

KEYWORD: Guideline B

DIGEST: Applicant acknowledges that his wife and parents do live in Syria, but notes they are not affiliated with the Syrian Government. He also argues that his allegiance is to the United States and that he is not at risk of foreign coercion. His arguments amount to a challenge to the way in which the Judge weighed the evidence and are insufficient to show the Judge reached conclusions in a manner that is arbitrary, capricious, or contrary to law. Adverse decision is affirmed.

CASE NO: 19-01556.a1

DATE: 02/07/2020

DATE: February 7, 2020

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| In Re: |) | |
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| ----- |) | ISCR Case No. 19-01556 |
| |) | |
| Applicant for Security Clearance |) | |
| _____ |) | |

APPEAL BOARD DECISION

APPEARANCES

FOR GOVERNMENT

James B. Norman, Esq., Chief Department Counsel

FOR APPLICANT

Pro se

The Department of Defense (DoD) declined to grant Applicant a security clearance. On June 10, 2019, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline B (Foreign Influence) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a hearing. On December 5, 2019, after the hearing, Administrative Judge Mark Harvey denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

The SOR alleges that Applicant has relatives, including his wife and parents, who are citizens and residents of Syria. The Judge concluded that Applicant’s foreign relationships created a heightened risk of foreign exploitation that was not mitigated. In his appeal brief, Applicant acknowledges that his wife and parents do live in Syria, but notes they are not affiliated with the Syrian Government. He also argues that his allegiance is to the United States and that he is not at risk of foreign coercion. His arguments amount to a challenge to the way in which the Judge weighed the evidence and are insufficient to show the Judge reached conclusions in a manner that is arbitrary, capricious, or contrary to law. *See, e.g.*, ISCR Case No. 15-00650 at 2 (App. Bd. Jun. 27, 2016).

Applicant has failed to establish the Judge committed any harmful error. The Judge examined the relevant evidence and articulated a satisfactory explanation for the decision. The decision is sustainable on this record. “The general standard is that a clearance may be granted only when ‘clearly consistent with the interests of the national security.’” *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). *See also* Directive, Encl. 2, App. A ¶ 2(b): “Any doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security.”

Order

The Decision is **AFFIRMED**.

Signed: Michael Ra'anan
Michael Ra'anan
Administrative Judge
Chairperson, Appeal Board

Signed: James E. Moody
James E. Moody
Administrative Judge
Member, Appeal Board

Signed: James F. Duffy
James F. Duffy
Administrative Judge
Member, Appeal Board