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**United States Department of Energy  
Office of Hearings and Appeals**

In the Matter of: Personnel Security Hearing )	
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Filing Date: October 16, 2024 )	Case No.: PSH-25-0011
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Issued: December 26, 2024

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**Administrative Judge Decision**

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Katie Quintana, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXXXXXXX (hereinafter referred to as “the Individual”) to hold an access authorization under the United States Department of Energy’s (DOE) regulations, as set forth at 10 C.F.R. Part 710, “Procedures for Determining Eligibility for Access to Classified Matter and Special Nuclear Material.”<sup>1</sup> As discussed below, after carefully considering the record before me in light of the relevant regulations and the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (June 8, 2017) (Adjudicative Guidelines), I conclude that the Individual’s access authorization should not be granted.

**I. Background and Findings of Fact**

The Individual is seeking employment with a DOE contractor in a position that requires him to hold a security clearance. In December 2021, the Individual completed a Questionnaire for National Security Positions (QNSP). Exhibit (Ex.) 4. In the QNSP, the Individual disclosed that his mother was a citizen of a DOE-sensitive country (Country A). *Id.* at 50.<sup>2</sup> The Individual did

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<sup>1</sup> The regulations define access authorization as “an administrative determination that an individual is eligible for access to classified matter or is eligible for access to, or control over, special nuclear material.” 10 C.F.R. § 710.5(a). This Decision will refer to such authorization as access authorization or security clearance.

<sup>2</sup> The DOE’s exhibits were combined and submitted in a single, 190-page PDF workbook. Many of the exhibits are marked with page numbering that is inconsistent with their location in the combined workbook. This Decision will cite to the DOE’s exhibits by reference to the exhibit and page number within the combined workbook regardless of any internal pagination.

not report any foreign contacts,<sup>3</sup> travel to the Bahamas in 2018 or Canada in 2019,<sup>4</sup> any visa sponsorship,<sup>5</sup> previously possessing a foreign passport and/or visa,<sup>6</sup> or having any delinquent debts.<sup>7</sup> *See id.* at 33–61. Upon performing a background investigation, DOE found that the Individual failed to report twelve debts that were delinquent for more than 120 days. *Id.* at 76–77.

On January 6, 2022, the Individual underwent an enhanced subject interview (ESI). *Id.* at 71. During the ESI, the Individual was asked to provide an investigator with his U.S. passport, which showed that he had been issued two visas from a foreign country (Country B) and that he had traveled to that country in July 2018 and May 2021 under those visas.<sup>8</sup> *Id.* at 71. He additionally stated that he had previously been issued a passport<sup>9</sup> from Country B and reported the first names of two citizens/residents of Country B (Foreign Contacts 1 and 2), both tour guides he met in July 2018.<sup>10</sup> *Id.* at 71, 75. The Individual stated that he communicated with Foreign Contacts 1 and 2 approximately twice per year. *Id.* at 75. The Individual also disclosed for the first time that between September 2012 and December 2014, he attended a college (College A); he additionally disclosed that between 2018 and 2019, he traveled both to Canada (two trips, each lasting three days) and the Bahamas (one night during a five-day cruise) with his girlfriend (Girlfriend), a U.S. citizen.<sup>11</sup> *Id.* at 73, 75. Furthermore, after being confronted with evidence of twelve delinquent debts in his

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<sup>3</sup> The QNSP asked:

Do you have, or have you had, close and/or continuing contact with a foreign national **within the last seven (7) years** with whom you, or your spouse, or legally recognized civil union/domestic partner, or cohabitant are bound by affection, influence, common interests, and/or obligation? Include associates as well as relatives, not previously listed in Section 18.

Ex. 4 at 51 (emphasis in original).

<sup>4</sup> The QNSP asked: “Have you traveled outside the U.S. **in the last seven (7) years?**” Ex. 4 at 54 (emphasis in original).

<sup>5</sup> The QNSP asked: “Have you **in the last seven (7) years** sponsored any foreign national to come to the U.S. as a student, for work, or for permanent residence?” Ex. 4 at 53 (emphasis in original).

<sup>6</sup> The QNSP asked: “Have you **EVER** been issued a passport (or identity card for travel) by a country other than the U.S.?” Ex. 4 at 33.

<sup>7</sup> The QNSP asked the Individual to report if he was “currently over 120 days delinquent on any debt.” Ex. 4 at 61.

<sup>8</sup> In his December 2021 QNSP, the Individual answered “no” when asked if he had ever been issued an “identity card for travel” by a foreign country. Ex. 4 at 33. The Individual also failed to report his travel to Country B in the “Foreign Travel” section. *Id.* at 54–55.

<sup>9</sup> The Individual was unsure of the date of issuance/expiration of his passport issued by Country B as he surrendered it at the time he became a U.S. citizen in 2015. Ex. 4 at 71–72.

<sup>10</sup> In his December 2021 QNSP, the Individual answered “no” when asked if he had ever been issued a foreign passport or had any “foreign contacts.” Ex. 4 at 33, 51.

<sup>11</sup> The Individual failed to report his attendance at College A and his two international trips to Canada and the Bahamas as required in his December 2021 QNSP. *See* Ex. 4 at 38–39, 54–55.

name, the Individual accepted responsibility for each one.<sup>12</sup> *Id.* at 76–77. On January 11, 2022, the Individual underwent a second ESI and provided additional information regarding Foreign Contacts 1 and 2, including their full names. *Id.* at 79.

As the background investigation continued, DOE found that the Individual additionally failed to report his current job (Employment 1), which he had held since November 2021, as well as his employment from November to December 2017 (Employment 2). *Id.* at 97–98. DOE then asked the Individual to complete a Letter of Interrogatory (LOI) in June 2022. Ex. 5. In the LOI, the Individual provided further information regarding the omitted employments and also represented that he did not have “close and/or continuing contact” with any foreign nationals, other than those already reported, within the last seven years. *Id.* at 118–19.

At some point subsequent to the Individual’s completion of the June 2022 LOI, the DOE Office of Counterintelligence (CI) uncovered information which led it to believe that the Individual “ha[d] a foreign national wife (Wife) he did not report.”<sup>13</sup> Ex. 6 at 121. DOE then issued a second LOI to the Individual in October 2023. Ex. 7. In the second LOI, the Individual confirmed that he married a citizen of Country B in July 2022 but asserted that he previously omitted his relationship with the Wife from the QNSP and LOI because he “did not frequently interact with her.”<sup>14</sup> *Id.* at 127–28. He further stated that his “father reached out to her family in [Country B] for marriage[,]” and he has contact with her approximately every two months “when [he] travel[s] to [his] parents’ home . . . .” *Id.* at 127. The Individual also provided over forty additional foreign contacts from Country B that “ha[d] contacted [him] on [a telecommunications app].”<sup>15</sup> Ex. 7 at 130–31.

DOE asked the Individual to complete a third LOI, which he signed and submitted in January 2024. Ex. 8. In the LOI, the Individual provided additional information regarding the Wife, including that he sponsored her for a U.S. visa, which was issued in January 2022. *Id.* at 136. He also stated that he and the Wife did not live together as he did not “live alone which would add to the tense environment.”<sup>16</sup> *Id.* The Individual also denied knowing anyone by the exact first and

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<sup>12</sup> The Individual represented that the delinquent debts were student loan payments that were currently “paused due to Covid.” Ex. 4 at 77. The Individual stated that he would begin paying approximately \$200 per month towards these debts starting in May 2022. *Id.*

<sup>13</sup> In an October 2023 internal email communication, a CI analyst stated that the Individual was listed as the fiancé of a foreign national from Country B on a K-1 visa application, which was issued on January 27, 2022. Ex. 6 at 121.

<sup>14</sup> The Wife is not the person that he identified in the ESI as the Girlfriend and the person with whom he traveled to Canada and the Bahamas. Ex. 4 at 75. One source, interviewed as part of the Individual’s background investigation, indicated that, as of January 2022, the Individual “spends social time with [the Girlfriend].” See Ex. 4 at 87.

<sup>15</sup> The Individual indicated that he knew fifteen of the foreign national contacts listed, seven of whom he identified as cousins. Ex. 7 at 130–31. The remainder of the contacts were simply phone numbers that the Individual stated were “unknown.” *Id.*

<sup>16</sup> At the hearing, the Individual clarified that he lived with the Girlfriend in a “weird on-and-off.” Transcript of Hearing, OHA Case No. PSH-25-0011 (Tr.) at 22–23.

last name that he had previously provided for Foreign Contact 1.<sup>17</sup> Ex. 8 at 137; Ex. 4 at 79. The Individual additionally listed Foreign Contact 2 as his cousin and stated that he first met him in July 2020.<sup>18</sup> Ex. 8 at 162.

As questions remained, DOE asked the Individual to complete a fourth LOI in May 2024. Ex. 9. In the LOI, the Individual clarified that the Wife “lives with [his] parents[,]” and he “do[es] not intend to live with her.” *Id.* at 188. The Individual also stated that he communicates with the Wife via text message “a few times weekly.” *Id.* at 189.

Due to unresolved security concerns, the Local Security Office (LSO) informed the Individual in a Notification Letter that it possessed reliable information that created substantial doubt regarding his eligibility to hold a security clearance. Ex. 1. In the Summary of Security Concerns (SSC) attached to the Notification Letter, the LSO explained that the derogatory information raised security concerns under Guideline B (Foreign Influence) and Guideline E (Personal Conduct) of the Adjudicative Guidelines. Ex. 2.

Upon receipt of the Notification Letter, the Individual exercised his right under the Part 710 regulations to request an administrative review hearing. Ex. 3. The Director of the Office of Hearings and Appeals (OHA) appointed me the Administrative Judge in the case, and I subsequently conducted an administrative hearing in the matter. At the hearing, the DOE Counsel submitted nine numbered exhibits (Ex. 1–9) into the record. The Individual declined to submit any exhibits, but he presented his own testimony.

## **II. Regulatory Standard**

A DOE administrative review proceeding under Part 710 requires me, as the Administrative Judge, to issue a Decision that reflects my comprehensive, common-sense judgment, made after consideration of all the relevant evidence, favorable and unfavorable, as to whether the granting or continuation of a person’s access authorization will not endanger the common defense and security and is clearly consistent with the national interest. 10 C.F.R. § 710.7(a). The regulatory standard implies that there is a presumption against granting or restoring a security clearance. *See Department of Navy v. Egan*, 484 U.S. 518, 531 (1988) (“clearly consistent with the national interest” standard for granting security clearances indicates “that security determinations should err, if they must, on the side of denials”); *Dorfmont v. Brown*, 913 F.2d 1399, 1403 (9th Cir. 1990) (strong presumption against the issuance of a security clearance).

The individual must come forward at the hearing with evidence to convince the DOE that granting or restoring access authorization “will not endanger the common defense and security and will be clearly consistent with the national interest.” 10 C.F.R. § 710.27(d). The individual is afforded a

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<sup>17</sup> The Individual, however, did list a foreign contact with a similar name as the name he originally provided for Foreign Contact 1, but indicated that he did not meet the similarly named individual until May 2021. Ex. 8 at 139, 166. The Individual had previously reported that he met Foreign Contact 1 in July 2018. Ex. 4 at 75.

<sup>18</sup> In the January 6, 2022, ESI, the Individual reported that he first met Foreign Contact 2 in July 2018, and the Individual did not identify him as a cousin. Ex. 4 at 75.

full opportunity to present evidence supporting his eligibility for an access authorization. The Part 710 regulations are drafted to permit the introduction of a very broad range of evidence at personnel security hearings. Even appropriate hearsay evidence may be admitted. *Id.* § 710.26(h). Hence, an individual is afforded the utmost latitude in the presentation of evidence to mitigate the security concerns at issue.

### **III. Notification Letter and Associated Security Concerns**

As previously mentioned, the Notification Letter included the SSC, which sets forth the derogatory information that raised concerns about the Individual's eligibility for access authorization. The SSC specifically cites Guideline B and Guideline E of the Adjudicative Guidelines. Ex. 1. Guideline B relates to security risks arising from foreign contacts and interests.

Foreign contacts and 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.

Adjudicative Guidelines at ¶ 6.

In raising Guideline B, the LSO first alleged that the Individual's connections to foreign nationals create a potential conflict of interest and "a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion." Adjudicative Guidelines at ¶ 7(a); Ex. 2 at 4 (quoting ¶ 7(a) of the Adjudicative Guidelines). The LSO cited the following as support:

- (1) The Individual was born in Country B, sponsored a citizen of Country B for a K-1 Fiancée Visa, and married the Wife in July 2022. The Individual "does not, and has never lived with his spouse, and does not know his spouse's parents, family, or friends." He additionally stated that he "doesn't live alone, which would add to a 'tense' environment if the Wife were to live with him."
- (2) The Individual's mother is a citizen of Country A, a DOE-sensitive country.<sup>19</sup>

Ex. 2 at 4.

Under Guideline B, the LSO next alleged that the Individual "failed to report or fully disclose his association with a country, persons, and governments." *Id.* at 5 (invoking ¶ 7(c) of the Adjudicative Guidelines). The LSO cited the following as support:

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<sup>19</sup> I cannot find that having a foreign national familial relation from a DOE sensitive country is a sufficient basis in and of itself, to raise a security concern pursuant to Guideline B. The SSC does not explain how the Individual's contact with a familial relation from a DOE sensitive country "create[s] a heightened risk of foreign exploitation, inducement, manipulation, pressure or coercion." Adjudicative Guidelines at ¶ 7(a). As such, I cannot find that this allegation was properly raised by the LSO, and I will not analyze it herein.

- (1) The Individual married the Wife who is a citizen from Country B in 2022 and sponsored her for a U.S. K-1 visa. The Individual failed to disclose the Wife as a foreign contact and failed to disclose the visa sponsorship in his December 2021 QNSP and during the January 2022 ESIs.
- (2) The Individual was issued a passport by Country B in approximately 2002 and issued two visas by Country B between 2018 and late 2021. The Individual failed to report this information on the December 2021 QNSP.
- (3) On the December 2021 QNSP, the Individual failed to list any foreign contacts. He later admitted to having contact with eighteen other foreign national friends/relatives in addition to the Wife. The Individual also provided contact information via a telecommunications app for twenty additional nameless foreign contacts and acquaintances.
- (4) The Individual failed to disclose foreign travel with the Girlfriend to Canada and the Bahamas between early 2018 and late 2019.<sup>20</sup>

*Id.* at 5–6.

Under Guideline B, the LSO additionally alleged that “[c]ounterintelligence information . . . indicates [the Individual’s access authorization] may involve [] unacceptable risk to national security.” *Id.* at 6 (quoting ¶ 7(d) of the Adjudicative Guidelines). In support, the LSO again asserted that the Individual is married to a citizen of Country B who he does not intend to live with. *Id.*

Guideline E addresses conduct involving questionable judgment, lack of candor, dishonesty, or an unwillingness to comply with rules and regulations. Adjudicative Guidelines at ¶ 15. Such conduct “can raise questions about an individual’s reliability, trustworthiness, and ability to protect classified or sensitive information. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes.” *Id.* In raising Guideline E, the LSO alleged that the Individual “provid[ed] false or misleading information; or . . . omit[ed] information” on his personnel security questionnaire and to an investigator and security official involved in making a recommendation relevant to a national security determination. *Id.* at ¶ 16(a), (b); Ex. 2 at 7–8 (summarizing ¶ 16(a) and ¶ 16(b) of the Adjudicative Guidelines.) The LSO cited the following as support:

- (1) The Individual omitted the following information from his December 2021 QNSP:
  - a) A foreign passport issued by Country B,
  - b) Two visas issued by Country B,

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<sup>20</sup> I cannot find that failing to disclose foreign travel to Canada and the Bahamas fails within the purview of Guideline B. The SSC does not make clear how mere travel to a foreign country is akin to “association with a foreign . . . group, government or country” pursuant to paragraph 7(c). As such, I cannot find that this allegation was properly raised by the LSO under Guideline B, and I will not analyze it herein.

- c) Education at College A,
  - d) Employment 1 from October 2021 to present,
  - e) Employment 2 from November to December 2017,
  - f) Over forty foreign contacts,
  - g) Sponsorship of a foreign national for a K-1 visa,
  - h) Foreign travel to the Bahamas in 2018 and Canada in 2019, and
  - i) Twelve financial accounts that had been delinquent for at least 120 days in the last seven years.
- (2) During the January 6, 2022, ESI, the Individual volunteered only two foreign national contacts. The Individual later disclosed over forty foreign national contacts, including the Wife.
- (3) Despite disclosing Foreign Contact 1 during the January 6, 2022, ESI, the Individual later denied knowledge of a contact by that name in his January 2024 LOI Response.
- (4) During the January 6, 2022, ESI, the Individual stated he met Foreign Contact 2, a tour guide, in 2018 while in Country B. In his January 2024 LOI Response, the Individual then stated that Foreign Contact 2 was a cousin who he first met in July 2020.

Finally, the LSO alleged that “[t]he fact that [the Individual] has a girlfriend who is a U.S. Citizen, and a foreign national spouse who he sponsored for permanent residency, yet lives separately from, calls into question whether his marriage is bona fide.”

Ex. 2 at 7–8.

#### **IV. Hearing Testimony**

At the hearing, the Individual testified on his own behalf. The Individual confirmed that he sponsored the K-1 visa for his then-fiancée, now-Wife, a citizen of Country B, to enter the United States.<sup>21</sup> Tr. at 19–20. The Individual acknowledged that he inaccurately answered “No” on the QNSP when asked if he had sponsored any foreign national to come to the United States within the previous seven years. *Id.* at 28, 49. He testified that he believed that he didn’t have to disclose the visa sponsorship because the K-1 visa paperwork is “a record that the government has.” *Id.* at 60. The Individual further testified that he did not report the Wife as a foreign contact at the time of the January 6, 2022, ESI because “most of the [visa sponsorship work] was being done through a lawyer, so it was very difficult for [him] to recall a lot of that.” *Id.* at 29. Additionally, he stated that at the time of the QNSP and January 2022 ESIs, he “didn’t really speak with [the Wife] frequently,” so he didn’t think of her as a foreign contact. *Id.* at 33. When asked if he could see how his then-fiancé could be also considered a foreign contact that he was required to report on

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<sup>21</sup> The Individual testified that the visa sponsorship was “an event that [he] ha[s] not kept track of,” so he was unsure of the exact dates he completed the visa application or when the Wife entered the country. Tr. at 20. He initially testified that the Wife entered the United States in 2019. *Id.* at 19. However, he also stated that he completed the K-1 visa paperwork sometime in 2021 and that the Wife did not enter the United States until after the issuance of the visa. *Id.* at 20. The Individual later acknowledged that the Wife’s visa was issued on January 27, 2022. *Id.* at 30.

the QNSP, the Individual acknowledged that he “do[es] see that.” *Id.* at 27. He later testified that this omission was likely caused by him “rushing the paperwork to start working.” *Id.* at 60. The Individual also acknowledged that he did not disclose the existence of the Wife as a foreign contact in the June 2022 LOI and only conceded that he had been married<sup>22</sup> after DOE confronted him with that fact in October 2023. *Id.* at 31–33.

The Individual stated that at the time he completed the December 2021 QNSP, he lived with the Girlfriend; however, he indicated this was a “complicated” relationship. *Id.* at 22–23. He testified that his relationship with the Girlfriend continued until October 2024, at which point he purchased a home to live in with the Wife. *Id.* at 57. He stated that the Wife, who had been living with his parents since she arrived in the United States, moved in with him in November 2024. *Id.* at 24, 53. The Individual also testified that he and the Wife had a daughter in February 2024. *Id.* at 24.

The Individual stated that prior to the Wife’s moving in with him, they talked “a few times in a week,” and he would visit her in-person “twice a month.” *Id.* at 24, 58. The Individual stated that he initially did not intend to live with the Wife because it “felt overwhelming at the time[,]” but “that is not the case now.”<sup>23</sup> *Id.* at 25. He explained that his father arranged the marriage, and the Individual “wasn’t content with the way things were done.” *Id.* at 51–52. He stated that his marriage was “not necessarily something [he] wanted to do.” *Id.* at 61. However, he stated that he and the Wife now have a child together, “so there’s reality to life about that.” *Id.* at 52. The Individual additionally testified that the Wife was aware that he was living with the Girlfriend at the time they married, which “added to the . . . tension of [him] not wanting to” live with the Wife initially. *Id.* at 59.

Regarding Foreign Contacts 1 and 2, the Individual testified that he did not disclose them on the QNSP because he does not “frequently speak with or communicate with” and “didn’t think of them as [] foreign contact[s].”<sup>24</sup> *Id.* at 35. He stated that he reported them during the January 6, 2022, ESI “just to be on the safe side.” *Id.* at 35. When asking about providing the first and last name of Foreign Contact 1 during the January 2022 ESI, the Individual testified that he did not provide DOE with that name. *Id.* at 63. He denied knowing anyone by that name. *Id.* He also stated that the similarly named contact that he disclosed in the November 2023 and January 2024 LOIs was

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<sup>22</sup> The Individual initially testified that he and the Wife were married in April 2022, but later acknowledged that the marriage occurred in June 2022. *Id.* at 18, 58.

<sup>23</sup> The Individual later testified that he did not live with the Wife initially because of “religious reasons,” which included a strict number of prayers per day that he “d[idn’t] want to [be] harassed by.” Tr. at 59.

<sup>24</sup> The Individual testified that Foreign Contacts 1 and 2 “helped [him] and [his] family . . . navigate [Country B]” when he traveled there in 2018. Tr. at 37. He also stated that although he listed Foreign Contact 2 as his cousin on the January 2024 LOI, he was “not even sure [that] he’s really [his] cousin.” *Id.* at 41. He indicated that “if [someone is] really close to [his] family, [they] just consider them as a cousin.” *Id.* He further clarified that Foreign Contact 2 is “close to [his] family [in Country B][,]” but he does not “frequently contact [him] or talk to [him].” *Id.* at 42.



not Foreign Contact 1, but rather, Foreign Contact 1 was likely a different person on that list.<sup>25</sup> *Id.* at 63–64.

The Individual explained that he listed over forty foreign contacts on the November 2023 and January 2024 LOIs because he was confused as to “what was meant by ‘foreign contact,’ so [he] just decided to go on the safe side and [] go through [his] list of . . . anyone who’s ever contacted [him]” from a foreign country on the telecommunications app.<sup>26</sup> *Id.* at 38. The Individual testified that he “d[idn’t] even know” most of the contacts that he listed. *Id.* For those contacts that the Individual indicated were cousins, he stated that his father provided him with that information.<sup>27</sup> *Id.* at 39. He explained that because many of the contacts spoke a different language than he did, it was “very difficult for [him] to talk back with them” and he would often ignore the messages.<sup>28</sup> *Id.* at 40. The Individual stated that there was only one contact on the list that he provided, a cousin, with whom he had recently communicated. *Id.* The Individual indicated that he was not aware of any of the listed contacts being associated with a foreign government. *Id.* at 53.

The Individual acknowledged that he was issued a foreign passport from Country B in 2002, but answered “No” on the QNSP when asked if he had ever been issued a foreign passport. *Id.* at 44–45. He explained that the omission was likely caused by his “rush[ed]” completion of the QNSP. *Id.* at 45. Regarding his omission of his attendance at College A from the QNSP, the Individual stated that there “was no particular reason why” he omitted this information, but indicated that he may have of thought he was only required to list schools that he graduated from, and he only attended College A “for a brief time” before transferring to a different school.<sup>29</sup> *Id.* at 46–47. The Individual further testified that he did not list Employment 1 on the QNSP because that job is part-time, and he thought his “main job was more of a priority.” *Id.* at 48. He additionally explained that he also omitted Employment 2 because he “w[as] there for maybe five days” and “forgot that [he] had [] work[ed] there.” *Id.*

Regarding the twelve delinquent debts that he failed to report on the QNSP, the Individual stated that he ran a credit check “right before” completing the QNSP, so he was aware those accounts

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<sup>25</sup> At the hearing, the Individual identified the person on the list of foreign contacts who he believed was the individual that he originally identified as Foreign Contact 1. Tr. at 63. The Individual’s description of this person in the January 2024 LOI matches that of the person he originally identified as Foreign Contact 1 in the January 6, 2022, ESI. *See* Ex. 4 at 75; Ex. 8 at 144.

<sup>26</sup> The Individual testified that he “tried multiple times to reach out to [an LSO representative] to essentially define ‘foreign contact.’” Tr. at 26. He stated that he decided to submit the list of over forty contacts after “[the LSO] reached back out.” *Id.* The Individual, however, did not submit any proof of those communications into the record. The Individual noted that he “still do[esn’t] understand what is meant by ‘foreign contact.’” *Id.* at 36.

<sup>27</sup> The Individual testified that many of the contacts would message him because his father would provide them with his phone number. Tr. at 40.

<sup>28</sup> The Individual testified that he would often ignore the messages “because they may ask [him] for money.” Tr. at 40. The Individual later clarified that although none of the contacts have directly asked for money, he “assume[s] that [they might ask him for money] because they [] ask [his] dad for money.” *Id.* at 66.

<sup>29</sup> The record reflects that the Individual attended College A for over two years. Ex. 4 at 73.

were considered delinquent at that time. *Id.* at 62. He further testified that “[t]here was an error in reporting” the delinquent accounts, and after filing a dispute with the relevant credit bureau, the delinquent accounts were removed from his record. *Id.* at 50–51. The Individual also acknowledged that he failed to disclose his foreign travel to the Bahamas and Canada in the QNSP.<sup>30</sup> Tr. at 23.

## **V. Analysis**

I have thoroughly considered the record of this proceeding, including the submissions tendered in this case and the testimony of the witnesses during the hearing. In resolving the question of the Individual’s eligibility for access authorization, I have been guided by the applicable factors prescribed in 10 C.F.R. § 710.7(c) and the Adjudicative Guidelines. After due deliberation, I have determined that the Individual has not mitigated the security concerns cited by the LSO under Guideline B and Guideline E of the Adjudicative Guidelines. Therefore, I find that the Individual’s access authorization should not be granted. The specific findings that I make in support of this decision are discussed below.

### **A. Guideline E**

Conditions that may mitigate a Guideline E security concern include:

- a) The individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;
- b) The refusal or failure to cooperate, omission, or concealment was caused or significantly contributed to by advice of legal counsel or of a person with professional responsibilities for advising or instructing the individual specifically concerning security processes. Upon being made aware of the requirement to cooperate or provide the information, the individual cooperated fully and truthfully;
- 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;
- e) The individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress;

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<sup>30</sup> Regarding his travel to the Bahamas, the Individual testified that it “was on a cruise[,] [so he] didn’t really think too much of that.” Tr. at 23. Regarding his travel to Canada, the Individual stated that he also “didn’t really consider that any significance.” *Id.* at 23–24.

- f) The information was unsubstantiated or from a source of questionable reliability; and,
- g) Association with persons involved in criminal activities was unwitting, has ceased, or occurs under circumstances that do not cast doubt upon the individual's reliability, trustworthiness, judgment, or willingness to comply with rules and regulations.

Adjudicative Guidelines at ¶ 17.

Mitigating factors (a), (b), and (c) are the only factors relevant to this analysis, and as such, they are the only factors I will address.

At the outset, I note that the Individual failed to fully disclose pertinent information regarding eight separate topics within the QNSP: (1) sponsoring a foreign national for a visa, (2) holding a passport from a foreign country, (3) obtaining visas from a foreign country, (4) traveling to foreign countries, (5) reporting delinquent financial accounts, (6) disclosing his full education history, (7) disclosing his full employment history, and (8) reporting his foreign contacts.

Regarding sponsoring the Wife for a visa, the Individual made no effort to reveal the sponsorship or his relationship with her until he was confronted by DOE with these facts almost two years after he completed the QNSP and over a year after he was already married. Regarding his failure to fully disclose his history with Country B, the existence of the Individual's two foreign visas issued by Country B was only discovered by the investigator after asking to examine the Individual's U.S. passport during the early January 2022 ESI. Further, the investigator also had to ask the Individual about the existence of his passport issued by Country B and confront the Individual about the delinquent debts and missing employment history before he volunteered that information.<sup>31</sup>

I now turn to the allegation that Individual failed to fully disclose his foreign contacts. There is no doubt that the Individual was obligated to list the Wife on the QNSP as a foreign contact as it is clear that he would have, at the very least, been bound to her by obligation given his sponsorship of her K-1 fiancée visa. *See* Ex. 4 at 51. As stated, the Individual did not disclose his relationship with her until after he was confronted by DOE, nearly two years after he completed the QNSP and over a year after they were married.

Regarding the remaining foreign contacts, although the Individual may have volunteered the existence of over forty foreign contacts during the ESI and LOIs, I note that this information was not initially revealed in the QNSP, and with regard to Foreign Contacts 1 and 2, the Individual provided inconsistent information about the names of the individuals as well as the nature and extent of his relationship with them. If I accept as true that the Individual did not know or did not maintain close relationships with the foreign nationals he reported, it is likely that he was not

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<sup>31</sup> Although the Individual testified that the delinquent debts were reported in error, he further stated that he was aware the debts appeared as delinquent on his credit report at the time he completed the QNSP. Tr. at 62. And in any event, the Individual failed to provide evidence corroborating his testimony regarding the delinquent debts.

required to report these individuals and the allegation in the SSC was not properly raised.<sup>32</sup> However, given the Individual's extensive lack of candor throughout the security clearance process, along with the inconsistencies he provided about Foreign Contacts 1 and 2, I have serious doubts about the Individual's credibility concerning his relationships with these individuals. Given the Individual's choice not to submit any evidence to corroborate his testimony that he did not have close relationships with the foreign contacts he listed, I cannot make a finding that he was under no obligation to report these foreign contacts. Given the Individual's inconsistent statements regarding Foreign Contacts 1 and 2 and his failure to disclose the additional contacts until approximately two years after he completed the QNSP, I cannot find that the Individual made prompt, good-faith efforts to correct these omissions.

For the aforementioned reasons, I cannot find that the Individual made prompt, good-faith efforts to correct his omissions before being confronted with the facts. Adjudicative Guidelines at ¶ 17(a).

Although the Individual alleged that he attempted to seek guidance from someone who might be able to advise him on the foreign contact reporting requirements, the Individual submitted nothing in the record to support this contention. As such, I cannot find that mitigating factor (b) applies here. *Id.* at ¶ 17(b). Furthermore, considering the extent and materiality the Individual's omissions, I cannot find that the behavior was minor, infrequent, or occurred under unique circumstances. *Id.* at ¶ 17(c). Although many of these omissions occurred several years ago, given the scope of untruthful answers, I cannot find that so much time has passed such that the Individual's reliability, trustworthiness, or good judgment is no longer in doubt. *Id.*

Turning finally to the LSO's allegation that the Individual may not have been in a "bona fide" marriage with the Wife, the Individual claims that he is now living with the Wife and their daughter in a home that he purchased in October 2024. I note, however, that the Individual has not submitted any evidence to support this contention, and even if I were to accept it as true, this change in circumstances would not, in and of itself, mitigate the security concerns. As explained above, the Individual did not disclose the relationship with the Wife until he was confronted with the information regarding his sponsorship of her visa, and even after marrying her, he did not live with her or maintain close contact with her for over two years, all while engaged in a relationship with another woman. The Individual acknowledged that he did not necessarily want to marry the Wife. Furthermore, he did not begin living with the Wife until little over one month prior to the hearing. As such, I cannot find that this conduct is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under unique circumstances such that the Individual's judgment, reliability, or trustworthiness are no longer in doubt. *Id.* at ¶ 17(c).

Accordingly, for the foregoing reasons, I cannot find that the Individual has mitigated the Guideline E concerns.

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<sup>32</sup> As stated previously, the Individual was only required to report foreign nationals that he had "close and/or continuing" contact with such that he was "bound by affection, influence, common interests, and/or obligation." Ex. 4 at 51.

## **B. Guideline B**

Conditions that may mitigate a Guideline B security concern include:

- 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;
- 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;
- d) the foreign contacts and activities are on U.S. Government business or are approved by the agency head or designee;
- e) the individual has promptly complied with existing agency requirements regarding the reporting of contacts, requests, or threats from persons, groups, or organizations from a foreign country; 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.

Adjudicative Guidelines at ¶ 8.

The LSO alleged that the Individual failed to report or fully disclose his history with Country B, his contacts from Country B,<sup>33</sup> his travel to Country B, and his relationship with his Wife, who is from Country B, including his sponsorship of her visa. It further alleged that the Individual's history with Country B as well as his relationship with his Wife creates a potential conflict of interest and a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion. I first note, as described above, that the Individual has displayed an extensive lack of candor throughout the security clearance process in each of these areas. Aside from his testimony, which lacks credibility due to the concerns regarding his candor, the Individual chose not to submit any evidence addressing his relationship to Country B or its citizens. As such, given the very limited and unverified information I have from the Individual, I cannot find that he has demonstrated that he would not be in a position of having to choose between the interests of

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<sup>33</sup> As stated above, I do not have enough information to make a determination as to whether the Individual was required to report any of the foreign contacts aside from the Wife.

Country B and the United States, that no conflict of interest exists, or that 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. Adjudicative Guidelines at ¶ 8 (a)–(c).<sup>34</sup>

Turning specifically to his failure to report foreign contacts, even assuming the Individual was not required to report his over forty foreign contacts on the QNSP, he did not disclose his relationship with his Wife until confronted with the sponsorship of her visa, nearly two years later. Therefore, I cannot conclude that the Individual promptly complied with existing agency requirements regarding the reporting of contacts a foreign country. *Id.* at ¶ 8(e).

Accordingly, for the foregoing reasons, I cannot find that the Individual has mitigated the Guideline B concerns.

## **VI. Conclusion**

After considering all of the relevant information, favorable and unfavorable, in a comprehensive, common-sense manner, including weighing all of the testimony and other evidence presented at the hearing, I have found that the Individual has not brought forth sufficient evidence to resolve the security concerns associated with Guideline B and Guideline E. Accordingly, I have determined that the Individual's access authorization should not be granted. This Decision may be appealed in accordance with the procedures set forth in 10 C.F.R. § 710.28.

Katie Quintana  
Administrative Judge  
Office of Hearings and Appeals

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<sup>34</sup> Mitigating factors (d) and (f) do not apply to the circumstances of this case, and therefore, I will not analyze them herein.