

DATE: November 21, 2002

In Re:

SSN: -----

Applicant for Security Clearance

ISCR Case No. 01-02452

APPEAL BOARD DECISION

APPEARANCES

FOR GOVERNMENT

Marc E. Curry, Esq., Department Counsel

FOR APPLICANT

Pro Se

Administrative Judge Elizabeth M. Matchinski issued a decision, dated May 15, 2002, in which she concluded it is not clearly consistent with the national interest to grant or continue a security clearance for Applicant. Applicant appealed.

This Board has jurisdiction on appeal under Executive Order 10865 and Department of Defense Directive 5220.6 (Directive), dated January 2, 1992, as amended.

Applicant's appeal presents the following issues: (1) whether various findings of fact by the Administrative Judge are in error; and (2) whether the Administrative Judge's decision is arbitrary, capricious, or contrary to law. For the reasons that follow, the Board affirms the Administrative Judge's adverse security clearance decision.

Procedural History

The Defense Office of Hearings and Appeals issued to Applicant a Statement of Reasons (SOR) dated July 9, 2001. The SOR was based on Guideline B (Foreign Influence), Guideline C (Foreign Preference), and Guideline J (Criminal Conduct). A hearing was held on March 14, 2001. The Administrative Judge issued a written decision, dated May 15, 2002, in which she concluded it is not clearly consistent with the national interest to grant or continue a security clearance for Applicant. The case is before the Board on Applicant's appeal from the Judge's adverse 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. *See* Directive, Additional Procedural Guidance, Item E3.1.32. *See, e.g.*, ISCR Case No. 00-0050 (July 23, 2001) at pp. 2-3 (discussing reasons why party must raise claims of error with specificity).

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 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. *See, e.g.,* ISCR Case No. 99-0205 (October 19, 2000) at p. 2.

When a challenge to an Administrative Judge's rulings or conclusions 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).

Administrative Judge's Findings and Conclusions

Applicant was born in the United States in 1966 to parents who were citizens of Israel. At the time, Applicant's father was pursuing a graduate degree in the United States. Applicant and his two sisters, who also were born in the United States, acquired their U.S. citizenship by virtue of their births in this country.

Applicant's parents moved the family to Israel when he was five years old. Applicant and his two sisters became Israeli citizens automatically as a result of the family's move to that country. Applicant was raised and educated in Israel.

Applicant did not register with the Selective Service System in the United States when he became 18 years of age. At that time, Applicant was unaware that he had an obligation to do so. Applicant's failure to register was not knowing or willful, and he regrets his failure to register.

Upon completion of secondary schooling, Applicant was required to perform compulsory military service for Israel. Applicant was granted an academic deferral to pursue a bachelor's degree at an Israeli university. Under the academic reserve program, Applicant's active duty military obligation was extended to five years, two years more than the compulsory conscription term. On earning a bachelor's degree, Applicant began his mandatory active duty military service in 1989.

While in the Israeli military, Applicant worked with a research and development unit and had access to classified Israeli defense information. As part of Applicant's military duties, he was briefed on intelligence gathering and collection methods as they related to the capabilities of Israel's regional adversaries.

In 1990, Applicant got married in Israel to a native-born Israeli woman who was a technician in the military complex where he was serving. Applicant's wife has a bachelor's degree from an Israeli university.

Applicant voted in an Israeli election in 1990.

Applicant requested early release from his Israeli active duty military obligation. Applicant was discharged from the military in 1993, having achieved the rank of Captain. While living in Israel, Applicant was obligated to perform reserve military duty until he reached 40 years of age.

In late 1993, Applicant began working in Israel for a United States company. Applicant came to the United States in 1994 to pursue a doctoral degree. Applicant came to the United States with his wife and daughter (who had been born in Israel). Applicant's second daughter was born in the United States. Applicant earned a doctoral degree and elected to pursue his career in the United States. In January 1999, Applicant went to work for his current employer.

As of March 2000, Applicant's wife had applied for naturalization as a U.S. citizen and had completed the testing requirements. In October 2000, Applicant's wife became a naturalized U.S. citizen. By November 2001, Applicant's older daughter (who had been born in Israel) became a U.S. citizen.

Applicant obtained a U.S. passport as a child. Applicant has maintained a U.S. passport almost continuously since then. Applicant acquired an Israeli passport by at least January 1989, renewing it as necessary until 2002. Israel requires its citizens to enter and exit the country on an Israeli passport. In 1994, Applicant used his U.S. passport to enter a foreign country in the region of Israel for a trip with friends. Applicant used his U.S. passport on that trip because it was easier and potentially safer than using his Israeli passport. Applicant used his Israeli passport to enter and exit Israel on trips in 1997 and 1998.

In a written statement Applicant gave to a Defense Security Service (DSS) special agent in March 2000, he: (a) admitted using his Israeli passport twice to travel to Israel after 1994; (b) expressed his intent to use his U.S. passport on all foreign travel except for trips to Israel; (c) indicated he was not willing to renounce his Israeli citizenship or relinquish his Israeli passport; (d) stated he would not use a position of trust with the U.S. government to influence decisions in order to serve the interests of a foreign government; (e) acknowledged his ties to family members in Israel; (f) maintained his loyalty was primarily to the United States; and (g) asserted he would be offended if the Israeli government tried to exploit his position.

In a written statement Applicant gave to a DSS special agent in May 2000, he: (a) stated he was 100% loyal to the United States; (b) expressed concern for the welfare of his family if the United States were to take action against Israel; (c) indicated he would pursue legal means through his congressman to persuade the U.S. government to discontinue any action that might be harmful to his family; (d) denied he would ever act against the best interests of U.S. national security; and (e) declared he fully intended to comply with all U.S. laws and protect DoD interests.

In the March 2000 written statement, Applicant stated he did not recall the name of the Israeli military installation where he served, but indicated the city where it was located. In the May 2000 written statement, Applicant: (a) again indicated the city where the Israeli military installation was located, but indicated he did not recall its exact address and claimed the installation did not have a name; (b) noted that prior to performing classified duties with the Israeli military, he pledged to not reveal sensitive or classified information pertaining to those duties; (c) stated he intended to comply with his obligation to not reveal specific details of his past Israeli military duties, and (d) indicated he felt the U.S. government should respect his obligation not to reveal such information. It strains credulity that Applicant does not recall the name of the military installation where he served for four and a half years. The reasonable inference is that Applicant knows the name and location of the installation, and that he lied to the DSS special agent to protect classified Israeli defense information. Recognizing Israel's right to protect its classified information, nothing prevented Applicant from candidly telling the DSS special agent he was not at liberty to divulge the name or address of the military installation.

On August 16, 2000, the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (ASDC3I) issued a memorandum concerning adjudication of security clearance cases involving the possession or use of a foreign passport.

Around Spring 2001, Applicant learned from his employer that his dual citizenship and possession of a foreign passport could present a security issue with regard to his obtaining a security clearance. On July 12, 2001, Applicant went to the Israeli consulate and applied to revoke his Israeli citizenship because he had learned that he could not surrender his Israeli passport without renouncing his Israeli citizenship. On the application for renouncing Israeli citizenship, Applicant was asked if he has a spouse who is an Israeli citizen who does not request renunciation of her Israeli citizenship. Applicant responded that his wife intended to return to Israel.

When responding to the SOR in July 2001, Applicant indicated his Israeli passport "is being held by the security office of [his company]." On October 22, 2001, Applicant turned in his Israeli passport to his company's security office, pending acceptance of his application to renounce his Israeli citizenship. Applicant's credibility is adversely affected by the discrepancy between his statements about when he turned in his Israeli passport to his company's security office.

Applicant's renunciation of Israeli citizenship was effective as of February 13, 2002. Applicant retrieved his Israeli passport from the security office on February 28, 2002 and surrendered it (and an Israeli identification card) to the Israeli consulate the next day.

Applicant's father and mother are Israeli citizens residing in that country. Applicant contacts his parents by telephone on an every-other-week to monthly basis and exchanges email correspondence with his father. Applicant's parents visit him and his family in the United States once every two or three years. Applicant visits with his parents when he travels to Israel.

Applicant's older sister, a resident of Israel since childhood, maintains dual United States-Israeli citizenship. Applicant contacts his older sister by telephone on an every-other-week to monthly basis, and visits her and her family on his trips to Israel.

Applicant's younger sister, who currently lives in Israel, maintains dual United States-Israeli citizenship. She pursued her education in the United States after completing compulsory military service for Israel and obtained a master's degree. She is married to an engineer who works for a private firm in Israel and has two young children. She was employed until she had her second son. Applicant has regular contact with his younger sister by telephone, and visits her and her family on his trips to Israel.

Applicant's maternal grandfather is an Israeli citizen who lives in that country. Applicant does not have regular contact with him, but visits him when traveling to Israel.

Applicant's spouse has once-weekly contacts with her parents, who are resident citizens of Israel, and she travels to Israel at least once a year to see them. Applicant's father-in-law is semi-retired and recently has been involved in real estate. Applicant's mother-in-law is a homemaker. Applicant has occasional contact with his in-laws. Applicant's spouse has frequent contact with her brother and his family (wife and three children) who live in Israel. Her brother and his wife work as bank clerks. Applicant's spouse also has two maternal grandparents in Israel whom she sees on her visits to Israel.

Neither Applicant nor his spouse has financial assets outside the United States, except for publicly-traded stocks in foreign companies. Applicant's assets in the United States include his personal residence, a retirement account, \$11,000 in bank funds, and \$5,000 in investments. Applicant may inherit from his parents, who are financially secure.

Applicant's employer supports his application for a security clearance. Applicant has a level of expertise not shared by others at his company. Applicant is regarded as honest, reliable and trustworthy based on his work and his handling of sensitive company information.

Over the years, Applicant has acted in a variety of ways that demonstrate his preference for Israeli citizenship, including performing Israeli military service, possessing and using an Israeli passport, and voting in at least one Israeli election. Applicant demonstrated an unwillingness to relinquish his Israeli passport more than a year after he began working for a defense contractor. Applicant's Israeli military service and voting in an Israeli election would raise little current concern except for the fact that Applicant renewed and retained an Israeli passport after he decided to make the United States his permanent home.

Applicant's surrender of his Israeli passport does not mandate a favorable security clearance decision because he has not experienced any significant change in attitude toward Israel. The discrepancy as to when Applicant turned in his Israeli passport to the company security office compounds concerns as to whether he can be counted to act without regard to his personal interest or the interests of Israel.

Applicant's ties with family members in Israel raise security concerns under Guideline B. Applicant's spouse maintains ties with her family members in Israel that also contribute to the security concerns about Applicant under Guideline B. Applicant has not demonstrated that his family ties with Israel present an acceptable security risk.

The Administrative Judge entered a formal finding for Applicant under Guideline J based on her conclusion that Applicant did not knowingly violate the law requiring him to register with the U.S. Selective Service System. The Administrative Judge entered formal findings against Applicant under Guideline B and Guideline C, and concluded it is not clearly consistent with the national interest to grant or continue a security clearance for Applicant.

Appeal Issues

Applicant's appeal brief contains many statements and factual assertions that go beyond the record evidence and constitute new evidence. The Board cannot consider new evidence on appeal. Directive, Additional Procedural Guidance, Item E3.1.29. The Board will limit its consideration of Applicant's appeal arguments to those that do not seek to introduce or rely on new evidence.

1. Whether various findings of fact by the Administrative Judge are in error. Applicant contends the Administrative Judge erred by: (a) finding Applicant's wife applied for naturalization in March 2000; (b) finding Applicant did not tell

the truth to a DSS agent about his foreign military service; (c) mischaracterizing Applicant's intentions and motivations concerning holding and using an Israeli passport, and his surrendering it to his employer's security office; and (d) by finding Applicant does not have a clear preference for the United States over Israel. For the reasons that follow, the Board concludes Applicant's claims of factual error lack merit.

(a) The Administrative Judge stated Applicant's wife applied for naturalization and completed the testing requirements by March 2000 (Decision at p. 5), and that she became naturalized U.S. citizen in October 2000 (Decision at p. 6). The Judge's statement about when Applicant's wife applied for naturalization tracks language in Applicant's March 2000 written statement (Government Exhibit 2). And, in any event, the precise date when Applicant's wife applied for naturalization does not appear to be an important consideration in the Judge's analysis of the facts and circumstances of Applicant's case.

(b) Applicant's second claim of factual error is unpersuasive. Considering the record as a whole, and giving due deference to the Administrative Judge's credibility determination (Directive, Additional Procedural Guidance, Item E3.1.32.1), the Board concludes it was not arbitrary or capricious for the Judge to find that Applicant did not tell the truth to a DSS agent about his foreign military service. The Judge's finding reflects a legally permissible interpretation of the record evidence.

(c) Applicant's statements about his intentions and motivations concerning his possession and use of an Israeli passport are relevant evidence, but they are not binding on the Administrative Judge. The Judge is entitled to consider the facts and circumstances of Applicant's conduct and situation and draw reasonable inferences about Applicant's intentions and motivations. *See, e.g.*, ISCR Case No. 98-0419 (April 30, 1999) at p. 8. Considering the record as a whole, the Judge's findings and conclusions about Applicant's intentions and motivations concerning his possession and use of an Israeli passport reflect a reasonable interpretation of the record evidence. Applicant's strong disagreement with those findings and conclusions is not sufficient to demonstrate Judge erred. Similarly, it was not arbitrary or capricious for the Judge to consider the circumstances surrounding Applicant's turning over the passport to his company's security office (including the discrepancy in the record evidence about when the passport was turned over) and draw reasonable inferences from them. Considering the record evidence as a whole, the Judge drew legally permissible inferences about the circumstances surrounding Applicant's turning over his Israeli passport to the company security office.

(d) Applicant's statements about his preferences for Israeli and the United States are relevant evidence, but are not binding on the Administrative Judge. *See, e.g.*, ISCR Case No. 99-0424 (February 8, 2001) at p. 13. The Judge is entitled to consider the Applicant's conduct in light of the record evidence as a whole and draw reasonable inferences about what that conduct shows about Applicant's preferences *vis-a-vis* Israel and the United States. Considering the totality of the record evidence, it was not arbitrary or capricious for the Judge to conclude Applicant has not mitigated the evidence indicating he has a preference for Israel.

2. Whether the Administrative Judge's decision is arbitrary, capricious, or contrary to law. Applicant makes several arguments that raise the issue of whether the Administrative Judge's decision is arbitrary, capricious, or contrary to law. Specifically, Applicant argues:

(a) the Judge's synopsis "unfairly mischaracteriz[es]" Applicant by referring to his failure to register with U.S. Selective Service;

(b) the Judge erred by drawing an adverse conclusion based on Applicant's statement that he would consider lobbying his congressperson if U.S. policies toward Israel posed a threat to his relatives in that country;

(c) the Administrative Judge gave undue weight to Applicant's statements concerning his wife's intentions about returning to Israel;

(d) the Judge failed to give sufficient weight to Applicant's defense-related work, which shows his trustworthiness and honesty, and his preference for the United States;

(e) the Judge failed to give sufficient weight to Foreign Preference Mitigating Conditions 1 and 2; and

(f) the Judge erred by entering formal findings against him under various SOR paragraphs.

The Board will address each of these claims of error in turn.

(a) When reviewing an Administrative Judge's decision, the Board will not focus on individual sentences in isolation; rather, the Board will consider challenged sentences in light of the Judge's decision as a whole. *See, e.g.*, ISCR Case No. 99-0519 (February 23, 2001) at p. 8. A brief passage in a synopsis is not entitled to be given greater weight or significance than the substance of an Administrative Judge's decision. In any event, the brief passage in the synopsis that Applicant objects to reflects a reasonable interpretation of record evidence. Moreover, the Judge's formal finding for Applicant with respect to SOR paragraph 3 shows Judge accepted Applicant's explanation about his failure to register for the U.S. Selective Service System. Accordingly, Applicant's claim of error on this point is without merit.

(b) Applicant has a right, under the First Amendment of the U.S. Constitution, to petition members of Congress. That constitutional right is an important one, and the exercise of that right does not, on its face, raise security concerns. The Board has noted that the legal nature of an applicant's conduct does not preclude consideration of the possible security implications of such conduct. *See, e.g.*, ISCR Case No. 00-0516 (December 7, 2001) at p. 5; ISCR Case No. 98-0331 (May 26, 1999) at p. 8. However, before a Judge can base an adverse security clearance decision, in whole or in part, on conduct that involves an applicant's exercise of legal rights, the Judge must articulate how or why the applicant's exercise of such rights raises legitimate security concerns. In this case, the Administrative Judge failed to articulate a rational explanation for why she drew an adverse conclusion from Applicant's statement that he would consider lobbying his congressperson if U.S. policies toward Israel posed a threat to his relatives in that country. Given the record evidence in this case, it was arbitrary and capricious for the Judge to draw such an adverse conclusion.

Although the Administrative Judge's error is a serious one, it does not warrant remand or reversal. The Judge's sustainable findings and conclusions under Guidelines B and C are sufficient to justify her adverse security clearance decision. Accordingly, the Judge's error is harmless. *See, e.g.*, ISCR Case No. 00-0250 (July 11, 2001) at p. 6 (summarizing harmless error doctrine).

(c) It was not arbitrary or capricious for the Administrative Judge to consider the nature and strength of the ties Applicant's wife has to Israel. This case is not about whether Applicant's wife has a preference for Israel over the United States. However, the Judge reasonably could consider the significance of Applicant's wife's ties to Israel and the possible effect they may have on Applicant's conduct under Guideline B (Foreign Influence). The Judge acted in a legally permissible manner by considering Applicant's wife's ties to Israel in connection with Foreign Influence Disqualifying Condition 2. [\(1\)](#)

(d) The evidence concerning Applicant's defense-related work does not have the significance that Applicant places on it. Applicant's defense-related work is not particularly relevant to his security eligibility. *See, e.g.*, ISCR Case No. 01-19879 (October 29, 2002) at p.3 (discussing why an applicant's technical expertise and contribution to defense programs do not have much weight with regard to evaluating an applicant's security eligibility). Furthermore, apart from that general proposition, Applicant fails to articulate how the evidence of his defense-related work shows the Judge erred in her analysis under Guideline B and Guideline C.

(e) Because Applicant actively exercised the rights and privileges of an Israeli citizen, the Administrative Judge was not required to give controlling weight to Foreign Preference Mitigating Condition 1. [\(2\)](#) Furthermore, the Judge was not required to apply Foreign Preference Mitigating Condition 2 [\(3\)](#) because Applicant's exercise of rights and privileges of Israeli citizenship occurred while he was a U.S. citizen, not before he became a U.S. citizen. To the extent Applicant acted as an Israeli citizen prior to his 18th birthday, his conduct is mitigated by his status as a minor. [\(4\)](#) However, his actions as an Israeli citizen after he became 18 years of age are attributable to him as an adult.

(f) Applicant also challenges the Administrative Judge's adverse formal findings under SOR paragraphs 1.b and 2.a through 2.f.

Applicant asserts the Administrative Judge should have entered a formal finding for him under SOR paragraph 1.b because Applicant's wife and children are U.S. citizens with allegiance to the United States. Because Applicant's wife

and children are dual citizens of United States and Israel, the Judge's formal finding under SOR paragraph 1.b is sustainable.

Applicant argues the Administrative Judge should have entered a formal finding for him under paragraph SOR 2.a because Applicant does not exercise dual citizenship with Israel and the United States. Given the record evidence that Applicant exercised dual citizenship on various occasions, Applicant's claim of error concerning SOR paragraph 2.a lacks merit.

Applicant contends the Administrative Judge should have entered a formal finding for him under SOR paragraph 2.b because he has surrendered his Israeli passport. Applicant correctly notes that the record evidence shows he has complied with the terms of the ASDC3I memorandum concerning the possession and use of foreign passports. Given Applicant's compliance, it is not unreasonable for him to question why the Judge did not enter a formal finding in his favor with respect to SOR paragraph 2.b. A review of the decision below shows the Judge acknowledged Applicant's compliance with the terms of the ASDC3I memorandum, but explained why she did not place much weight on that fact (Decision at pp. 13-14). The Board need not agree with the specific reasoning articulated by the Judge to conclude she acted within the bounds of her discretion when weighing the record evidence concerning the facts and circumstances surrounding Applicant's surrender of his Israeli passport and drawing legally permissible inferences and conclusions.

Applicant claims the Administrative Judge erred by entering an adverse formal finding under SOR paragraph 2.c because Applicant did not use his Israeli passport three times in the past four years, as alleged in that paragraph. The record evidence shows Applicant used his Israeli passport in 1997 and 1998 to enter that country. The Judge's findings about Applicant's use of his foreign passport follow the record evidence. The gravamen of SOR paragraph 2.c is that Applicant used his Israeli passport instead of his U.S. passport on some occasions. Reading the Judge's decision as a whole, the Board concludes the Judge's adverse conclusions under Guideline B do not turn on whether Applicant used his Israeli passport three times or only two times. Even if the Board were to assume, solely for purposes of deciding this appeal, that the Judge erred concerning SOR paragraph 2.c, such an error would be harmless under the particular facts of this case.

Applicant argues the Administrative Judge should have entered a formal finding for him with respect to SOR paragraph 2.d because: (a) he cannot change the past; and (b) he no longer has any military reserve duties with Israel. Applicant's argument fails to demonstrate the Judge erred. Applicant's past conduct is relevant to evaluating his present security eligibility. *See Department of Navy v. Egan*, 484 U.S. 518, 528-529 (1988). Furthermore, under the whole person concept, an applicant's past conduct and circumstances are relevant to assessing the applicant's present security eligibility. Accordingly, it was not arbitrary or capricious for the Judge to consider Applicant's past military service for Israel as part of an overall evaluation of this case under Guideline B and Guideline C.

Applicant claims the Administrative Judge erred by entering a formal finding against him under SOR paragraph 2.e because that allegation is not true. The Judge made findings relevant to SOR paragraph 2.e (Decision at p. 3) that reflect a reasonable interpretation of the record evidence. Accordingly, this claim of error is unpersuasive.

Applicant contends the Administrative Judge should have entered a formal finding in his favor with respect to SOR paragraph 2.f because although it is true, it has "no relevance" to his trustworthiness. The Board disagrees. As discussed earlier in this decision, Applicant's past conduct is relevant to evaluating his present security eligibility. It was not arbitrary or capricious for the Judge to consider Applicant's duties with the Israeli military and his possession of an Israeli security clearance (or its equivalent) as part of an overall evaluation of Applicant's case under Guideline B and Guideline C.

Viewed collectively, Applicant's claims of error can be construed as raising two other issues: (i) whether the Administrative Judge misrepresented or mischaracterized Applicant's conduct and circumstances; and (ii) whether the Judge's decision fails to reflect an overall commonsense determination based on consideration of the record evidence as a whole in light of the whole person concept. An Administrative Judge's decision is not measured against a standard of perfection. *See, e.g., ISCR Case No. 00-0621* (January 30, 2002) at p. 4. Furthermore, the Board need not agree with a Judge's choice of words or language to determine that the Judge's findings and conclusions are sustainable. Apart from the harmless errors identified earlier in this decision, the Administrative Judge made findings of fact that are sustainable,

reached conclusions that are not arbitrary or capricious, and considered the facts and circumstances of Applicant's conduct and situation in a manner consistent with the whole person concept. Even if the Board were to assume, solely for the sake of deciding this appeal, that any given aspect of Applicant's conduct or situation were insufficient to warrant an adverse decision under Guideline B or Guideline C, the totality of Applicant's conduct and situation provides a sufficient basis for the Judge's overall adverse security clearance decision. *See, e.g.*, ISCR Case No. 99-0295 (October 20, 2000) at p. 5 (noting need for Judge to evaluate an applicant's conduct and circumstances as a whole and not in a piecemeal approach).

Conclusion

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

Signed: Emilio Jaksetic

Emilio Jaksetic

Administrative Judge

Chairman, Appeal Board

Signed: Michael Y. Ra'anan

Michael Y. Ra'anan

Administrative Judge

Member, Appeal Board

Signed: Jeffrey D. Billett

Jeffrey D. Billett

Administrative Judge

Member, Appeal Board

1. "Sharing living quarters with a person or persons, regardless of their citizenship status, if the potential for adverse foreign influence or duress exists."
2. "Dual citizenship is based solely on parents' citizenship or birth in a foreign country."
3. "Indicators of possible foreign preference (e.g., foreign military service) occurred before obtaining United States citizenship."
4. *See* ISCR Case No. 98-0331 (May 26, 1999) at p. 7 n.6.