

DATE: October 24, 2003

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In Re:

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SSN: -----

Applicant for Security Clearance

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ISCR Case No. 00-0633

## **APPEAL BOARD DECISION**

### **APPEARANCES**

#### **FOR GOVERNMENT**

Eric Borgstrom, Esq., Department Counsel

#### **FOR APPLICANT**

Pamela B. Stuart, Esq.

The Defense Office of Hearings and Appeals (DOHA) issued to Applicant a Statement of Reasons (SOR) dated February 15, 2002 which stated the reasons why DOHA proposed to deny or revoke access to classified information for Applicant. The SOR was based on Guideline B (Foreign Influence) and Guideline E (Personal Conduct). Administrative Judge John G. Metz, Jr. issued an unfavorable security clearance decision dated February 28, 2003.

Applicant appealed the Administrative Judge's unfavorable decision. The Board has jurisdiction under Executive Order 10865 and Department of Defense Directive 5220.6 (Directive), dated January 2, 1992, as amended.

The following issues have been raised on appeal: (1) whether the Administrative Judge erred by considering and relying on matters not alleged in the SOR; (2) whether the Administrative Judge made findings of fact that are not supported by substantial record evidence; (3) whether the Administrative Judge's conclusions under Guideline B (Foreign Influence) are arbitrary, capricious, or contrary to law; and (4) whether the Administrative Judge's conclusions under Guideline E (Personal Conduct) are arbitrary, capricious, or contrary to law. For the reasons that follow, the Board affirms the Administrative Judge's decision.

### **Scope of Review**

On appeal, the Board does not review a case *de novo*. Rather, the Board addresses the material issues raised by the parties to determine whether there is factual or legal error. There is no presumption of error below, and the appealing party must raise claims of error with specificity and identify how the Administrative Judge committed factual or legal error. Directive, Additional Procedural Guidance, Item E3.1.32. *See also* ISCR Case No. 00-0050 (July 23, 2001) at pp. 2-3 (discussing reasons why party must raise claims of error with specificity).

When the rulings or conclusions of an Administrative Judge are challenged, the Board must consider whether they are: (1) arbitrary or capricious; or (2) contrary to law. Directive, Additional Procedural Guidance, Item E3.1.32.3. In deciding whether the Judge's rulings or conclusions are arbitrary or capricious, the Board will review the Judge's decision to determine whether: it does not examine relevant evidence; it fails to articulate a satisfactory explanation for its conclusions, including a rational connection between the facts found and the choice made; it does not consider relevant factors; it reflects a clear error of judgment; it fails to consider an important aspect of the case; it offers an

explanation for the decision that runs contrary to the record evidence; or it is so implausible that it cannot be ascribed to a mere difference of opinion. *See, e.g.*, ISCR Case No. 97-0435 (July 14, 1998) at p. 3 (citing Supreme Court decision). In deciding whether the Judge's rulings or conclusions are contrary to law, the Board will consider whether they are contrary to provisions of Executive Order 10865, the Directive, or other applicable federal law. Compliance with state or local law is not required because security clearance adjudications are conducted by the Department of Defense pursuant to federal law. *See* U.S. Constitution, Article VI, clause 2 (Supremacy Clause). *See, e.g.*, ISCR Case No. 00-0423 (June 8, 2001) at p. 3 (citing Supreme Court decisions).

When an Administrative Judge's factual findings are challenged, the Board must determine whether "[t]he Administrative Judge's findings of fact are supported by such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of all the contrary evidence in the same record. In making this review, the Appeal Board shall give deference to the credibility determinations of the Administrative Judge." Directive, Additional Procedural Guidance, Item E3.1.32.1. The Board must consider not only whether there is record evidence supporting a Judge's findings, but also whether there is evidence that fairly detracts from the weight of the evidence supporting those findings, and whether the Judge's findings reflect a reasonable interpretation of the record evidence as a whole. Although a Judge's credibility determination is not immune from review, the party challenging a Judge's credibility determination has a heavy burden on appeal.

When an appeal issue raises a question of law, the Board's scope of review is plenary. *See* DISCR Case No. 87-2107 (September 29, 1992) at pp. 4-5 (citing federal cases).

If an appealing party demonstrates factual or legal error, then the Board must consider the following questions:

Is the error harmful or harmless? *See, e.g.*, ISCR Case No. 00-0250 (July 11, 2001) at p. 6 (discussing harmless error doctrine);

Has the nonappealing party made a persuasive argument for how the Administrative Judge's decision can be affirmed on alternate grounds? *See, e.g.*, ISCR Case No. 99-0454 (October 17, 2000) at p. 6 (citing federal cases); and

If the Administrative Judge's decision cannot be affirmed, should the case be reversed or remanded? (Directive, Additional Procedural Guidance, Items E3.1.33.2 and E3.1.33.3)

### **Appeal Issues<sup>(1)</sup>**

1. Whether the Administrative Judge erred by considering and relying on matters not alleged in the SOR. Applicant contends the Administrative Judge erred by considering Applicant's contacts with foreign citizens and drawing adverse conclusions about such contacts although they were not alleged in the SOR. Applicant argues that the Judge is limited to making findings of fact and reaching conclusions that pertain to the SOR allegations, and that absent a motion to amend the SOR by Department Counsel, the Judge cannot make findings or reach conclusions that go beyond the SOR allegations. For the reasons that follow, the Board concludes Applicant's claim of error is not persuasive.

Administrative Judges have broad latitude and discretion in how they write their decisions. However, that latitude and discretion must be exercised within the legal constraints of the Directive and basic concepts of due process. A Judge must issue a written decision that sets forth "pertinent findings of fact, policies, and conclusions as to the allegations in the SOR . . ." Directive, Additional Procedural Guidance, Item E3.1.25. *See, e.g.*, ISCR Case No. 98-0809 (August 19, 1999) at pp. 2-3. Applicant correctly notes that SOR allegations frame the issues in a case. However, Applicant goes too far by arguing that a Judge cannot make findings or reach conclusions that go beyond the SOR allegations in a case.

As a practical matter, there are many things that properly can be the subject of factual findings and conclusions by an Administrative Judge even though they are not included in an SOR allegation. For example, the Judge may have to make findings and reach conclusions about a procedural matter (unrelated to the SOR allegations) raised during the course of a hearing. Furthermore, during the course of a hearing, the parties may present relevant evidence that goes beyond the SOR allegations which a Judge must consider in making a decision, such as (a) evidence to establish a foundation for a document offered by one of the parties; (b) evidence that shows the competence of a witness to testify about a particular matter (*e.g.*, training and experience of an expert witness; evidence showing that a witness has

personal knowledge of events pertinent to SOR allegations); (c) evidence to rebut or impeach a witness's testimony<sup>(2)</sup>; (d) character evidence about an applicant (and evidence showing that a character witness is competent to testify as to an applicant's character); (e) evidence to prove a factual predicate that is the foundation for a proposition pertinent to an SOR; (f) evidence in support of a claim that a pertinent Adjudicative Guidelines disqualifying or mitigating condition is applicable<sup>(3)</sup>; or (g) evidence pertinent to evaluation of an applicant's case under the general factors set forth in Directive, Section 6.3.<sup>(4)</sup> Cf. also Federal Rules of Evidence, Rule 401 ("Definition of 'Relevant Evidence'") and Advisory Committee's Note to Rule 401. Although the SOR allegations frame the issues in a case, they are not a strait-jacket that precludes the presentation and consideration of things that can be relevant and material to a broad range of procedural and evidentiary matters. Indeed, it is impractical to expect an SOR to allege everything relevant to an applicant's case.<sup>(5)</sup>

An SOR must give an applicant adequate notice of the reasons why the government proposes to deny or revoke access to classified information so that the applicant has a reasonable opportunity to respond to the SOR allegations and to present a defense to the government's case against him or her. However, not every variance between an SOR and a Judge's findings and conclusions is fatal. An SOR is an administrative pleading, and such pleadings are not held to the stringent standards of criminal indictments. An SOR is not an end in itself, but rather a means to assist the disposition of a case on its merits rather than pleading niceties. Accordingly, as long as there is fair notice to the affected party and the affected party has a reasonable opportunity to respond, a case should be adjudicated on the merits of relevant issues and should not be concerned with pleading niceties. There is no simple formula by which to decide when a variance between SOR allegations and the basis stated for the Administrative Judge's decision is harmful and when it is not. When an applicant challenges such a variance on appeal, the Board must review the case record as a whole to determine whether the applicant: (a) received fair notice of the issues being raised; (b) had a reasonable opportunity to litigate the issues raised; and (c) has demonstrated he was harmed in a prejudicial manner. *See, e.g.*, ISCR Case No. 99-0710 (March 19, 2001) at pp. 2-3 (citing federal cases and Board decisions).

Given the SOR allegations against Applicant and the manner in which the hearing was conducted, Applicant was on adequate notice that his contacts with foreign citizens were an issue in the case. Furthermore, Applicant had the opportunity to present evidence to refute, rebut, explain, extenuate, or mitigate the evidence presented by Department Counsel concerning Applicant's contacts with foreign citizens. Indeed, a review of the record shows Applicant presented evidence that was intended to explain his foreign contacts and to refute or rebut the inference that his foreign contacts raised security concerns or posed a security risk. Considering all the circumstances, the Board concludes Applicant's claim of error is not persuasive.

## 2. Whether the Administrative Judge made findings of fact that are not supported by substantial record evidence.

Applicant's brief conflates challenges to the Administrative Judge's findings of fact with challenges to the conclusions the Judge draws from his findings of fact. Because a Judge's findings of fact are reviewed by a different standard than the Judge's conclusions,<sup>(6)</sup> the Board will address Applicant's challenges to the Judge's findings of fact under this issue, and will address Applicant's challenges to the Judge's conclusions under other appeal issues.

Before addressing Applicant's specific challenges to the Administrative Judge's findings of fact, the Board will address Applicant's arguments that the Judge ignored or disregarded certain evidence. Specifically, Applicant argues the Judge (a) ignored record evidence indicating that Applicant has exhibited good judgment; and (b) the Judge improperly dismissed Applicant's hearing testimony. These arguments are not persuasive.

There is a rebuttable presumption that an Administrative Judge considered all the record evidence unless the Judge specifically states otherwise. *See, e.g.*, ISCR Case No. 99-9020 (June 4, 2001) at p. 2. Furthermore, there is no requirement that a Judge discuss each and every piece of evidence when making findings of fact. *See, e.g.*, ISCR Case No. 99-0288 (September 18, 2000) at p. 5. Neither Applicant's strong disagreement with the Judge's weighing of the record evidence nor Applicant's disappointment that the Judge did not give greater weight to Applicant's hearing testimony is sufficient to rebut the presumption that the Judge considered all the record evidence. Furthermore, the Judge was not required to accept Applicant's testimony uncritically; rather, the Judge had the discretion to consider Applicant's testimony in light of his assessment of Applicant's credibility and in light of the record evidence as a whole.

The Board will now address Applicant's specific claims of factual error by the Administrative Judge. <sup>(7)</sup> Applicant argues the Judge erred by finding:

- (a) there is no evidence that Applicant reported his foreign contacts until the Defense Security Service contacted him;
- (b) Applicant attended a scientific conference sponsored by the Russian government;
- (c) Applicant's current wife was employed by the Russian government and had access to Russian classified information when she was a graduate student;
- (d) Applicant engaged in unauthorized currency transactions in Russia;
- (e) Applicant engaged in black market purchases in Russia; and
- (f) Applicant had been a member of the Young Pioneers.

For the reasons that follow, the Board concludes some of Applicant's claims of error are not persuasive, and those that are fail to demonstrate harmful error

(2a) Applicant cites to his hearing testimony to challenge the Administrative Judge's finding that "there is no evidence to suggest [Applicant] disclosed [his contacts with foreign citizens] before being contacted by DSS." The hearing testimony cited by Applicant in support of this claim of factual error is not so specific or detailed as to compel the Judge to make a finding along the lines urged by Applicant on appeal.

(2b) The Administrative Judge's finding that Applicant attended a government-sponsored conference in Russia is ambiguous because the Judge did not indicate whether he found the sponsoring government was the United States, Russia, or both. And, even if the Board were to assume, solely for the sake of deciding this appeal, that the Judge's finding was that the conference was sponsored by the Russian government, Applicant fails to articulate how such a finding would be harmful in any meaningful way.

(2c) There is insufficient record evidence in this case for the Administrative Judge to infer that Applicant's wife was employed by the Russian government and had access to Russian classified information when she was a graduate student. However, considering the record evidence as a whole, the Board concludes this error is harmless in light of the totality of Applicant's conduct and foreign contacts.

(2d) There is conflicting record evidence as to whether Applicant engaged in unofficial currency transactions in Russia. As the trier of fact, the Administrative Judge has to weigh the record evidence and make reasonable findings of fact. Considering the record as a whole, the Judge's challenged finding reflects a reasonable interpretation of the conflicting record evidence and, therefore, it is sustainable.

(2e) There is conflicting record evidence as to whether Applicant engaged in black market purchases in Russia. That evidence includes Applicant's own description of those activities as being a black market. As the trier of fact, the Administrative Judge has to weigh the record evidence and make reasonable findings of fact. Considering the record as a whole, the Judge's challenged finding reflects a reasonable interpretation of the conflicting record evidence and, therefore, it is sustainable.

(2f) The Administrative Judge erred by referring to Applicant as a member of the Young Pioneers. However, it is obvious that the Judge's error is a harmless typographical mistake because the passage in question pertains to Applicant's wife, not Applicant.

3. Whether the Administrative Judge's conclusions under Guideline B (Foreign Influence) are arbitrary, capricious, or contrary to law. Applicant makes several arguments that challenge the Administrative Judge's conclusions under Guideline B. Specifically, Applicant argues:

- (a) the Judge improperly relied on his own opinion concerning the significance of the foreign contacts Applicant had,

which were not alleged in the SOR;

(b) the Judge erred by concluding Applicant's baseball trips exposed him to potential exploitation;

(c) the Judge erred by concluding Applicant's holding \$3,000 cash for a Russian baseball coach raised security concerns;

(d) the record evidence concerning an overture by a foreign company representative is insufficient to support the Judge's conclusion that there were multiple indications that foreign nationals have made overtures to exploit Applicant;

(e) the Judge failed to consider Foreign Influence Mitigating Conditions 2 through 5; and

(f) the Judge failed to consider Applicant's conduct under the general factors set forth in Directive, Section 6.3.

For the reasons that follow, the Board concludes some of Applicant's claims of error are not persuasive, and those that are fail to demonstrate harmful error.

(3a) As discussed earlier in this decision, the Administrative Judge did not err by considering the record evidence concerning Applicant's foreign contacts. It was proper and legally permissible for the Judge to consider the record evidence concerning those foreign contacts and draw inferences and reach conclusions as to the security significance of them under Guideline B. Furthermore, to the extent this claim of error relies on Applicant's challenge to the decision's synopsis, it fails to raise any meaningful claim of error.

(3b/3c) The Board does not find persuasive Applicant's arguments concerning the Administrative Judge's conclusions about the security significance of Applicant's baseball trip abroad and his holding \$3,000 cash for a Russian baseball coach. First, Applicant's arguments seek to have his conduct viewed in piecemeal manner. Such an approach is not legally required in these proceedings. To the contrary, a piecemeal analysis of an applicant's conduct and circumstances is unwarranted in these proceedings. *See, e.g.*, ISCR Case No. 01-20906 (January 10, 2003) at p. 5; ISCR Case No. 99-0295 (October 20, 2000) at pp. 5-6. Second, Applicant's ability to argue for an alternate, benign explanation of his conduct is not sufficient to demonstrate the Judge's inferences and conclusions about Applicant's conduct is arbitrary, capricious, or contrary to law. Third, given the totality of the record evidence in this case, it was not arbitrary or capricious for the Judge to conclude that Applicant's involvement with baseball trips abroad and his holding \$3,000 cash for a Russian baseball coach raised security concerns under Guideline B.

(3d) This claim of error refers to a passage in the synopsis of the Administrative Judge's decision. As discussed earlier in this decision, such an error does not raise any meaningful claim of error.

(3e) Applicant also contends the Administrative Judge failed to consider Foreign Influence Mitigating Conditions 2, 3, 4, and 5. Applicant's contention is not persuasive.

The Board rejects Applicant's argument that error by the Administrative Judge is demonstrated merely because "[t]he Judge mentioned none of these mitigating conditions as being factors he considered when they are clearly and unequivocally raised by the record evidence." As noted earlier in this decision, Judges have broad latitude and discretion in writing their decisions. While it is permissible for a Judge to specifically explain why the Judge concluded that a particular Adjudicative Guidelines mitigating condition was not applicable, nothing in the Directive requires a Judge to do so. Reading the Judge's decision, the Board concludes the Judge considered the pertinent Foreign Influence mitigating conditions and concluded that only one of them was applicable in Applicant's case (Decision at pp. 11-12). Merely because a Judge concludes that a mitigating condition does not apply in a particular case, it does not follow that the Judge simply ignored or failed to consider that mitigating condition.

Given the record evidence concerning the facts and circumstances of Applicant's contacts with foreign citizens (many of which had no discernable connection with official U.S. government business), the Administrative Judge was not compelled to conclude those contacts were mitigated under Foreign Influence Mitigating Condition 2. <sup>(8)</sup> Applicant's argument concerning Foreign Influence Mitigating Condition 2 is not persuasive.

Although some of Applicant's foreign contacts seem to be casual and infrequent, some of them clearly are not casual



and infrequent. Furthermore, the Board has noted that an applicant's foreign contacts must be considered in their totality, not just in a piecemeal manner. A Judge needs to consider whether an applicant's conduct and circumstances place him in a position of vulnerability even if there is no evidence that a foreign country has in fact sought to exploit that vulnerability. *See, e.g.*, ISCR Case No. 00-0628 (February 24, 2003) at p. 5. Applicant's argument about Foreign Influence Mitigating Condition 3<sup>(9)</sup> is conclusory and merely asserts the Judge erred without providing a reason to support that claim of error.

Given the record evidence in this case, the Administrative Judge was not required to conclude Applicant met his burden of demonstrating the applicability of Foreign Influence Mitigating Condition 4.<sup>(10)</sup> *See, e.g.*, ISCR Case No. 01-17496 (October 28, 2002) at p. 5 (applicant has burden of presenting evidence to support application of Adjudicative Guidelines mitigating condition). Applicant's argument about this mitigating condition is conclusory and merely asserts the Judge erred without providing a reason to support that claim of error.

Given the record evidence in this case, the Administrative Judge was not compelled to conclude that Applicant's foreign financial interests were mitigated under Foreign Influence Mitigating Condition 5.<sup>(11)</sup> Applicant's argument to the contrary is not persuasive.

(3f) Since the Board does not review a case *de novo*, the Board need not decide how it might analyze the facts and circumstances of Applicant's case under the Section 6.3 factors. Reading the Administrative Judge's decision in its entirety, the Board concludes that the Judge's analysis of Applicant's case reflects a consideration of the general factors set forth in Directive, Section 6.3.

4. Whether the Administrative Judge's conclusions under Guideline E (Personal Conduct) are arbitrary, capricious, or contrary to law. Applicant makes several arguments that challenge the Administrative Judge's conclusions under Guideline E. Specifically, Applicant argues:

(a) the Judge erred by concluding that prior suspension of Applicant's security clearance raised security concerns under Guideline E;

(b) other allegations under Guideline E were not proven;

(c) Applicant did not engage in various forms of conduct specifically mentioned under Guideline E;

(d) the Judge failed to consider Personal Conduct Mitigating Condition 5 or general mitigating factors E2.2.1.7 and E2.2.1.8; and

(e) the Judge failed to consider Applicant's conduct under the general factors set forth in Directive, Section 6.3.

For the reasons that follow, the Board concludes that, with one exception, Applicant's claims of error lack merit.

(4a) Given the record evidence in this case, the Administrative Judge failed to articulate a rational basis for the adverse conclusions he drew from the record evidence that Applicant's security clearance was suspended in 1997. However, this error is harmless because the Judge's adverse decision is sustainable on other grounds articulated by the Judge.

(4b) SOR paragraph 2.a alleged that Applicant's conduct under SOR paragraphs 1.m and 1.n demonstrated questionable judgment, untrustworthiness, unreliability, or unwillingness to comply with rules and regulation within the meaning of Guideline E. Applicant contends the Judge erred by drawing adverse conclusions under Guideline E because the conduct alleged in paragraphs 1.m and 1.n were not proven. As discussed earlier in this decision, the Judge's findings that Applicant engaged in black market purchases in Russia (SOR paragraph 1.m) and engaged in unauthorized currency transactions in Russia (SOR paragraph 1.n) are sustainable. Accordingly, the Board rejects Applicant's argument on this point.

(4c) Applicant argues that there is no evidence that he engaged in various forms of conduct specifically mentioned under Guideline E. This argument fails to demonstrate the Administrative Judge erred. Merely because Applicant can

list a variety of security-significant conduct that he did not engage in, it does not follow that the Judge could not consider whether the conduct Applicant did engage in fell within the scope of Guideline E. *See, e.g.*, ISCR Case No. 99-0254 (February 16, 2000) at p. 3 ("Even if an applicant has not engaged in other conduct that has more serious negative security significance, the Judge still has the obligation to evaluate the security significance of the conduct the applicant did engage in."); ISCR Case No. 98-0265 (March 17, 1999) at pp. 6-7 ("The Administrative Judge's adverse decision is not made arbitrary, capricious, or contrary to law merely because Applicant's misconduct was not more serious or widespread than it was.").

(4d) Applicant's argument concerning Personal Conduct Mitigating Condition 5-(12) and Directive, Enclosure 2, Item E2.2.1.8-(13) is conclusory and fails to persuade the Board that, given the record evidence in this case, the Administrative Judge should have concluded Applicant had demonstrated mitigation under those two provisions of the Directive. Applicant's argument concerning Directive, Enclosure 2, Item E2.2.1.9-(14) does not persuade the Board that the Judge erred. Given the Judge's sustainable findings and conclusions, the Judge was not compelled to conclude that Applicant's security-significant conduct and circumstances were not likely to continue or recur. Indeed, given the record evidence in this case, the Judge reasonably could conclude the opposite.

(4e) Since the Board does not review a case *de novo*, the Board need not decide how it might analyze the facts and circumstances of Applicant's case under the Section 6.3 factors. Reading the Administrative Judge's decision in its entirety, the Board concludes that the Judge's analysis of Applicant's case reflects a consideration of the general factors set forth in Directive, Section 6.3.

Most of Applicant's claims of error are unpersuasive. To the extent that Applicant has raised claims of error that have merit, the Board concludes that the errors identified by Applicant do not demonstrate harmful error, whether those errors are considered individually or collectively.

### **Conclusion**

Applicant has failed to demonstrate error below that warrants remand or reversal. Therefore, the Board affirms the Administrative Judge's adverse security clearance decision.

Signed: Emilio Jaksetic

Emilio Jaksetic

Administrative Judge

Chairman, Appeal Board

Signed: Michael D. Hipple

Michael D. Hipple

Administrative Judge

Member, Appeal Board

Signed: Jean E. Smallin

Jean E. Smallin

Administrative Judge

Member, Appeal Board

1. The Administrative Judge entered formal findings in favor of Applicant with respect to SOR paragraphs 1.c through

- 1.h, 1.p, and 1.q. Those favorable formal findings are not at issue on appeal.
2. *See, e.g.*, ISCR Case No. 98-0582 (November 12, 1999) at p. 9; ISCR Case No. 96-0608 (August 28, 1997) at p. 3.
3. *See, e.g.*, ISCR Case No. 98-0331 (May 26, 1999) at p. 3 n.2; ISCR Case No. 98-0507 (May 17, 1999) at p. 8.
4. *See, e.g.*, ISCR Case No. 98-0582 (November 12, 1999) at p. 9.
5. *See, e.g.*, ISCR Case No. 88-2576 (November 15, 1990) at p. 4 ("[A]n SOR need not enumerate precisely every event or fact to which an Administrative Judge may finally attach significance.")(citing federal case)
6. *Compare* Directive, Additional Procedural Guidance, Item E3.1.32.1 (standard of review for findings of fact) *with* Directive, Additional Procedural Guidance, Item E3.1.32.3 (standard of review for conclusions).
7. Applicant also argues the synopsis of the Administrative Judge's decision "is based on factual findings that are demonstrably clearly erroneous." The Board has indicated that it "is not inclined to view the synopsis of an Administrative Judge's decision as critical, or more important than the body of the Judge's decision itself. Absent unusual circumstances, any flaw or failing with a synopsis is not likely to demonstrate harmful error." ISCR Case No. 01-20314 (September 29, 2003) at p. 3. Nothing in Applicant's appeal brief persuades us that this case presents unusual circumstances indicating that the synopsis of the Judge's decision is critical or more important than the body of the Judge's decision itself.
8. "Contacts with foreign citizens are the result of official United States Government business." Directive, Enclosure 2, Item E2.A2.1.3.2.
9. "Contact and correspondence with foreign citizens are casual and infrequent." Directive, Enclosure 2, Item E2.A2.1.3.3.
10. "The individual has promptly reported to proper authorities all contacts, requests, or threats from persons or organizations from a foreign country, as required." Directive, Enclosure 2, Item E2.A2.1.3.4.
11. "Foreign financial interests are minimal and not sufficient to affect the individual's security responsibilities." Directive, Enclosure 2, Item E2.A2.1.3.5.
12. "The individual has taken positive steps to significantly reduce or eliminate vulnerability to coercion, exploitation, or duress." Directive, Enclosure 2, Item E2.A5.1.3.5.
13. "The potential for pressure, coercion, exploitation, or duress."
14. "The likelihood of continuation or recurrence."