

DATE: February 2, 2007

In Re:

SSN: -----

Applicant for Security Clearance

ISCR Case No. 04-06544

APPEAL BOARD DECISION

APPEARANCES

FOR GOVERNMENT

James B. Norman, Chief Department Counsel

FOR APPLICANT

Pro Se

The Defense Office of Hearings and Appeals (DOHA) declined to grant Applicant a security clearance. On January 14, 2005, DOHA issued a statement of reasons 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 that the case be decided on the written record. On June 29, 2006, after considering the record, Administrative Judge Joseph Testan denied Applicant's request for a security clearance. Applicant timely appealed pursuant to the Directive ¶¶ E3.1.28 and E3.1.30.

Applicant raised the following issue on appeal: whether the Administrative Judge's ultimate conclusions reflect a sustainable whole person analysis of Applicant's conduct and circumstances.

Applicant raises new evidence on appeal, which the Board may not consider, *See* Directive ¶E3.1.29

The Administrative Judge made the following uncontested findings of fact: All of Applicant's immediate family members are citizens and/or residents of foreign countries (Jordan, Kuwait and Saudi Arabia). The Judge specifically noted that Applicant paid \$6000 to receive a Jordanian military service exemption. The Judge noted Applicant's work history abroad and his past foreign financial dealings. The Judge specifically noted that Applicant loves his daughter very much and she lives in Jordan. The Judge said that Applicant presented as an honest hardworking man who intends to make his home in the United States.

Applicant presents detailed arguments which the Board construes as challenging the Judge's whole person analysis.

It is well settled that the Board does not measure Hearing Office decisions against a standard of perfection. In this case the Judge's decision has little that is clearly a whole person analysis. However, in light of the uncontested findings of fact, there is not a significant chance that, the Judge would have reached a different result, with a more explicit whole person analysis. The Judge's analysis of Applicant's case is consistent with the Adjudicative Guidelines and reflected a plausible interpretation of the record evidence involving primarily Applicant's foreign contacts. Applicant's arguments for an alternative interpretation do not demonstrate that the Judge erred and refer to evidence apart from Applicant's family situation. That evidence is mixed in that some is favorable to Applicant and some is not.

Thus, the Administrative Judge did not commit any harmful errors in denying Applicant a clearance.

Order

The decision of the Administrative Judge denying Applicant a clearance is AFFIRMED.

Signed: Michael Y Ra'anan

Michael Y. Ra'anan

Administrative Judge

Chairman, Appeal Board

Signed: Michael D. Hipple

Michael D. Hipple

Administrative Judge

Member, Appeal Board

Signed: James E. Moody

James E. Moody

Administrative Judge

Member, Appeal Board