



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



In the matter of: )  
)  
) ISCR Case No. 17-02036  
)  
Applicant for Security Clearance )

**Appearances**

For Government: Caroline E. Heintzelman, Esq., Department Counsel  
For Applicant: Ryan Nerney, Esq.

01/18/2018

**Decision**

HARVEY, Mark, Administrative Judge:

Applicant mitigated foreign influence security concerns relating to his relatives who are citizens and residents of Lebanon and Saudi Arabia. He served as a U.S. linguist for five years under combat conditions in Iraq and for six years in other Southwest Asia countries. Eligibility for access to classified information is granted.

**Statement of the Case**

On May 24, 2016, Applicant completed and signed a Questionnaire for National Security Position (SF 86) or security clearance application (SCA). Government Exhibit (GE) 1. On July 27, 2017, the Department of Defense (DOD) Consolidated Adjudications Facility (CAF) issued a statement of reasons (SOR) to Applicant under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry*, February 20, 1960; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Directive), January 2, 1992; and Security Executive Agent Directive 4, establishing in Appendix A the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (AGs), effective “for all covered individuals” on or after June 8, 2017.

The SOR detailed reasons why the DOD CAF did not find under the Directive that it is clearly consistent with the interests of national security to grant or continue a security clearance for Applicant and recommended referral to an administrative judge to

determine whether a clearance should be granted, continued, denied, or revoked. Specifically, the SOR set forth security concerns arising under Guideline B (foreign influence).

On October 5, 2017, Applicant responded to the SOR and requested a hearing. HE 3. On November 7, 2017, the case was assigned to me. On November 7, 2017, the Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing, setting the hearing for November 28, 2017. HE 1. Applicant's hearing was held as scheduled.

During the hearing, Department Counsel offered four exhibits; Applicant offered nine exhibits; there were no objections; and all proffered exhibits were admitted into evidence. Tr. 10-12; GE 1-4; Applicant Exhibit (AE) A-I. On December 7, 2017, DOHA received a copy of the transcript of the hearing.

### **Procedural Ruling**

Department Counsel offered a summary for administrative notice concerning foreign influence security concerns raised by Applicant's connections to Lebanon and Saudi Arabia. Tr. 10-11; HE 4. Administrative or official notice is the appropriate type of notice used for administrative proceedings. See ISCR Case No. 16-02522 at 2-3 (App. Bd. July 12, 2017); ISCR Case No. 05-11292 at 4 n. 1 (App. Bd. Apr. 12, 2007); ISCR Case No. 02-24875 at 2 (App. Bd. Oct. 12, 2006) (citing ISCR Case No. 02-18668 at 3 (App. Bd. Feb. 10, 2004) and *McLeod v. Immigration and Naturalization Service*, 802 F.2d 89, 93 n. 4 (3d Cir. 1986)). Usually administrative notice at ISCR proceedings is accorded to facts that are either well known or from government reports. See Stein, ADMINISTRATIVE LAW, Section 25.01 (Bender & Co. 2006) (listing fifteen types of facts for administrative notice). Applicant did not object to me taking administrative notice of the proffered documents. Tr. 11. Department Counsel's request for administrative notice is granted. The "Lebanon" and "Saudi Arabia" sections in this decision are derived from Department Counsel's administrative notice request.

### **Findings of Fact<sup>1</sup>**

Applicant's SOR alleges Applicant's mother (¶ 1.a), brother (¶ 1.b), and two sisters (¶ 1.b) are citizens and residents of Lebanon. Another brother is a dual citizen of Lebanon and the United Kingdom (¶ 1.c); his sister is a dual citizen of Lebanon and Saudi Arabia (¶ 1.d); and he provides \$8,000 annual support to his mother (¶ 1.e). Applicant admitted the allegations in SOR ¶¶ 1.a, 1.b, 1.c, and 1.e. He partially admitted the allegation in SOR ¶ 1.d. He also provided some mitigating information. After a complete and thorough review of the evidence of record, I make the following findings of fact.

Applicant is a 48-year-old employee of a defense contractor who has been employed as a U.S. linguist and cultural advisor since 2006. Tr. 13-14. Applicant was

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<sup>1</sup> The facts in this decision do not specifically describe employment, names of witnesses, names of other groups, or locations in order to protect Applicant and his family's privacy. The cited sources contain more specific information.

born in Lebanon. Tr. 25. He completed one year of community college in the United States. Tr. 13. He was married from 1997 to 2005. Tr. 13. His former spouse is a U.S. citizen. Tr. 13. His former spouse was born in Germany, and her parents were employed by the U.S. Government. Tr. 42. He does not have any children. Tr. 13. He held a security clearance in 2010. Tr. 15. There is no evidence of security violations. His current annual salary is \$64,000. Tr. 38. His net worth in the United States because of investments is about \$710,000. Tr. 40.

In 1995, Applicant moved from Lebanon to Russia, and in 1997, when he was 27 years old, Applicant immigrated to the United States. Tr. 15, 33. In 2004, Applicant was naturalized as a U.S. citizen. Tr. 15. He has not been to Lebanon since 1995. Tr. 33.

Applicant served as a linguist in Iraq from 2006 to 2011. Tr. 38. He was deployed to other countries in Southwest Asia (not Iraq) from 2012 to present. Tr. 38-40. During his tour in Iraq, he was exposed to hostile enemy fire. Tr. 47-48; AE A.

In 2015, Applicant's father died. Tr. 34. His father was a truck driver. Tr. 35. Applicant's mother is a citizen and resident of Lebanon. Tr. 17. She is 75 years old, and she does not work outside her home. Tr. 18. He communicates with her about every six months. Tr. 18. He provides about \$8,000 annually to his mother because she lacks financial resources and does not receive a pension from the Lebanese Government. Tr. 19-20, 34. He has not seen his mother since 1995. Tr. 33. He would like his brothers to take financial responsibility for his mother in lieu of his financial support. Tr. 20-21. His mother is not aware of Applicant's employment or location of his employment. Tr. 22. She believes he is located in the United States and not deployed overseas. Tr. 22.

Two of Applicant's sisters and one brother are citizens and residents of Lebanon. Tr. 23-27. His siblings do not know about Applicant's employment or deployments overseas. Tr. 23-27. He does not provide any financial support for his siblings. Tr. 24-27. He has not communicated with two siblings for several years, and he communicates with one sister about every six months. Tr. 24-26. The Lebanese Government does not employ his brother. Tr. 25. His sisters do not work outside their homes. Tr. 25-26. He has not seen any of his siblings since 1995. Tr. 36.

One of Applicant's brothers is a dual citizen of Lebanon and the United Kingdom. Tr. 27. He resides in the United Kingdom. He is a warehouse manager for a private company. Tr. 28. He knows Applicant works for a U.S. Government contractor. Tr. 28. He does not know Applicant is seeking a security clearance. Tr. 28. Applicant communicates with his brother about three times a year, and he is upset with his brother because his brother is reluctant to provide financial support for Applicant's mother. Tr. 28-29.

One of Applicant's sisters is a dual citizen of Saudi Arabia and Lebanon. Tr. 29. She resides in Saudi Arabia. Tr. 30. He communicates with her about three times a year. Tr. 30. She does not work outside her home. Tr. 31. She does not know about his employment; he does not provide financial support to her; and she does not know when

he is deployed. Tr. 30. Her husband is a citizen of Saudi Arabia and another country. Tr. 37.

One of Applicant's brothers was drafted into the Lebanon military, and he served in the Lebanon military for two years. Tr. 37. None of his other siblings have served in Lebanon's military. Tr. 37.

On October 5, 2017, Applicant provided a "statement of intent" and promised to "have minimal or no contact with [his] mother or siblings outside of [his] official duties, and [his] conversations will remain strictly casual and infrequent." SOR response, Ex. C. He promised not to "travel to Lebanon unless directed to do so by the U.S. Government in connection with [his] employment." Any violation of this statement of intent can result in "automatic revocation of [his] security clearance." SOR response, Ex. C.

If someone sought classified information from Applicant, he would report the attempt to security. Tr. 32. Applicant is loyal to the United States. Tr. 31, 42. He is honest and trustworthy. Tr. 31. He is careful about following security rules and complies with the laws of the United States. Tr. 33. He is a good U.S. citizen, and he is willing to risk his life to safeguard the United States. Tr. 42.

## **Character Evidence**

Seven character letters, including a letter from a Federal Bureau of Investigation special agent, interrogators, and a military officer, laud Applicant's loyalty, patriotism, diligence, dedication, and contributions to mission accomplishment of the U.S. armed forces in Iraq. AE A. His work "entailed long work hours in austere conditions with an ever present risk of hostile fire," and he "volunteered to accompany assault units on targets" AE A at 4-5. The letters describe Applicant as an important asset to any organization and recommend his employment in support of DOD operations. AE A. He also received certificates of appreciation from some of the U.S. armed forces units he supported in Iraq. SOR response, Ex. B.

## **Lebanon**

Lebanon is a parliamentary democracy. Syria borders on Lebanon and influences Lebanon's foreign and internal domestic policies. Syria has been engaged in an internal conflict for many years and millions of refugees have left Syria and settled in camps in neighboring countries. The U.S. State Department has declared the Syrian Government to be a supporter of terrorism. The United States seeks to maintain its traditionally close ties with Lebanon. Lebanon has some serious human rights problems.

Hezbollah is a radical Shia group, which operates in Lebanon and Palestine and receives support from Iran. It is a U.S.-designated foreign terrorist organization. The Lebanese Government recognizes Hezbollah as a legitimate group. The Islamic State of Iraq and the Levant (ISIL), Al-Nusra Front (ANF), Hamas, and the Abdullah Azzam

Brigades (AAB) operate in Lebanon, and ISIL and ANF have claimed responsibility for suicide bombings in Lebanon.

Americans have been the targets of terrorist attacks in Lebanon, and the perpetrators of some of those attacks are still present in Lebanon and retain the ability to commit further acts of terrorism. U.S. government employees in Beirut are required to live under strict security because of the dangers of terrorism. Groups hostile to the Lebanese Government and the United States operate largely autonomously inside refugee camps in different areas of Lebanon. The U.S. State Department continues to urge Americans to avoid travel to Lebanon.

## **Saudi Arabia**

The United States and Saudi Arabia generally have good relations and share a common concern about regional security in the Middle East. Relations between the United States and Saudi Arabia were strained after the September 2001 terrorist attacks. During 2003 and 2004, terrorists and suicide bombers kidnapped or killed Americans and attacked the U.S. consulate. Terrorist attacks have been attempted or have occurred in the last several years. The State Department warns U.S. citizens to carefully consider the risks of travel to Saudi Arabia due to concerns about potential terrorist activity directed against U.S. citizens and interests.

Individuals and organizations based in Saudi Arabia have been designated by the U.S. government as providing financial and material support to Al-Qaeda and more recently to ISIL and other terrorist groups. Violence from the conflict in Yemen has occasionally “spilled over” into Saudi Arabia. Human rights problems have occurred throughout Saudi Arabia.

## **Policies**

The U.S. Supreme Court has recognized the substantial discretion of the Executive Branch in regulating access to information pertaining to national security emphasizing, “no one has a ‘right’ to a security clearance.” *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). As Commander in Chief, the President has the authority to control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information.” *Id.* at 527. The President has authorized the Secretary of Defense or his designee to grant applicant’s eligibility for access to classified information “only upon a finding that it is clearly consistent with the national interest to do so.” Exec. Or. 10865, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended.

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the adjudicative guidelines. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, 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 Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of classified information. Clearance decisions must be “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See Exec. Or. 10865 § 7. See *also* Exec. Or. 12968 (Aug. 2, 1995), § 3.1. Thus, nothing in this Decision should be construed to suggest that I have based this decision, in whole or in part, on any express or implied determination about applicant’s allegiance, loyalty, or patriotism. It is merely an indication the applicant has not met the strict guidelines the President, Secretary of Defense, and DNI have established for issuing a clearance.

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The Government has the burden of establishing controverted facts alleged in the SOR. See *Egan*, 484 U.S. at 531. “Substantial evidence” is “more than a scintilla but less than a preponderance.” See *v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4<sup>th</sup> Cir. 1994). The guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant’s security suitability. See ISCR Case No. 95-0611 at 2 (App. Bd. May 2, 1996).

Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. An applicant “has the 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). The burden of disproving a mitigating condition never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005). “[S]ecurity clearance determinations should err, if they must, on the side of denials.” *Egan*, 484 U.S. at 531; see AG ¶ 2(b).

## **Analysis**

### **Foreign Influence**

AG ¶ 6 explains the security concern about “foreign contacts and interests” stating:

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 has two conditions that could raise a security concern and may be disqualifying 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; and

(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.

Applicant has limited contacts with relatives who are citizens or residents of Lebanon or Saudi Arabia. He provides \$8,000 annually to his mother who lives in Lebanon. His payments to his mother are a manifestation of his affection for her. His communications and relationships with his relatives in Lebanon and Saudi Arabia are sufficient to raise a security concern.

The mere possession of close family ties with one or more family members living in a foreign country is not, as a matter of law, disqualifying under Guideline B; however, if an applicant has a close relationship with even one relative living in a foreign country, this factor alone is sufficient to create the potential for foreign influence and could potentially result in the compromise of classified information. See *Generally* ISCR Case No. 03-02382 at 5 (App. Bd. Feb. 15, 2006); ISCR Case No. 99-0424 (App. Bd. Feb. 8, 2001). There is a rebuttable presumption that a person has ties of affection for, or obligation to, their immediate family members. See *generally* ISCR Case No. 01-03120, 2002 DOHA LEXIS 94 at \*8 (App. Bd. Feb. 20, 2002).

The nature of a nation's government, its relationship with the United States, and its human-rights record are relevant in assessing the likelihood that an applicant's family members are vulnerable to government coercion or inducement. The risk of coercion, persuasion, or duress is significantly greater if the foreign country has an authoritarian government, the government ignores the rule of law including widely accepted civil liberties, a family member is associated with or dependent upon the government, the government is engaged in a counterinsurgency, terrorists cause a substantial amount of death or property damage, or the country is known to conduct intelligence collection operations against the United States. The relationships of Lebanon and Saudi Arabia

with the United States, and the situation in Lebanon and Saudi Arabia place a significant, but not insurmountable burden of persuasion on Applicant to demonstrate that his relationships with his family members living in those foreign countries do not pose a security risk. Applicant should not be placed into a position where he might be forced to choose between loyalty to the United States and a desire to assist a relative living in one of those foreign countries.

Guideline B is not limited to countries hostile to the United States. “The United States has a compelling interest in protecting and safeguarding classified information from any person, organization, or country that is not authorized to have access to it, regardless of whether that person, organization, or country has interests inimical to those of the United States.” ISCR Case No. 02-11570 at 5 (App. Bd. May 19, 2004). Furthermore, friendly nations can have profound disagreements with the United States over matters they view as important to their vital interests or national security. Finally, we know friendly nations have engaged in espionage against the United States, especially in the economic, scientific, and technical fields. See ISCR Case No. 00-0317, 2002 DOHA LEXIS 83 at \*\*15-16 (App. Bd. Mar. 29, 2002).

While there is no evidence that intelligence operatives or terrorists from foreign countries seek, or have sought, classified or economic information from or through Applicant or his family, nevertheless, it is not prudent to rule out such a possibility in the future. International terrorist groups are known to conduct intelligence activities as effectively as capable state intelligence services, and Lebanon and Saudi Arabia to a lesser degree have problems with terrorism. Applicant’s relationships with relatives who are living in Lebanon and Saudi Arabia create a potential conflict of interest because terrorists could place pressure on his family living in those countries in an effort to cause Applicant to compromise classified information. These relationships also create “a heightened risk of foreign inducement, manipulation, pressure, or coercion” under AG ¶ 7. Department Counsel produced substantial evidence of Applicant’s contacts and relationships with family residing in Lebanon and Saudi Arabia. Department Counsel has raised the issue of potential foreign pressure or attempted exploitation. AG ¶¶ 7(a) and 7(b) apply, and further inquiry is necessary about potential application of any mitigating conditions.

AG ¶ 8 lists six conditions that could mitigate foreign influence security concerns including:

(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.

The DOHA Appeal Board concisely explained Applicant's responsibility for proving the applicability of mitigating conditions as follows:

Once a concern arises regarding an Applicant's security clearance eligibility, there is a strong presumption against the grant or maintenance of a security clearance. See *Dorfmont v. Brown*, 913 F. 2d 1399, 1401 (9th Cir. 1990), *cert. denied*, 499 U.S. 905 (1991). After the Government presents evidence raising security concerns, the burden shifts to the applicant to rebut or mitigate those concerns. See Directive ¶ E3.1.15. The standard applicable in security clearance decisions is that articulated in *Egan, supra*. "Any doubt concerning personnel being considered for access to classified information will be resolved in favor of the national security." Directive, Enclosure 2 ¶ 2(b).

ISCR Case No. 10-04641 at 4 (App. Bd. Sept. 24, 2013).

AG ¶¶ 8(a) and 8(b) have limited application, and 8(c) applies. Applicant left Lebanon 22 years ago, and he does not frequently communicate<sup>2</sup> with his mother and siblings in Lebanon and his sibling in Saudi Arabia. Still, his relationships with family members residing in Lebanon and Saudi Arabia are sufficient even without frequent contacts to cause lingering security concerns. A key factor in the AG ¶ 8(b) analysis is Applicant's "deep and longstanding relationships and loyalties in the U.S." In 1997, Applicant immigrated to the United States, and in 2004, he became a U.S. citizen. He has not returned to Lebanon since 1995.

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<sup>2</sup> The Appeal Board has concluded that contact every two months or more frequently constitutes "frequent contact" under AG ¶¶ 7 and 8. ISCR Case No. 14-05986 at 3-4 (App. Bd. Oct. 14, 2016). See also ISCR Case No. 04-09541 at 2-3 (App. Bd. Sep. 26, 2006) (finding contacts with applicant's siblings once every four or five months not casual and infrequent).

There are widely documented safety issues for residents of Iraq, Afghanistan, Syria, Lebanon, and to a lesser degree Saudi Arabia, because of terrorists and insurgents. Applicant has voluntarily shared in those dangers on behalf of the DOD for about five years during his service in Iraq, and in other Southwest Asia countries for six years. He is willing to expose himself to similar dangers in the future.

Numerous linguists supporting U.S. forces have family living in Iraq, Afghanistan, or other Southwest Asia countries under serious threat from terrorists. Thousands of United States and coalition armed forces and civilian contractors serving in Southwest Asia are targets of terrorists along with civilians who support the Southwest Asian governments and cooperate with coalition forces. Like many other linguists with family in Southwest Asian countries, Applicant has family in Lebanon and Saudi Arabia that are vulnerable to terrorists.

Applicant's years of support to the DOD in Iraq as a linguist and cultural advisor, including the dangers that service entailed, weigh heavily towards mitigating security concerns. Applicant is currently serving in Southwest Asia providing critical assistance to U.S. Armed Forces. He has shown his patriotism, loyalty, and fidelity to the United States during his approximately five years of support to the DOD while serving in Iraq and for six additional years in other Southwest Asia countries.

Applicant's relationship with the United States must be weighed against the potential conflict of interest created by his relationships with relatives who are citizens and residents of Lebanon and Saudi Arabia. His relatives living in Lebanon and Saudi Arabia are at risk from terrorists, and Applicant's access to classified information could theoretically add risk if the terrorists discover he has relatives in Lebanon and Saudi Arabia.

In sum, Applicant's connections to his relatives living in Lebanon and Saudi Arabia are less significant than his connections to the United States. It is important to be mindful of the United States' huge investment of manpower and money in Southwest Asia, and Applicant has supported U.S. goals and objectives in Southwest Asia. His employment in support of the U.S. Government, performance of linguist duties in a combat zone, and U.S. citizenship are important factors weighing towards mitigation of security concerns. His connections to the United States taken together are sufficient to fully overcome and mitigate the foreign influence security concerns under Guideline B. Even if foreign influence security concerns were not mitigated under Guideline B, they would be mitigated under the whole-person concept.

### **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 the 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), “[t]he ultimate determination” of whether to grant a security clearance “must be an overall commonsense judgment based upon careful consideration of the guidelines” and the whole-person concept. My comments under Guideline B are incorporated in my whole-person analysis. Some of the factors in AG ¶ 2(d) were addressed under that guideline but some warrant additional comment.

Applicant is a 48-year-old employee of a defense contractor who has been employed as a linguist and cultural advisor since 2006. He was born in Lebanon, and he completed one year of community college. He is not married, and he does not have any children. He held a security clearance in 2010, and there is no evidence of security violations. His current annual salary is \$64,000. His net worth in the United States is about \$710,000.

Applicant's mother is a citizen and resident of Lebanon, and he has siblings, who are citizens and residents of Lebanon or Saudi Arabia. Any relationships with citizens and residents of Lebanon or Saudi Arabia raise important foreign influence security concerns, and they must be balanced against his connections to the United States.

In 1997, Applicant immigrated to the United States, and in 2004, he became a U.S. citizen. When he became a U.S. citizen, he took an oath of allegiance to the United States. There is no evidence that Applicant has engaged in criminal activity, abused alcohol or illegal drugs, or violated any of his employer's rules.

Applicant served as a U.S. linguist, translator, or cultural advisor for about five years during the conflict in Iraq. Applicant provided character references and certificates for his service in a U.S. designated combat zone. He made contributions to the U.S. military at personal risk. He is willing to continue to serve in Southwest Asia as a linguist, risking his life as part of his duties on behalf of the United States. All of these circumstances increase the probability that Applicant will recognize, resist, and report any attempts by a foreign power, terrorist group, or insurgent group to coerce or exploit him. See ISCR Case No. 07-00034 at 2 (App. Bd. Feb. 5, 2008). His past honorable service as a linguist weighs heavily towards approval of his security clearance. See ISCR Case No. 07-00034 at 3 (App. Bd. Feb. 5, 2008) (affirming grant of security clearance and commenting “Applicant has served as a translator and as a cultural liaison between Americans and Afghan citizens, diffusing tensions and facilitating transactions between the two groups. . . . Applicant put his life in danger on at least one occasion to protect American lives and interests in Afghanistan.”).

A Guideline B decision concerning Lebanon must take into consideration the geopolitical situation and dangers there.<sup>3</sup> Lebanon and to a lesser degree Saudi Arabia are dangerous places because of violence from terrorists. These entities continue to threaten the Lebanese and Saudi Arabian Governments, the interests of the United States, U.S. Armed Forces, and those who cooperate and assist the United States. The Lebanese and Saudi Arabian Governments do not fully comply with the rule of law or protect civil liberties in many instances. The United States, Lebanon, and Saudi Arabian Governments are allies in the war on terrorism.

I have carefully applied the law, as set forth in *Department of Navy v. Egan*, 484 U.S. 518 (1988), Exec. Or. 10865, the Directive, and the AGs, to the facts and circumstances in the context of the whole person. I conclude foreign influence security concerns are mitigated.

### **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: FOR APPLICANT

Subparagraphs 1.a through 1.e: 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.

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Mark Harvey  
Administrative Judge

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<sup>3</sup> See ISCR Case No. 04-02630 at 3 (App. Bd. May 23, 2007) (remanding because of insufficient discussion of geopolitical situation and suggesting expansion of whole-person discussion).