies. He said he would give it to his siblings who live there with his mother and if he received proceeds, he would buy land in Djibouti. (GE 6, 11)

Applicant said he also gave gifts during this time to people in the community who needed it, something expected from Djiboutians who live in the United States and return. He said the Djiboutian culture is communal and people are expected to support one another. He said he lived with roommates and friends while working in the United States, denied himself a social life, and focused on saving funds to satisfy his financial obligation to his mother. He described his life as being completely work-focused. He sent about \$300 USD to family members during the holidays for gifts. He also helped when asked by family or Djibouti community members that needed medical care or had a financial issue. He provided about \$300 once or twice a year for this purpose. (GE 6, 11)

SOR ¶ 1.e alleges that Applicant provided about \$112,000 USD of financial support to his mother. Applicant's total earning reported to the Internal Revenue Service (IRS) for income earned from 2014 through 2023 was \$191,415. From 2020 through

2023, his adjusted gross earnings and tax relief credits per his tax transcripts are listed below. (GE 11 at 22-38)

<u>Adjusted Gross Earnings:</u>	<u>Tax relief credit:</u>
Tax Year 2020	\$37,090
Tax Year 2021	\$25,553
Tax Year 2022	\$ 1,215
Tax Year 2023	\$ 5,194
	\$1,800 total (\$1,200 + \$600)
	\$1,400
	\$ 0
	\$ 0

Applicant provided financial support to his mother and others from 2016 through 2023. From 2017 to 2020, he said he sent his mother \$350 USD quarterly or about \$5,600 USD each year. In 2020, he sent her \$5,000 USD three times, or \$15,000 USD, for house construction costs, and in 2021, he sent his mother an additional \$300 USD on three separate occasions, or \$900 USD. (GE 6,11)

In October 2020, while living in Djibouti, Applicant sent a \$20,000 bank-to-bank wire transfer to a friend's (F1) account, and his friend sent this money to him in Djibouti via Western Union so that he would have access to the funds for construction of his mother's house. In November 2020, he sent a different friend (F2) a \$15,000 bank-to-bank wire transfer, and similar to the above, his friend forwarded this money to him in Djibouti via Western Union so that he would have access to the funds for construction of his mother's house. He also sent another friend (F3) a \$20,000 bank-to-bank wire transfer in November 2020, for forwarding to him in Djibouti via Western Union transfers. All of the above transactions were required because Applicant had already reached Western Union's maximum dollar amount allowed each year for international transfers. In March 2021, Applicant sent another friend in Djibouti (F4) \$5,000 USD via Western Union for construction costs associated with Applicant's mother's house. (GE 6)

From 2018 to 2020, Applicant sent about \$800 via Western Union to a friend (F5) in Djibouti for F5's divorce and daily living expenses. From 2019 to 2021, he sent about \$600 USD via Western Union to other close relatives for medical and living expenses. (GE 6)

Under Guideline E, the SOR alleges that Applicant failed to disclose he provided financial support to a foreign national on both his August 2023 SCA (SOR ¶ 2.a) and his March 2021 SCA (SOR ¶ 2.b). In both security clearance applications, he responded "No" to the question in "Section 20A – Foreign Activities, Foreign Financial Interests – Foreign National Support," which asked, "Have you EVER provided financial support for any foreign national?" (GE 3, 4)

Applicant denied he deliberately failed to disclose information related to the financial support he provided to his mother and other family members. He acknowledged that his responses in both his 2021 and 2023 SCAs were incorrect, but said he never intended to deceive the Government, stating:

First, the omission in my e-QIP form in response to section 20A on March 8, 2021 was unintentional and caused by a misunderstanding of the definition of a foreign national, but after receiving clarification about foreign national support by the investigator in the day of the subject interview, I gave all necessary detail and information.

Second, the omission on my e-QIP in response to section 20A on August 1, 2023, was unintentional, but after submitting my e-QIP in 2021, I saved a copy on my computer then in 2023, I opened the same e-QIP file and updated only a few sections of it and omitted correcting section 20A. This is the reason why I made the same mistake twice. (Answer to the SOR)

Applicant went on to explain that his 2021 SCA was “stopped” in the middle of the process by the previous contractor who lost the contract, and that he did not receive any feedback from his 2021 SCA. He further explained in his response to the FORM that he believed that sending money to his mother was a personal obligation, and did not fall within the definition of “financial assistance to a foreign national.” He reiterated this was an unintentional mistake and once he realized his error, he provided details of his financial support during his interview, and that in doing so, he acted in good faith to correct his error. (AE A).

SOR ¶ 2.c alleges that Applicant collected unemployment benefits from S3 between October 2020 and February 2021, and that he was living in Djibouti at the time, and was therefore ineligible to receive the unemployment benefits. Applicant admitted he collected unemployment benefits from S3 between October 2020 and February 2021, but stated he was unaware he did not meet the eligibility requirements because this was his first time applying for unemployment assistance. He commented, “I sincerely regret this and take full responsibility for my actions.” (GE 11 at 19; AE A)

Applicant was unemployed from August 2020 through August 2021. (GE 11 at 19) He received \$391 per week for unemployment and \$300 per month for COVID-19 pandemic federal aid. He said he currently earns \$6,000 per month and has about \$2,895 remaining each month after paying all bills and expenses. He reported having a savings account balance of \$10,000 USD. (GE 6, 7, 11)

Under Guideline F, SOR ¶ 3.a alleges that Applicant has demonstrated unexplained affluence since about 2016 in that he earned a combined gross income from 2014 through 2023 of about \$190,000, but during this period, he gifted about \$95,000 to Djiboutian family members and friends; invested about \$70,000 in a Djiboutian business; and purchased and paid off at least four vehicles, one costing about \$34,000. This allegation is cross-alleged under Guideline E in SOR, in ¶ 2.d.

Applicant denied the allegation under both guidelines. He said he receives IRS form 1099s as a self-employed individual, and that his transcripts only include his adjusted gross income, not his gross income earned from the business. He claimed his work allowed him to take 50% deductions for meals, mileage, and various vehicle

expenses including interest on car loans, maintenance, gas, and insurance, and this information was excluded from the IRS transcript. Applicant did not include a copy of any of his income tax returns for any of the years in question to support his assertion. He simply commented that his explanation “clarifies why IRS account transcripts reflect adjusted gross income and not gross income, as any CPA expert can confirm.” No other information about financial advisors or CPAs was provided. (AE A)

Regarding the vehicles, Applicant said he purchased a 2014 Toyota Corolla in 2015 for \$18,000 that he used for his rideshare business. He traded in this vehicle in 2019, for a 2019 Toyota Highlander, which he sold back to the dealer in 2020 due to the COVID-19 pandemic. He said the dealer paid the remaining loan balance and gave him his equity portion. He purchased a 2014 Nissan Sentra in May 2021 for \$5,000 cash. In October 2021, he had an auto accident, totaled the car, and his insurance paid him \$7,500, which he used as a downpayment on a 2022 Toyota Camry Hybrid. He sold this car, and provided a copy of a wholesale order as proof this vehicle was sold. (AE A)

### **Administrative Notice**

I take administrative notice of the below following facts on Djibouti and Somalia:

#### **Djibouti**

Djibouti is a republic with a parliament and executive branch led by the President. Djibouti is strategically located in the Horn of Africa and is a key U.S. partner on security, regional stability, and humanitarian efforts across the region. Djibouti's proximity to Somalia and Yemen remains a risk factor for terrorism financing concerns, as many Djibouti-based financial institutions continue to operate in neighboring countries that have a weak or not Anti-Money Laundering/Countering the Financing of Terrorism (AML/CFT) legislation or other financial controls. There were no published law enforcement cases involving suspected terrorism financing in 2021. It is noted that no information was provided concerning Djibouti's human rights record. (AN 1)

#### **Somalia**

The State Department has issued a Level 4 “Do Not Travel” advisory for Somalia due to crime, terrorism, civil unrest, health issues, kidnapping, and piracy. Violent crime such as kidnapping and murder, is common throughout Somalia. Some schools and other facilities act as “rehabilitation” centers and “de-westernization” camps, with people reporting being held against their will. Terrorists continue to plot kidnappings, bombings, and other attacks in Somalia. Method of attacks in terrorist incidents include car bombs, suicide bombers, individual attackers, and rocket fire. The terrorism situation in Somalia remains unstable and dangerous, and no area in Somalia is immune from violence. Al-Shabaab continues to pose a significant terrorism threat in Somalia and the region despite shared efforts of the Federal Government of Somalia, neighboring countries, and other international partners to contain the threat. Significant human rights issues also exist in

Somalia, including unlawful or arbitrary killings, arbitrary arrest or detention, enforced disappearances or abductions, and serious government corruption. (AN II)

## Policies

A person who seeks access to classified information enters into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it grants access to classified information. Decisions include, by necessity, consideration of the possible risk that an applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified information.

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the adjudicative guidelines (AG). These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied 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, reliable information about the person, past and present, favorable and unfavorable.

"The applicant is responsible for presenting witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by the applicant or proven by Department Counsel, and has the ultimate burden of persuasion as to obtaining a favorable clearance decision." Directive ¶ E3.1.15. 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." *Department of the Navy v. Egan*, 484 U.S. 518, 531 (1988); see AG ¶ 2(b).

The protection of the national security is the paramount consideration. Under AG ¶ 2(b), any doubt will be resolved in favor of the national security." Section 7 of EO 10865 provides that decisions shall be "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." See also EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

## 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.

AG ¶ 7 describes conditions that could raise a security concern and may be disqualifying. 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; 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.

Applicant's mother, three brothers, three sisters and six friends are all citizens and residents of Djibouti and he admittedly has close and continuous communications with them. The Appeal Board has determined that the "heightened risk" language in AG ¶ 7(a) addresses an applicant's foreign contacts, not necessarily the foreign country involved, though the foreign country in which the foreign contacts are located is an important consideration. See ISCR Case No.17-03026 at 5 (App. Bd. Jan. 16, 2019) While current conditions in Djibouti, a key United States partner on security, regional stability, and humanitarian efforts in the Horn of Africa, does not *per se* present a heightened risk, it is Applicant's close and continuous contacts with his mother, siblings, and friends that create a heightened risk of foreign exploitation, pressure, coercion or manipulation, which places a heavy burden on Applicant to mitigate the security concern. Moreover, his deep emotional and financial connections to his family and friends in Djibouti create a potential conflict of interest. AG ¶¶ 7(a) and 7(b) apply.

Since 2016, Applicant has provided substantial financial support to his family in Djibouti, particularly his mother and brother B3, with whom he co-owns a business. All of Applicant's immediate family members, extended relatives, and closest friends are citizens and residents of Djibouti. From 2016 through 2023, he provided about \$112,000 in financial support to his mother to build her a new home in Djibouti. He resided with his mother and siblings in Djibouti, in the house he built for her, for five months from late 2020 to early 2021, and for seven months from late 2022 to March 2023. In 2023, Applicant also purchased an auto parts business in Djibouti for \$69,000 and he co-owns the business with his brother, B3. AG ¶ 7(f) applies.

SOR ¶¶ 1.a and 1.e are duplicate allegations, and thus SOR ¶ 1.a is decided in Applicant's favor.

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

- (a): the nature of the relationship 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 and 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, group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the U.S., that the individual can be expected to resolve any conflict of interests in favor of the U.S. interests;
- (c): contact or communication with foreign citizens is so casual and infrequent that there is little likelihood that it could create a risk for 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.

None of the above mitigating conditions are sufficiently established to mitigate the foreign influence security concerns in this case. Applicant's financial support and frequent contact with family and friends in Djibouti are manifestations of his care and concerns for his relatives living there. His emotional and financial connections are inextricably tied to Djibouti. He has provided well over \$120,000 USD of financial support to his mother, family, and friends. When Applicant was unable to send large sums of money to Djibouti via Western Union due to reaching the annual maximum, he transferred large sums of U.S. dollars to bank accounts of his trusted friends for them to transfer those funds to Djibouti on his behalf via Western Union. He has also applied twice for linguist positions

with federal defense contractors in Djibouti, which would enable him to live and work in Djibouti with or near his family and friends.

Applicant invested \$69,000 in an auto parts business in Djibouti that he co-owns with his brother. He has a 50% inheritable interest in the six-bedroom house in Djibouti, valued at \$120,000, which he financed and built for his mother. In comparison, he does not own a home or any real estate in the United States. Since immigrating to the United States, he has resided with friends and roommates associated with Djibouti or Somalia, and only renting occasionally. His job as a self-employed contract driver has enabled him to move about freely, starting and stopping his business as desired. Between October 2020 and March 2023, he moved back to Djibouti for a combined period of 12 months, where he resided with his mother and family members in the six- bedroom house he built for her. I find that Applicant's evidence is insufficient to mitigate foreign influence security concerns.

## **Guideline F, Financial Considerations**

The security concern under this guideline is set out in AG ¶ 18:

Failure to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Financial distress can also be caused or exacerbated by, and thus can be a possible indicator of, other issues of personnel security concern such as excessive gambling, mental health conditions, substance misuse, or alcohol abuse or dependence. An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds. Affluence that cannot be explained by known sources of income is also a security concern insofar as it may result from criminal activity, including espionage.

The guideline notes several conditions that could raise security concerns under AG ¶ 19. The following is potentially relevant in this case:

(g): unexplained affluence, as shown by a lifestyle or standard of living, increase in net worth, or money transfers that are inconsistent with known legal sources of income.

Applicant has demonstrated unexplained affluence since 2016. The entirety of his reported adjusted gross income from 2014 through 2023 totaled about \$191,415. However, during this period, he was able to send about \$112,000 to Djibouti for the benefit of his mother to finance and build her a home. He also purchased an auto parts business in Djibouti for \$69,000 that he co-owns with his brother, and he has provided periodic

financial support to extended family, friends, and other Djiboutian community members in need of financial assistance, a cultural expectation. AG ¶ 19(g) applies here.

Conditions that could mitigate financial conditions security concerns are provided under AG ¶ 20. The following is potentially applicable:

(f): the affluence resulted from a legal source of income.

Applicant's explanation is insufficient to mitigate the concern. He said that, as a self-employed individual, he receives IRS form 1099s and IRS transcripts does not correctly indicate his gross income earned from the business. He claimed he is able to take 50% deductions for meals, mileage, and various vehicle expenses including interest on car loans, maintenance, gas, and insurance, and this information was excluded from the IRS transcript. However, Applicant did not include a copy of any of his income tax returns for any of the periods in question to support his assertion. He simply commented that his explanation "clarifies why IRS account transcripts reflect adjusted gross income and not gross income, as any CPA expert can confirm."

No further information about financial advisors or CPAs was provided. I find that Applicant is unable to sufficiently explain the significant disparity in his reported earnings, and the substantial sums of funds he was able to send to Djibouti to build his mother a house valued at \$120,000; purchase a business for \$69,000; and to otherwise provide periodic financial support to family and friends. AG ¶ 20(f) is not established.

## **Guideline E, Personal Conduct**

The security concern for personal conduct is set out in AG ¶ 15, as follows:

Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness and ability to protect classified information. Of special interest is any failure to provide truthful and candid answers during the security clearance process or any other failure to cooperate with the security clearance process.

AG ¶ 16 describes conditions that could raise a security concern and may be disqualifying. The following disqualifying condition is potentially applicable:

(a) deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine national security eligibility or trustworthiness, or award fiduciary responsibilities; and

(e) personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress by a foreign intelligence entity or other individual or group. Such conduct includes: (1) engaging in activities which, if known, could affect the person's personal, professional, or community standing.

The SOR alleges Applicant failed to disclose he provided financial support to foreign nationals in both his August 2023 SCA and his March 2021 SCA (SOR ¶¶ 2.a, 2.b). He responded "No" to the question in "Section 20A – Foreign Activities, Foreign Financial Interests – Foreign National Support," of both SCAs, which asked whether he had EVER provided financial support for any foreign national. He denied these allegations, acknowledging that his response to the question in both SCAs was incorrect, but that he never intended to deceive the Government. He made the same error in the 2023 SCA because he did not receive feedback on his 2021 SCA. After the investigator clarified the question and he understood his error, he provided detailed responses about his financial support to his mother and other foreign relatives and friends. AG ¶ 16(a) has not been established. SOR ¶¶ 2.a and 2.b are decided in Applicant's favor.

SOR ¶ 1.c alleges Applicant collected unemployment from the S3 between October 2020 and February 2021 though he was living in Djibouti at the time and thus was ineligible for the benefit. Applicant admitted the allegations but stated he was unaware of his ineligibility.

In July 2020, Applicant left his full-time position as a material attendant for a company in S3, and his part-time position as flex driver because he feared becoming ill during the COVID-19 pandemic. He applied for unemployment benefits (benefits) in S3, and received them. There are several unanswered questions about Applicant's benefits. First, it is unclear when he applied for them, when he received his first check, whether there were ongoing conditions or requirements he had to meet to continue receiving benefits, etc. The Government did not provide evidentiary proof, such as a copy of his application for unemployment benefits. Nor did the Government reference a statute or rule it relied upon to demonstrate Applicant was ineligible for the benefit. There is no indication in the record that Applicant set out to deceive S3 to qualify for and to continue receiving S3's unemployment benefits.

Applicant left both jobs in S3 in July 2020 and then moved to Djibouti in October 2020, residing with his mother and family for five months as he continued to receive S3 unemployment benefits. It is unclear when his benefits expired and whether he re-applied for them. Though Applicant admitted the behavior, he also indicated he did not understand or know better at the time. It is plausible Applicant feared contracting the COVID-19 virus and he decided to go home to live with his family. There is no documentary proof that leaving S3 while receiving S3 unemployment benefits made Applicant ineligible to continue receiving unemployment benefits. AG ¶ 16(e) has not been established and SOR ¶ 2.c is decided in Applicant's favor.

SOR ¶ 2.d is a cross-allegation of the unexplained affluence allegation described under Guideline F, above. Comments made under Guideline F are incorporated here. AG ¶ 16(e) applies.

AG ¶ 17 provides conditions that could mitigate personal conduct security concerns. The following are potentially applicable:

- (a) the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;
- (c) the offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;
- (d) the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that contributed to untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur; and
- (e) the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress.

None of the above mitigating conditions apply to the facts of this case. For reasons expressed in comments under Guideline F and incorporated here, Applicant is unable to mitigate personal conduct security concerns.

### **Whole-Person Analysis**

Under the whole-person concept, the 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. The 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.

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. I have incorporated my comments under Guidelines B, E, and F in my whole-person analysis. Since this case is decided on the written record, I had no opportunity to question Applicant about any of the security concerns in the case, and had no opportunity to observe his demeanor and thereby assess his credibility.

Overall, the record evidence leaves me with questions and doubts concerning Applicant's eligibility and suitability for a security clearance. I conclude Applicant failed to mitigate the security concerns raised in this case.

### **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:	AGAINST APPLICANT
Subparagraphs 1.a:	For Applicant
Subparagraphs 1.b-1.f:	Against Applicant
Paragraph 2, Guideline E:	AGAINST APPLICANT
Subparagraph 2.a-2.c	For Applicant
Subparagraph 2.d:	Against Applicant
Paragraph 3, Guideline F:	AGAINST APPLICANT
Subparagraph 3.a:	Against Applicant

### **Conclusion**

In light of all of the circumstances presented by the record in this case, it is not clearly consistent with the national interest to grant Applicant eligibility for a security clearance. Eligibility for access to classified information is denied.

---

Gatha LaFaye  
Administrative Judge