



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



## **Appearances**

For Government: Andrew Henderson, Esq., Department Counsel  
For Applicant: Grant Couch, Esq., The Edmunds Law Firm

06/30/2025

## Decision

LOKEY ANDERSON, Darlene D., Administrative Judge:

## **Statement of the Case**

On October 10, 2023, Applicant submitted an Electronic Questionnaire for Investigation Processing (e-QIP). On February 7, 2025, the Department of Defense Consolidated Adjudications Facility (DoD CAF) issued Applicant a Statement of Reasons (SOR), detailing security concerns under Guideline F, Financial Considerations and Guideline B, Foreign Influence. The action was taken under Executive Order 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) dated June 8, 2017.

Applicant answered the SOR on February 26, 2025, and requested a hearing before an administrative judge. The case was assigned to me on April 10, 2025. The Defense Office of Hearings and Appeals issued a notice of hearing on April 16, 2025,

and the hearing was convened as scheduled on June 5, 2025. The Government offered seven exhibits, marked as Government Exhibits 1 through 7, and admitted into evidence without objection. The Applicant offered thirty-two exhibits, marked as Applicant's Exhibits A through Z, and AA through FF, and admitted into evidence without objection. Applicant testified on his own behalf. The record remained open to allow the Applicant the opportunity to submit additional supporting documentation. Applicant submitted five letters of recommendation, collectively marked as Applicant's Post-Hearing Exhibit A, and admitted into evidence without objection. DOHA received the transcript of the hearing (Tr.) on June 16, 2025.

### **Procedural Rulings**

The Government requested I take administrative notice of certain facts relating to the country of Zimbabwe. Department Counsel provided a 2-page summary of the facts, supported by 1 Government document pertaining to Zimbabwe, referencing 9 other sources, identified as Hearing Exhibit 1 (HE)1. The document and references provide elaboration and context for the summaries. Applicant had no objection. (Tr. p. 16.) I took administrative notice of the facts included in the U.S. Government reports. They are limited to matters of general knowledge, not subject to reasonable dispute. They are set out in the Findings of Fact.

### **Findings of Fact**

Applicant is 55 years old. He is in a second marriage with two children, one child is from a previous marriage, who is almost 30, and the other child is from his current marriage, and is 3. He has a National Diploma he received from Zimbabwe, which is equivalent to a Bachelor's degree. He is currently working towards a Master's degree. He is employed with a defense contractor as a Senior Manager of Industrial Engineering. He is seeking to obtain a security clearance in connection with his employment.

The Government alleges that Applicant's excessive indebtedness raises questions about his reliability, trustworthiness, and ability to protect classified or sensitive information; and his foreign connections in Zimbabwe create undue foreign influence that make him vulnerable to pressure or coercion inconsistent with U.S. interests.

### **Guideline F – Financial Considerations**

Applicant is indebted to eighteen creditors listed in the SOR, totaling approximately \$53,000. He admits to each of the allegations set forth in the SOR under this guideline. Applicant's credit reports dated October 28, 2023; July 30, 2024; and March 13, 2025, confirm this indebtedness. (Government Exhibits 4, 5, and 6.)

Applicant explained that during a previous marriage he and his ex-wife owned and operated a drive-thru check business. Due to unexpected road construction that went on directly in front of their business location, their business failed. Marital problems, a job lay-off, and then a divorce followed that also contributed to his financial problems. He incurred delinquent debt that he could not afford to pay. He was living off of credit cards for some time before finding stable employment. His divorce was final in 2020. He remarried in September 2024, and he currently lives with his second wife, and their 3-year-old child.

Applicant began working for his current employer in November 2023. His current gross monthly salary is \$12,198, and after deductions he nets about \$7,500 monthly. (Tr. p 36.) In September 2024, he started paying off some of his delinquent debts. He also hired two companies to assist him, a debt relief service, that costs him \$750 monthly; and a credit counseling law firm, that cost him \$99 monthly. The first company assists him in paying off his creditors, the other company works to verify that his credit report is accurate. (Tr. pp. 83-86.) After paying these monthly service fees, and paying his regular monthly expenses, he has about \$1,250 left. He uses a portion of it for savings, and the rest to pay off smaller debts. (Tr. p. 84.)

The following delinquent debts listed in the SOR are of security concern:

- 1.a. A debt is owed to a creditor for an account that was charged off in the approximate amount of \$4,988. Applicant is currently paying the debt through the debt relief service plan. (Applicant's Exhibit X.) The debt is currently being paid.
- 1.b. A debt is owed to a creditor for an account that was placed for collection in the approximate amount of \$2,338. A receipt from the creditor shows that the debt has been paid in full. (Applicant's Exhibit BB.) The debt is no longer owing.
- 1.c. A debt is owed to a creditor for an account that was placed for collection in the approximate amount of \$920. The debt has been paid in full through the debt relief service. (Applicant's Exhibit X.) The debt is no longer owing.
- 1.d. A debt is owed to a creditor for an account that was placed for collection in the approximate amount of \$837. The debt is assigned to the debt relief service, but no payments have been credited toward the debt yet. The debt remains owing. (Tr. p. 38 and Applicant's Exhibit X.)
- 1.e. A debt is owed to a creditor for an account that was placed for collection in the approximate amount of \$745. The debt has been paid in full through the debt relief service. (Applicant's Exhibit AA.) The debt is no longer owing.

1.f. A debt is owed to a creditor for an account that was charged off in the approximate amount of \$713. The debt has been paid in full through the debt relief service. (Applicant's Exhibit X.) The debt is no longer owing.

1.g. A debt is owed to a creditor for an account that was placed for collection in the approximate amount of \$612. The debt is currently being paid through the debt relief service plan. (Applicant's Exhibit X.) The debt is currently being paid.

1.h. A debt is owed to a creditor for an account that was placed for collection in the approximate amount of \$461. Applicant paid the debt off in full. (Applicant's Exhibit Y.) The debt is no longer owing.

1.i. A debt is owed to a creditor for an account that was charged off in the approximate amount of \$455. Applicant paid the debt off in full. (Applicant's Exhibit CC.) The debt is no longer owing.

1.j. A debt is owed to a creditor for an account that was placed for collection in the approximate amount of \$437. Applicant paid the debt in full. (Applicant's Exhibit Z.) The debt is no longer owing.

1.k. A debt is owed to a creditor for an account that was charged off in the approximate amount of \$277. Applicant paid the debt off in full. (Applicant's Exhibit FF.) The debt is no longer owing.

1.l. A debt is owed to a creditor for an account in the amount of approximately \$35,753 due to a repossessed vehicle. The debt is being paid through the debt relief service plan. Payments toward the debt have reduced the balance to \$17,877. (Applicant's Exhibit X.) The debt is currently being paid.

1.m. Applicant claims that this is an invalid debt. This appears to be a duplicate of the debt set forth in allegation 1.n. (Tr. pp. 41-44.)

1.n. A debt is owed to a creditor for an account placed for collection in the approximate amount of \$1,558. The debt is being paid through the debt repair service plan. (Tr. p. 44.) The debt is currently being paid.

1.o. A debt is owed to a creditor for an account that was charged off in the approximate amount of \$669. The debt is assigned to the debt relief service, but no payments have been credited toward the debt yet. (Tr. pp. 44-45.) The debt remains owing.

1.p. A debt is owed to a creditor for an account that was placed for collection in the approximate amount of \$381. Applicant paid the debt in full. (Applicant's Exhibit DD.) The debt is no longer owing.

1.q. A delinquent debt is owed to a creditor for an account that was placed for collection in the approximate amount of \$235. Applicant claims that the debt was an error as it has been resolved. The debt is no longer owing. (Tr. pp. 45-46.)

1.r. A delinquent debt is owed to a creditor for an account that was placed for collection in the approximate amount of \$52. Applicant has paid the debt in full. (Applicant's Exhibit EE.) The debt is no longer owing.

Applicant acknowledged that he made financial mistakes in the past that he has learned from, and he will not repeat. He is taking financial counseling classes to improve his financial knowledge to avoid any future financial problems. He now follows a financial budget and lives within his means. He expects to have all of his debts resolved by the beginning of next year. (See Government Exhibit 3.)

Applicant's wife is a physician and is currently applying to obtain her license to practice medicine in the state. She plans to start working soon, and their household will then have two incomes. After paying off their debts, they plan to purchase a house. (Tr. pp. 96-98.)

### **Guideline B- Foreign Influence**

Applicant was born and raised in Zimbabwe. He became a naturalized U.S. citizen in January 1995. He has family members from Zimbabwe. Applicant's fiancé, who was a citizen and resident of Zimbabwe, is now his wife. She now resides in the United States with the Applicant and is on the path to U.S. citizenship. Applicant and his wife have a 3-year-old son who was born in Zimbabwe, but because his father, the Applicant, is an American citizen, he gets citizenship by birth. The American embassy provided Applicant's son with an American birth certificate and a passport. The child resides in the U.S. with the Applicant and his mother. (Tr. pp. 52-54.)

Applicant's parents are citizens and residents of Zimbabwe. They are elderly and his mother is sick. Applicant communicates with his parents about once every two weeks to check on their health. They do not know what Applicant does for a living, nor do they know that he is applying for a security clearance. Applicant does not discuss his work with them. His parents have no affiliation with the Government or with any political agencies of Zimbabwe. (Tr. p. 55.)

Applicant's sister is a citizen of Zimbabwe, and she resides in South Africa. Applicant has very little communication with her. She has no affiliation with the Zimbabwe Government or any political agencies of Zimbabwe. Applicant does not discuss his work with her. (Tr. p. 56.)

Applicant has four brothers. One of his brothers lives in the United States. One of his brothers died in 2009. (Applicant's Exhibit M.) Another one of his brothers is a citizen and resident of Zimbabwe. Applicant rarely communicates with him. They may talk once every six months or so, unless there are issues with the health of their parents. Applicant's fourth brother is a citizen of Zimbabwe, and he resides in the United Kingdom. None of Applicant's brothers have any affiliation or association with the Zimbabwe Government or with any political agencies of Zimbabwe. Applicant's only contact with any of his siblings is generally about the health and well being of their parents, and this communication is very infrequent. Applicant does not discuss his work with any of his brothers. (Tr. pp. 57-60.)

Applicant has no assets in Zimbabwe, and he does not stand to inherit anything from anyone in Zimbabwe. Applicant's assets include his bank accounts and a pilot's license that are in the United States. (Tr. pp. 60-61.)

Letters of recommendation from Applicant's program manager, and other professional colleagues with whom the Applicant works closely, collectively attest to his excellent job performance, strong work ethic, positive attitude, and integrity. They say that Applicant can easily adapt as the work assignments evolve. They describe him as reliable and dependable, and that his work would be more effective and efficient if he were to be granted a security clearance. (Applicant's Post-Hearing Exhibit A.)

The United States and Zimbabwe have bilateral relations. Both countries share a common history and language as former British colonies. The United States shares the same fundamental interest as the Zimbabwean people; a stable, peaceful, democratic, country that reflects the people's will and provides for their needs. The United States supports the people of Zimbabwe, which includes ensuring that those from Zimbabwe who are in position of power that are undermining the democratic progress, are not benefitting from their actions. In 2021, the United States provided over \$317 million in bilateral assistance to support democracy and governance, agriculture, and health programming. In addition, the U.S. provided \$51 million in humanitarian assistance to Zimbabwe. The U.S. maintains a thriving series of educational and cultural exchange programs with Zimbabwe that focus on deepening ties between American and Zimbabwean professionals and leaders, particularly amongst academics, researchers, journalists, entrepreneurs, and emerging leaders. The U.S. was the first nation to open an embassy in Zimbabwe in 1980. Zimbabwe also maintains an embassy in the U.S. (HE-1, and other referenced sources).

## Policies

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines (AG). In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are to be used in evaluating an applicant's eligibility for access to classified information.

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, administrative judges apply the guidelines in conjunction with the factors listed in AG ¶ 2 describing the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(a), the entire process is a conscientious scrutiny of a number of variables known as the whole-person concept. The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision.

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that “[a]ny doubt concerning personnel being considered for national security eligibility will be resolved in favor of national security.” In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record.

Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, 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.”

A person who applies for access to classified information seeks to enter 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 the applicant may deliberately or inadvertently fail to protect or 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.

Section 7 of EO 10865 provides that adverse 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 F, Financial Considerations**

The security concern for Financial Considerations is set out in AG ¶ 18, as follows:

Failure or inability 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 information. An individual who is financially overextended is at risk of having to engage in illegal acts to generate funds.

The guideline notes several conditions that could raise security concerns under AG ¶ 19. Two are potentially applicable in this case:

- (a) inability or unwillingness to satisfy debts; and
- (c) a history of not meeting financial obligations.

Circumstances largely beyond the Applicant's control caused his poor financial situation. A failed business, a job lay-off, and a divorce, prevented him from being able to pay his bills. To survive, he lived off of credit cards and accrued more debt. The evidence is sufficient to raise the above disqualifying conditions.

Four Financial Considerations Mitigating Conditions under AG ¶ 20 are potentially applicable:

- (a) the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;
- (b) the conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, or a death, divorce or separation, clear victimization by predatory lending practices, or identity theft), and the individual acted responsibly under the circumstances;
- (c) the individual has received or is receiving financial counseling for the problem from a legitimate and credible source, such as a non-profit credit

counseling service, and there are clear indications that the problem is being resolved or is under control; and

(d) the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts.

Since November 2023, when Applicant was hired by his current employer, he has been laser focused on resolving his delinquent debts. He paid off several of his delinquent debts on his own. He also hired two professional companies to assist him in resolving the others and to clean up his credit report. Presently, 11 of the delinquent debts listed in the SOR have been paid off in full. Two of the debts are being disputed, one was removed from his credit report, the other one was an error, and a duplicate debt. There are currently five debts remaining that are included in the debt relief service plan that he is actively making payments to resolve. There is evidence in the record to show that he has made a good-faith effort to resolve his indebtedness. Applicant has demonstrated that he is in control of his finances, that he can live within his means, and that he can pay his bills. Under the circumstances, Applicant has met his burden of demonstrating that he is financially responsible. Mitigating Conditions 20.a, 20.b., 20.c., and 20.d., apply. Guideline F is found for Applicant.

### **Guideline B - Foreign Influence**

The security concern relating to the guideline 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. Three 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

(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.

Applicant has a wife, son, parents, and siblings with connections to Zimbabwe that raise a security concern. The evidence is sufficient to raise the above disqualifying conditions.

AG ¶ 8 provides conditions that could mitigate security concerns. I considered all of the mitigating conditions under AG ¶ 8 and three of them are applicable in this case.

(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. interest; and

(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.

It is noted that even countries that are friendly with the United States have attempted to gain unauthorized access to classified or sensitive information. There are inherent risks in relationships between applicants and foreign nationals associated with a foreign government, military, or technology ties. Applicant has no such contacts. All of his strong ties and connections are in the United States. He is an American citizen who was naturalized in January 1995, over 30 years ago. His spouse is a citizen of Zimbabwe, who resides with the Applicant in the United States, and is in the process of becoming a U.S. citizen. Applicant has two sons who are American citizens, who reside in the United States. Applicant's extended family members with Zimbabwe include his parents, his sister, and four brothers, but his contact with them is casual and infrequent.

He calls his parents periodically to check on their health conditions. He rarely talks with his siblings. When he does speak to his siblings, he discusses his parent's health. None of his family members are associated in any way with the Zimbabwe Government or any related governmental agencies. Applicant does not discuss his job with any of his family members in Zimbabwe, nor do they know that he is applying for a security clearance. Applicant's relationship with his family members does not present a heightened risk that could exploit, induce, manipulate, pressure, or coerce the Applicant into acting against the interest of the United States. There is very little information in the record about Applicant's spouse's family. However, under the circumstances, it is unlikely that Applicant would be placed in a position to have to choose between the interests of the U.S. and Zimbabwe. Applicant has no assets in Zimbabwe, and he does not stand to inherit anything from anyone in Zimbabwe. Everything that Applicant owns is in the U.S. His life and opportunities are here in the U.S. Based on the totality of evidence presented, Applicant's foreign family members do not pose a heightened security risk for the United States Government. Applicant has mitigated any potential security concern. Mitigating Conditions 8.a., 8.b., and 8.c., apply. Guideline B is found for Applicant.

### **Whole-Person Concept**

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 considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case. I have incorporated my comments under Guidelines F and B in my whole-person analysis. Some of the factors in AG ¶ 2(d) were addressed under that guideline, but some warrant additional comment. Applicant has made a good faith effort to resolve his delinquent debts, and has demonstrated that as an American citizen he cannot be persuaded under any circumstances to act against the interests of the United States. He has established that

he has mitigated his excessive indebtedness; and that his foreign family connections to Zimbabwe do not pose a security risk to the United States.

Overall, the record evidence leaves me with no questions or doubts as to Applicant's eligibility and suitability for a security clearance. The Financial Considerations and Foreign Influence security concerns have been mitigated.

### **Formal Findings**

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

Paragraph 1, Guideline F:                   **FOR APPLICANT**

Subparagraphs 1.a. through 1.r.              For Applicant

Paragraph 2, Guideline B:                   **FOR APPLICANT**

Subparagraphs 2.a. through 2.g.              For Applicant

### **Conclusion**

In light of all of the circumstances presented by the record in this case, it is clearly consistent with the national interest to grant Applicant eligibility for a security clearance. Eligibility for access to classified information is granted.

Darlene Lokey Anderson  
Administrative Judge