

KEYWORD: Foreign Influence

DIGEST: Applicant is a 25-year-old junior production engineer employed by a federal contractor. She is a native -born U.S. citizen. Her father is a citizen and resident of Columbia, her mother is a citizen of the United States residing in Columbia. Eight aunts and uncles are citizens and residents of the United States. Six are citizens and residents of Columbia. Her only sibling is a citizen and resident of the United States. She owns property in Columbia. She has frequent, non-casual contact with her parents. Her husband has the same with his parents. Her ties to the United States do not mitigate the security concerns about foreign influence. She surrendered her Colombian passport to her facility security officer (FSO) thereby mitigating the security concerns about foreign preference. Clearance is denied.

CASENO: 06-26564.h1

DATE: 09/28/2007

DATE: September 28, 2007

In re:

SSN: -----

Applicant for Security Clearance

ISCR Case No. 06-26564

**DECISION OF ADMINISTRATIVE JUDGE
CHRISTOPHER GRAHAM**

APPEARANCES

FOR GOVERNMENT

Eric Borgstrom, Esq., Department Counsel

FOR APPLICANT

Pro Se

SYNOPSIS

Applicant is a 25-year-old junior production engineer employed by a federal contractor. She is a native -born U.S. citizen. Her father is a citizen and resident of Columbia, her mother is a citizen of the United States residing in Columbia. Eight aunts and uncles are citizens and residents of the United States. Six are citizens and residents of Columbia. Her only sibling is a citizen and resident of the United States. She owns property in Columbia. She has frequent, non-casual contact with her parents. Her husband has the same with his parents. Her ties to the United States do not mitigate the security concerns about foreign influence. She surrendered her Colombian passport to her facility security officer (FSO) thereby mitigating the security concerns about foreign preference. Clearance is denied.

STATEMENT OF THE CASE

On February 25, 2005, Applicant submitted a Security Clearance Application (SF 86).¹ The Defense Office of Hearings and Appeals (DOHA) declined to grant or continue a security clearance for Applicant. As required by Executive Order 10865, *Safeguarding Classified Information Within Industry*, dated February 20, 1960, as amended, and Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Directive), dated January 2, 1992, as amended, DOHA issued a Statement of Reasons (SOR) on February 16, 2007, detailing the basis for its decision – security concerns raised under Guideline C (Foreign Preference) and Guideline B (Foreign Influence) of the Directive. The President issued revised adjudicative guidelines (Guidelines) on December 30, 2005. DoD implemented them on September 1, 2006. Pending official amendment/reissue of DoD Directive 5220.6, the Guidelines are to be used in all cases when the SOR is dated on or after September 1, 2006. Because the SOR was issued after September 1, 2006, DoD policy requires that this case proceed under the revised guidelines.

Applicant answered the SOR in writing on March 8, 2007, and elected to have a hearing before an administrative judge. DOHA assigned the case to me on August 3, 2007, and issued a Notice of Hearing on August 8, 2007. I convened a hearing on August 27, 2007, to consider whether it is clearly consistent with the national interest to grant or continue Applicant's security clearance. The government offered two exhibits, marked as Exhibits 1-2. Applicant offered three exhibits, marked as Exhibits A-C. All exhibits were admitted without objection. I kept the record open until September 17, 2007, to allow Applicant the time to file additional documents. She filed seven documents that were marked as Applicant's Exhibits D through J. The government had no objection and the exhibits were admitted. DOHA received the transcript (Tr.) on September 5, 2007.

PROCEDURAL RULINGS

Administrative Notice

Department Counsel requested administrative notice of the facts in Government Exhibits A3 through A7. Applicant stated he had no objection to administrative notice of the exhibits.

Administrative or official notice is the appropriate type of notice used for administrative proceedings.² The most common basis for administrative notice at ISCR proceedings, is to notice facts that are either well known or from government reports.³ I took administrative notice of various facts derived from Government Exhibits A3 through A7, as indicated under subheading "Columbia" of this decision.

¹Government Exhibit 1 (Security Clearance Application (SF 86), dated February 25, 2005).

²See 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)); *McLeod v. Immigration and Naturalization Service*, 802 F.2d 89, 93 n.4 (3d Cir. 1986)).

³See Stein, ADMINISTRATIVE LAW, Section 25.01 (Bender & Co. 2006) (listing fifteen types of facts for administrative notice).

FINDINGS OF FACT

Applicant admitted the allegations contained in the SOR. The admissions are incorporated herein as findings of fact. After a complete and thorough review of the evidence in the record, and upon due consideration of same, I make the following additional findings of fact:

Applicant is a 25-year-old junior production engineer employed by a federal contractor.⁴ She is married and has no children.⁵ She has a bachelor's degree in industrial engineering.⁶ She has no military service and this is her first application for a security clearance.⁷

Applicant was born in the United States, moved with her parents to Columbia in 1996 to finish high school, and in 2000, returned to the United States.⁸ Her father is a citizen and resident of Columbia, her mother is a citizen of the United States residing in Columbia, and her husband's parents are citizens and residents of Columbia. She traveled to Columbia in December 2004 and 2006.⁹ In 2005, her parents deeded her residential real property in Columbia, having a value of between \$60,000 - \$70,000.

Applicant has one sister who is a United States citizen living in the U.S.¹⁰ Her maternal grandmother, 76, is a United States citizen living in Columbia. She worked in an electronics business prior to her retirement and return to Columbia.¹¹ Her paternal grandmother, 90, is a resident and citizen of Columbia. Her father has eight siblings, four are citizens and residents of the United States, and the other four are citizens and residents of Columbia. Her mother has six siblings, all citizens of the United States, four of whom are residents of the United States and two are residents of Columbia.¹² None of her extended family members have ever worked for the Colombian government.¹³ In 1984, her father was convicted in the U.S. of drug conspiracy. He was incarcerated until 1996, and then deported.¹⁴ This year, her mother spent four months in the United States, returning to Columbia at the end of August 2007. Her parents own the property where she and her

⁴Tr. at 10, 17.

⁵*Id.* at 11.

⁶*Id.* at 13.

⁷*Id.* at 15.

⁸*Id.* at 22.

⁹*Id.* at 40.

¹⁰*Id.* at 23.

¹¹*Id.* at 25.

¹²*Id.* at 25-27.

¹³*Id.* at 28.

¹⁴*Id.* at 32; Applicant's Exhibit J (Letter from Applicant's Father, dated September 13, 2007) at 1.

sister live.¹⁵ She communicates weekly with her mother and twice per month with her father. Her husband talks with his parents weekly.¹⁶

Applicant has a Colombian passport issued June 24, 1997, which expired June 24, 2007. On March 12, 2007, she surrendered her passport to her facility security officer (FSO), who accepted responsibility for her passport, and secured it in his office. If this passport is returned to Applicant, DOHA will be immediately notified.¹⁷

Applicant maintains a 401(k) plan through her employer. She and her husband have checking and savings accounts, they vote in U.S. elections, and they live rent-free in the U.S. property belonging to her parents. When the real estate market in Columbia improves, she plans to sell her property and invest the proceeds in a home in the United States.¹⁸ She has received several quality awards from her employer.¹⁹

Columbia

Columbia is a constitutional, multiparty democracy, and with a population of approximately 42 million. It is the second most populous country in South America.²⁰ Any person born in Columbia is considered a Colombian citizen.²¹

The Department of State warns U.S. citizens to the dangers of travel to Columbia. Violence by narco-terrorist groups and other criminal elements continues to affect all parts of the country, urban and rural, including border areas.²² Citizens of the United States and other countries continue to be victims of threats, kidnappings, and other criminal acts.²³ Official Americans and their families have severe restrictions on travel to and within Columbia due to these dangers.²⁴ Kidnap or murder victim in Colombia have included journalists, missionaries, scientists, human rights workers, and

¹⁵*Id.* at 34-36.

¹⁶*Id.* at 41-42.

¹⁷Applicant's Exhibit A (Letter from Facility Security Officer, dated March 12, 2007) at 1.

¹⁸Tr. at 20, 28-29.

¹⁹Applicant's Exhibits E-H (Appreciation and Quality Awards, dated April 20, 2006 to at least June 2007).

²⁰Administrative Exhibit 3 (*Country Reports on Human Rights Practices-2006: Columbia*, United States Department of State, dated March 6, 2007) at 1.

²¹Administrative Exhibit 7 (*Consular Information Sheet: Columbia*, United States Department of State, dated June 21, 2007) at 1.

²²Administrative Exhibit 5 (*Travel Warning: Columbia*, United States Department of State, current as of June 4, 2007) at 1.

²³*Id.*

²⁴Administrative Exhibit 7, *supra*, note 18, at 2-3.

business people, tourists, and even small children.²⁵ Approximately 370 kidnappings committed by terrorist groups and for-profit kidnap gangs were reported to authorities in 2005.²⁶ There was at least one kidnapping of an American citizen in 2005.²⁷ Armed robbery and other violent crimes are common in major cities.²⁸

The secretary of state has designated free Colombian groups - the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC) - as foreign terrorist organizations. These groups have carried out bombings and other attacks in and around major urban areas, including against civilian targets.²⁹ Terrorist groups have also targeted critical infrastructure (e.g., water, oil, gas, and electricity), public recreational areas, and modes of transportation.³⁰ The FARC has targeted civilians, government representatives, politicians, soldiers, and the civilian infrastructure.³¹ Three Irish Republican Army members assisted in training the FARC on IRA bomb tactics in Columbia.³² The FARC continues to hold three U.S. government contractors as hostages - all U.S. citizens - who were captured in February 2003 when their small plane went down in a remote area of Columbia.³³ Some border areas have become terrorist safe havens.³⁴

Although the governments respect for human rights continued to improve, serious problems remain. Unlawful and extrajudicial killings, forced disappearances, insubordinate military collaboration with criminal groups, torture and mistreatment of detainees, overcrowded and insecure prisons, and other serious human rights abuses were reported during the 2006. Illegal armed groups and terrorist groups committed the majority of human rights violations - including political killings and kidnappings, forced disappearances, torture, and other serious human rights abuses.³⁵

Colombia is a major source of women and girls trafficked into prostitution. Victims are primarily sent to European and Western Hemisphere countries. There also is internal trafficking in

²⁵*Id.*

²⁶Administrative Exhibit 4 (*Consular Information Sheet: Columbia*, United States Department of State, dated August 17, 2006) at 1.

²⁷*Id.*

²⁸Administrative Exhibit 7, *supra*, note 18, at 3.

²⁹*Id.* at 2.

³⁰*Id.*

³¹Administrative Exhibit 6 (*Chapter 2 - Country Reports: Western Hemisphere Overview*, Country Reports on Terrorism, United States Department of State, dated April 30, 2007) at 5.

³²*Id.*

³³Administrative Exhibit 7, *supra*, note 18, at 2.

³⁴Administrative Exhibit 6, *supra*, note 28, at 5.

³⁵Administrative Exhibit 3, *supra*, note 17, at 1.

Colombia for prostitution and forced conscription in terrorist and guerrilla groups, often with children as victims.³⁶

POLICIES

In an evaluation of an applicant's security suitability, an administrative judge must consider the "Adjudicative Guidelines for Determining Eligibility For Access to Classified Information" (Guidelines). In addition to brief introductory explanations for each guideline, the adjudicative guidelines are divided into Disqualifying Conditions (DC) and Mitigating Conditions (MC), which are used to determine an applicant's eligibility for access to classified information.

These guidelines are not inflexible ironclad rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with the factors listed in the adjudicative process. Guideline ¶ 2. An administrative judge's over-arching adjudicative goal is a fair, impartial and common sense decision. Because the entire process is a conscientious scrutiny of a number of variables known as the "whole person concept," an administrative judge considers all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision. Guideline ¶ 2(c).

Specifically, an administrative judge should consider the nine adjudicative process factors listed at Guideline ¶ 2(a): "(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) 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."

Since the protection of the national security is the paramount consideration, the final decision in each case is arrived at by applying the standard that "[a]ny doubt concerning personnel being considered for access to classified information will be resolved in favor of national security." Guideline ¶ 2(b). In reaching this decision, I have drawn only those conclusions that are reasonable, logical and based on the evidence contained in the record. Likewise, I have avoided drawing inferences grounded on mere speculation or conjecture.

In the decision-making process, facts must be established by "substantial evidence."³⁷ The Government initially has the burden of producing evidence to establish a case which demonstrates, in accordance with the Directive, that it is not clearly consistent with the national interest to grant or continue an applicant's access to classified information. Once the Government has produced substantial evidence of a disqualifying condition, the burden shifts to Applicant to present "witnesses

³⁶*Id.* at 19.

³⁷"Substantial evidence [is] such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of all the contrary evidence in the record." ISCR Case No. 04-11463 at 2 (App. Bd. Aug. 4, 2006) (citing Directive ¶ E3.1.32.1). "This is something less than the weight of the evidence, and the possibility of drawing two inconsistent conclusions from the evidence does not prevent [a Judge's] finding from being supported by substantial evidence." *Consolo v. Federal Maritime Comm'n*, 383 U.S. 607, 620 (1966). "Substantial evidence" is "more than a scintilla but less than a preponderance." *See v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994).

and other evidence to rebut, explain, extenuate, or mitigate facts admitted by applicant or proven by Department Counsel, and [applicant] has the ultimate burden of persuasion as to obtaining a favorable clearance decision.” Directive ¶ E3.1.15. The burden of disproving a mitigating condition never shifts to the Government.³⁸

A person who seeks access to classified information enters into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it grants access to classified information. Decisions under this Directive include, by necessity, consideration of the possible risk an applicant may deliberately or inadvertently fail to protect or safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified information.

The scope of an administrative judge’s decision is limited. 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 as to Applicant’s allegiance, loyalty, or patriotism.³⁹

CONCLUSIONS

Guideline B—Foreign Influence

Upon consideration of all the facts in evidence, and after application of all appropriate legal precepts, factors, and conditions, including those described briefly above, I conclude the following with respect to the allegations set forth in the SOR:

Guideline ¶ 6 explains the Government’s concern about “foreign contacts and interests” stating, “if the individual has divided loyalties or foreign financial interests, [he or she] may be manipulated or induced to help a foreign person, group, organization, or government in a way that is not in U.S. interests, or is vulnerable to pressure or coercion by any foreign interest. Adjudication under this Guideline can and should consider the identity of the foreign country in which the foreign contact or financial interest is located, including, but not limited to, such considerations as whether the foreign country is known to target United States citizens to obtain protected information and/or is associated with a risk of terrorism.”

Guideline ¶ 7 indicates conditions that could raise a security concern and may be disqualifying in this case, including:

³⁸See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005). “The Administrative Judge [considers] the record evidence as a whole, both favorable and unfavorable, evaluates Applicant’s past and current circumstances in light of pertinent provisions of the Directive, and decide[s] whether Applicant has met his burden of persuasion under Directive ¶ E3.1.15.” ISCR Case No. 04-10340 at 2 (App. Bd. July 6, 2006).

³⁹Executive Order 10865, § 7.

- (a) contact 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;
- (b) connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual's obligation to protect sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information;
- (d) sharing living quarters with a person or persons, regardless of citizenship status, if that relationship creates a heightened risk of foreign inducement, manipulation, pressure, or coercion; and
- (e) a substantial business, financial, or property interest in a foreign country, or in any foreign-owned or foreign-operated business, which could subject the individual to heightened risk of foreign influence or exploitation.

The mere possession of close family ties with a person in a foreign country is not, as a matter of law, disqualifying under Guideline B. However, if only one relative lives in a foreign country, and an applicant has contacts with that relative, this factor alone is sufficient to create the potential for foreign influence and could potentially result in the compromise of classified information.⁴⁰ Applicant has frequent contacts and a close relationship with her mother. She also has twice monthly contact with her father. Her parents gave her property in Columbia, and own the apartment building in the U.S. where she and her sister live. Her close relationship with her parents creates a heightened risk of foreign pressure or attempted exploitation because of the terrorist activities of the drug cartels in Columbia. Her connections to her parents also creates a potential conflict of interest because her relationship is sufficiently close to raise a heightened risk for a potential conflict between helping or protecting a loved one and protecting classified information. Her father's conviction for drug conspiracy, the fact he served 12 years imprisonment, and then was deported further heightens the concern.

The Government produced substantial evidence of these two disqualifying conditions, and the burden shifted to Applicant to produce evidence and prove a mitigating condition. As previously indicated, the burden of disproving a mitigating condition never shifts to the Government.

Four Foreign Influence Mitigating Conditions under Guideline ¶ 8 are potentially applicable to these disqualifying conditions:

- ((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 U.S.;
- (b) there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, group, government, or country is so minimal, or the individual has such deep and

⁴⁰See ISCR Case No. 03-02382 at 5 (App. Bd. Feb. 15, 2006); ISCR Case No. 99-0424 (App. Bd. Feb. 8, 2001).

longstanding relationships and loyalties in the U.S., 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;

(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.

Guideline ¶¶ 8(a), (b), and (c) applies to her relationships with her parents and her parents extended families. Her contacts with her parents are frequent, and not casual, given the ownership of property she has in Columbia, and her living in their property here in the U.S. These very frequent contacts do not mitigate the security concerns because it is likely Applicant could be placed in a position of having to choose between her parents and the interests of the United States. She did not meet her burden of showing there is “little likelihood that [her relationship with her parents] could create a risk for foreign influence or exploitation.” Accordingly, I conclude SOR ¶ 2. against Applicant.

Guideline ¶ 8(b) partially applies because Appellant has developed a sufficient relationship and loyalty to the U.S., as she can be expected to resolve any conflict of interest in favor of the U.S. interest. She has lived in the United States from birth to 1996, and again since 2000. She is a U.S. citizen by birth, as is her sister. She received her college education in U.S. colleges and universities. However, she owns property in Columbia, worth a sizeable amount of money. It could potentially be used to influence, manipulate, or pressure her. Guideline ¶ 8(f) does not apply. Applicant has strong contacts and linkage to the United States, but her continued linkage to Columbia is problematic. Although this mitigating condition is partially applicable, these facts are insufficient to overcome the security concerns as discussed in the “whole person” analysis, *infra*.

Guideline C—Foreign Preference

Guideline ¶ 9. The Concern. When an individual acts in such a way as to indicate a preference for a foreign country over the United States, then he or she may be prone to provide information or make decisions that are harmful to the interests of the United States.

Guideline ¶ 10. Conditions that could raise a security concern and may be disqualifying include:

(a) exercise of any right, privilege or obligation of foreign citizenship after becoming a U.S. citizen or through the foreign citizenship of a family member. This includes but is not limited to:

(1) possession of a current foreign passport.

Guideline ¶ 11. Conditions that could mitigate security concerns include:

(e) the passport has been destroyed, surrendered to the cognizant security authority, or otherwise invalidated.

Applicant possessed a valid Colombian passport on March 12, 2007, when she surrendered her passport to her facility security officer, who accepted responsibility for her passport, and secured it in his office. Should the passport is returned to Applicant, DOHA will be immediately notified. The passport expired June 24, 2007. The mitigating condition of Guideline ¶ 11 (e) has been satisfied and I conclude Guideline C for Applicant.

Whole Person Analysis

In addition to the enumerated disqualifying and mitigating conditions as discussed previously, I have considered the general adjudicative guidelines related to the whole person concept under Directive ¶ E2.2.1. “Under the whole person concept, the Administrative Judge must not consider and weigh incidents in an applicant’s life separately, in a piecemeal manner. Rather, the Judge must evaluate an applicant’s security eligibility by considering the totality of an applicant’s conduct and circumstances.”⁴¹ The directive lists nine adjudicative process factors (APF) which are used for “whole person” analysis. Because foreign influence does not involve misconduct, voluntariness of participation, rehabilitation and behavior changes, etc., the eighth APF, “the potential for pressure, coercion, exploitation, or duress,” Directive ¶ E2.2.1.8, is the most relevant of the nine APFs to this adjudication.⁴² In addition to the eighth APF, other “[a]vailable, reliable information about the person, past and present, favorable and unfavorable, should be considered in reaching a determination.” Directive ¶ E2.2.1. Ultimately, the clearance decision is “an overall common sense determination.” Directive ¶ E2.2.3.

The Appeal Board requires the whole person analysis address “evidence of an applicant’s personal loyalties; the nature and extent of an applicant’s family’s ties to the U.S. relative to his [or her] ties to a foreign country; his or her ties social ties within the U.S.; and many others raised by the facts of a given case.”⁴³

Substantial mitigating evidence weighs towards grant of Applicant’s security clearance. Applicant has lived in the United States for twenty-two of her twenty-six years. Her mother and sister are also U.S. citizens. Eight of fourteen aunts and uncles are residents and citizens of the U.S. Her ties to the United States are stronger than her ties to family members in Columbia. Her Columbia passport has expired. There is no evidence she has ever taken any action which could cause potential harm to the United States. She takes her loyalty to the United States very seriously, and she has worked diligently for a defense contractor for several years. No witnesses recommended denial of her security clearance or produced any derogatory information about her.

⁴¹ISCR Case No. 03-04147 at 3 (App. Bd. Nov. 4, 2005) (quoting ISCR Case No. 02-01093 at 4 (App. Bd. Dec. 11, 2003)); ISCR Case No. 05-02833 at 2 (App. Bd. Mar. 19, 2007) (citing *Raffone v. Adams*, 468 F.2d 860 (2nd Cir. 1972) (taken together, separate events may have a significance that is missing when each event is viewed in isolation).

⁴²See ISCR Case No. 02-24566 at 3 (App. Bd. July 17, 2006) (stating that an analysis under the eighth APF apparently without discussion of the other APFs was sustainable); ISCR Case No. 03-10954 at 5 (App. Bd. Mar. 8, 2006) (sole APF mentioned is eighth APF); ISCR Case No. 03-17620 at 4 (App. Bd. Apr. 17, 2006) (remanding grant of clearance because Judge did not assess “the realistic potential for exploitation”), *but see* ISCR Case No. 04-00540 at 6 (App. Bd. Jan. 5, 2007) (rejecting contention that eighth APF is exclusive circumstance in whole person analysis in foreign influence cases).

⁴³See ISCR Case No. 04-00540 at 7 (App. Bd. Jan. 5, 2007).

The circumstances that weigh against Applicant in the whole person analysis are: (1) she has frequent and non-casual contact with her parents who currently live and reside in Columbia; she talks to her parents frequently. These contacts with her parents are manifestations of her strong affection and regard for her parents; (2) she owns property in Columbia; (3) her parents own the property where she and her sister live; and (4) her father's drug conviction. Insufficient information was provided pertaining to the details of her father's drug conviction and subsequent deportation.

"Because of the extreme sensitivity of security matters, there is a strong presumption against granting a security clearance. Whenever any doubt is raised, it is deemed best to err on the side of the government's compelling interest in security by denying or revoking [a] clearance."⁴⁴ After weighing the disqualifying and mitigating conditions, all the facts and circumstances, in the context of the whole person, I conclude Applicant has not mitigated the security concerns pertaining to foreign influence. This is a close case, but ultimately the evidence leaves me doubts about her security suitability.

I take this position based on the law, as set forth in *Department of Navy v. Egan*, 484 U.S. 518 (1988), my "careful consideration of the whole person factors"⁴⁵ and supporting evidence, my application of the pertinent factors under the Adjudicative Process, and my interpretation of my responsibilities under the Guidelines. Applicant has not overcome or successfully mitigated the government's case. For the reasons stated, I conclude she is not eligible for access to classified information.

FORMAL FINDINGS

Formal findings For or Against Applicant on the allegations set forth in the SOR, as required by E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1. Guideline C:	FOR APPLICANT
Subparagraph 1.a:	For Applicant
Paragraph 2. Guideline B:	AGAINST APPLICANT
Subparagraph 2.a:	Against Applicant
Subparagraph 2.b:	Against Applicant
Subparagraph 2.c:	Against Applicant
Subparagraph 2.d:	Against Applicant
Subparagraph 2.e:	Against Applicant

DECISION

⁴⁴*Dorfmont v. Brown*, 913 F.2d 1399, 1401 (9th Cir. 1990).

⁴⁵*See* ISCR Case No. 04-06242 at 2 (App. Bd. June 28, 2006).

In light of all of the circumstances in this case, it is not clearly consistent with the national interest to grant or continue a security clearance for Applicant. Clearance is denied.

Christopher Graham
Administrative Judge