

KEYWORD: Guideline B

DIGEST: Applicant argues that there is nothing wrong or suspicious with having family members living abroad, having a secondary home abroad, or visiting one’s birthplace. He also stated that he has no ties of loyalty or obligations to his foreign family members. To the extent that Applicant is arguing that his circumstances do not raise security concerns, we note the Directive presumes there is a nexus or rational connection between proven conduct or circumstances under any guideline and an applicant’s security eligibility. Direct or objective evidence of nexus is not required. Adverse decision affirmed.

CASENO: 17-00507.a1

DATE: 06/13/2018

DATE: June 13, 2018

)	
In Re:)	
-----)	ISCR Case No. 17-00507
)	
Applicant for Security Clearance)	
)	

APPEAL BOARD DECISION

APPEARANCES

FOR GOVERNMENT

James B. Norman, Esq., Chief Department Counsel

FOR APPLICANT

Pro Se

The Department of Defense (DoD) declined to grant Applicant a security clearance. On June 30, 2017, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—security concerns raised under Guideline B (Foreign Influence) of Department of Defense Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). Applicant requested a decision on the written record. On April 25, 2018, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Thomas M. Crean denied Applicant’s request for a security clearance. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant raised the following issue on appeal: whether the Judge’s adverse decision was arbitrary, capricious, or contrary to law. Consistent with the following, we affirm.

Background

The SOR alleges that Applicant has three siblings and a mother-in-law who are citizens and residents of Algeria and that he owns land in Algeria that is valued over \$90,000.¹ In responding to the SOR, he admitted each allegation and submitted two short comments. One comment noted that he rarely communicates with the alleged family members and, if he does so, it is only to discuss family issues. In his other comment, he indicated that he intended to build a vacation home on his land in Algeria. In October, 2017, he received Department Counsel’s File of Relevant Material and did not submit a response.

In his decision, the Judge concluded that, because of the threat of terrorism, violence and human rights abuses in Algeria, the presence of Applicant’s family members in that country created security concerns. The Judge also noted that Applicant did not present sufficient information to mitigate those security concerns.

Discussion

In his appeal brief, Applicant has not challenged any of the Judge’s specific findings or conclusions. He argues that there is nothing wrong or suspicious with having family members living abroad, having a secondary home abroad, or visiting one’s birthplace. He also stated that he has no ties of loyalty or obligations to his foreign family members. To the extent that Applicant is arguing that his circumstances do not raise security concerns, we note the Directive presumes there is a nexus or rational connection between proven conduct or circumstances under any guideline and an applicant’s security eligibility. Direct or objective evidence of nexus is not required. *See, e.g.*, ISCR Case No. 15-08385 at 4 (App. Bd. May 23, 2018). To the extent that he is arguing the Judge mis-weighed the evidence, he has failed to show that Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. *See, e.g.*, ISCR Case No. 14-06440 at 4 (App. Bd. Jan 8, 2016).

¹The SOR also alleged that one of the three siblings was a citizen of another country.

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

Order

The Decision is **AFFIRMED**.

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

Signed: Charles C. Hale
Charles C. Hale
Administrative Judge
Member, Appeal Board

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