



**DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS**



In the matter of:)
)
) ISCR Case No. 17-00832
)
Applicant for Security Clearance)

Appearances

For Government: Daniel Crowley, Esq., Department Counsel
For Applicant: Alan Edmunds, Esq.

02/05/2019

Decision

LYNCH Noreen A., Administrative Judge:

Applicant mitigated foreign influence security concerns related to his familial connections to Saudi Arabia. Eligibility for access to classified information is granted.

Statement of the Case

On April 23, 2015, Applicant completed and signed a Questionnaire for National Security Positions (SF 86) or security clearance application (SCA). (Government Exhibit (GE) 1) On June 16, 2017, the Department of Defense (DOD) Consolidated Adjudications Facility (CAF) issued a statement of reasons (SOR) to Applicant under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry*, February 20, 1960; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Directive), January 2, 1992; and the *Adjudicative Guidelines for Determining Eligibility for Access to Classified Information*, effective on June 8, 2017.

The SOR detailed reasons why the DOD CAF did not find under the Directive that it is clearly consistent with the interests of national security to grant or continue a security clearance for Applicant and recommended referral to an administrative judge to determine whether a clearance should be granted, continued, denied, or revoked. Specifically, the SOR set forth security concerns arising under Guideline B (foreign influence).

On July 18, 2017, Applicant responded to the SOR and requested a decision on the written record. When he obtained counsel, Applicant elected to have a hearing before an administrative judge. (HE I) On August 9, 2018, the case was assigned to me. On September 24, 2018, the Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing, setting the hearing for November 15, 2018. Applicant's hearing was held as scheduled.

During the hearing, Department Counsel offered three exhibits; there were no objections; and all proffered exhibits were admitted into evidence. (Transcript (Tr.) 13; Government Exhibits (GE) 1-3. At the hearing, Applicant provided eleven exhibits, (AE) A-K, which were admitted without objection. On November 26, 2018, DOHA received a transcript of the hearing.

Security Executive Agent Directive 4, established in Appendix A the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (AGs), effective June 8, 2017. I have evaluated Applicant's security clearance eligibility under the new AGs.

Procedural Rulings

Department Counsel offered a summary for administrative notice concerning foreign influence security concerns raised by Applicant's connections to Saudi Arabia. (Tr. 8) Applicant did not object to me taking administrative notice of facts concerning Saudi Arabia, and I granted Department Counsel's motion. Administrative or official notice is the appropriate type of notice used for administrative proceedings. See ISCR Case No. 16-02522 at 2-3 (App. Bd. July 12, 2017); 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) and *McLeod v. Immigration and Naturalization Service*, 802 F.2d 89, 93 n. 4 (3d Cir. 1986)). Usually administrative notice at ISCR proceedings is accorded to facts that are either well known or from government reports. See Stein, *ADMINISTRATIVE LAW*, Section 25.01 (Bender & Co. 2006) (listing fifteen types of facts for administrative notice). Portions of the Department Counsel's requests are quoted without quotation marks and footnotes.

Findings of Fact¹

Applicant admitted five allegations and denied two of the SOR allegations. He also provided mitigating information. His admissions are incorporated herein as findings of fact. After a complete and thorough review of the evidence of record, I make the following findings of fact.

Applicant is 56 years old, and was born in Egypt to Jordanian parents. He renounced his Jordanian citizenship a few years ago, and he was never an Egyptian citizen. (GE 2) Applicant lived in Egypt with his family where he attended an English

¹ The facts in this decision do not specifically describe employment, names of witnesses, names of other groups, or locations in order to protect Applicant and his family's privacy. The cited sources contain more specific information.

school. In 1984, he obtained his undergraduate degree in business management. (AE A, B) After college, he worked in Saudi Arabia for an international company. He was promoted and moved to Egypt. He left Egypt in 2000 to come to the United States. (GE 2). Applicant wanted to be in the United States due to the many opportunities for himself and his children.

In 1982, Applicant married, and in 2016, he divorced. (AE K) He has three children from his marriage. In 2000, he immigrated to the United States with his then-wife and children. In 2007, Applicant became a naturalized United States citizen. (AE C) In 2009, he obtained a security clearance.

Applicant has worked as a linguist for the U.S. Army since June 2006. (AE B) He served as a linguist on a military installation from 2006 to 2007 in Iraq. After that, in 2008, he returned to Iraq to again work for the U.S. Army and lived on an installation. Applicant was then assigned to three different locations in combat zones. Applicant has received many letters of commendation from officers with whom he worked. Each attests to his exceptional ability to aid as a cultural advisor and translator. Applicant is intelligent and hard working. He was instrumental for a successful mission in Iraq. (AE F) The U.S. officer stated that Applicant is "recognized as one of the top linguists in the area". He participated in dangerous missions. Applicant received awards and certificates for his service in Iraq and Kuwait. (AE H)

Applicant has a retirement account and savings in the United States.(AE I) He does not have any property or bank accounts in foreign countries. Applicant's ex-wife lives in the United States and has no foreign property. Applicant has siblings and cousins in the United States.

The SOR raises the following foreign influence security concerns:

SOR ¶ 1.a alleges that Applicant's father, brother and sister are citizens of Jordan and reside in Saudi Arabia. Applicant's parents were born in Jordan. (GE 1) His mother is deceased. Applicant admits this allegation. He had not seen his family members when he was in Kuwait, but now that he is in Saudi Arabia he visited his father once. The family members are not allowed on base without an invitation. The family members have not been to the base. (Tr. 22)

SOR ¶ 1.b alleges Applicant's brother claims citizenship with the United States and Canada. He resides in Saudi Arabia. (Tr. 22) He is not connected to the government of Saudi Arabia. (Tr.) Applicant communicates with him once every few years.

SOR ¶ 1.c alleges Applicant's sister is a U.S. citizen living in Saudi Arabia. Applicant said his sister is married and she and her children live in Saudi Arabia. She is a U.S. citizen. Now that Applicant is in Saudi Arabia, he sees his sister for lunch on occasion.

SOR ¶ 1.d alleges Applicant's child is a dual citizen of Jordan and the United States residing in Egypt. She has moved to the United States and holds a U.S. passport. (Tr. 23) She is a university professor. (Tr. 24)

SOR ¶ 1.e alleges Applicant's brother-in-law is a Jordanian citizen residing in Saudi Arabia. Applicant denied this allegation as his brother-in-law is a United States citizen, and holds no other citizenship. He has no contact with him since his divorce. (Tr. 10)

SOR ¶ 1.f alleges Applicant's sister-in-law is an Egyptian citizen living in Egypt. Applicant has no contact with her.

SOR ¶ 1.g alleges Applicant's father is a retired member of the Saudi Arabia Ministry of Information. This is not accurate. Applicant's father worked for the ministry for one year a long time ago, and disputes that he retired from the ministry. His father is ill and elderly (80). Applicant calls his father once every ten days.

Saudi Arabia

The United States and Saudi Arabia generally have good relations and share a common concern about regional security in the Middle East. Relations between the United States and Saudi Arabia were strained after the September 2001 terrorist attacks. During 2003 and 2004, terrorists and suicide bombers kidnapped or killed Americans and attacked the U.S. consulate. Terrorist attacks have been attempted or have occurred in the last several years. The State Department warns U.S. citizens to carefully consider the risks of travel to Saudi Arabia due to concerns about potential terrorist activity directed against U.S. citizens and interests.

Individuals and organizations based in Saudi Arabia have been designated by the U.S. government as providing financial and material support to al-Qa'eda and more recently to ISIL and other terrorist groups. Violence from the conflict in Yemen has occasionally "spilled over" into Saudi Arabia with numerous projectiles being launched from Yemen into Saudi Arabia. Human rights problems have occurred throughout Saudi Arabia.

Policies

The U.S. Supreme Court has recognized the substantial discretion of the Executive Branch in regulating access to information pertaining to national security emphasizing, "no one has a 'right' to a security clearance." *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). As Commander in Chief, the President has the authority to control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information." *Id.* at 527. The President has authorized the Secretary of Defense or his designee to grant applicant's eligibility for access to classified information "only upon a finding that it is clearly consistent with the national interest to do so." Exec. Or. 10865, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended.

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the adjudicative guidelines. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are

applied in conjunction with an evaluation of the whole person. An administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. An administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable.

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of classified information. Clearance decisions must be "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." See Exec. Or. 10865 § 7. See also Exec. Or. 12968 (Aug. 2, 1995), § 3.1. Thus, 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 about applicant's allegiance, loyalty, or patriotism. It is merely an indication the applicant has not met the strict guidelines the President, Secretary of Defense, and DNI have established for issuing a clearance.

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The Government has the burden of establishing controverted facts alleged in the SOR. See *Egan*, 484 U.S. at 531. "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). The guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant's security suitability. See ISCR Case No. 95-0611 at 2 (App. Bd. May 2, 1996).

Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. An applicant "has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance." ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). The burden of disproving a mitigating condition never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005). "[S]ecurity clearance determinations should err, if they must, on the side of denials." *Egan*, 484 U.S. at 531; see AG ¶ 2(b).

Analysis

Foreign Influence

AG ¶ 6 explains the security concern about "foreign contacts and interests" stating:

Foreign contacts and interests, including, but not limited to, business, financial, and property interests, are a national security concern if they result in divided allegiance. They may also be a national security concern

if they create circumstances in which the individual may be manipulated or induced to help a foreign person, group, organization, or government in a way inconsistent with U.S. interests or otherwise made vulnerable to pressure or coercion by any foreign interest. Assessment of foreign contacts and interests should consider the country in which the foreign contact or interest is located, including, but not limited to, considerations such as whether it is known to target U.S. citizens to obtain classified or sensitive information or is associated with a risk of terrorism.

AG ¶ 7 has conditions that could raise a security concern and may be disqualifying in this case:

(a) contact, regardless of method, 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 classified or sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information or technology; and

(e) shared 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.

Applicant admitted: (1) his father and sister are residents of Saudi Arabia, and he has some contact with them; (2) his child is a U.S citizen and lives in the United States; (3) his sister is a U.S. citizen residing in Saudi Arabia; (4) he does not have contact with his sister-in-law or brother-in-law living in Egypt.

When an allegation under a disqualifying condition is established, "the Directive presumes there is a nexus or rational connection between proven conduct or circumstances . . . and an applicant's security [or trustworthiness] eligibility. Direct or objective evidence of nexus is not required." ISCR Case No. 17-00507 at 2 (App. Bd. June 13, 2018) (citing ISCR Case No. 15-08385 at 4 (App. Bd. May 23, 2018)).

Applicant has voluntarily shared in dangers from terrorists on behalf of the DOD when he was deployed to Iraq as a U.S. Army translator, and he is willing to do so in the future. Numerous linguists, supporting U.S. forces, have family living in countries that have problems with terrorists and criminals. Thousands of United States and coalition armed forces and civilian contractors serving in the Middle East and Afghanistan are targets of terrorists, along with their families.

The mere possession of close family ties with relatives living in Saudi Arabia is not, as a matter of law, disqualifying under Guideline B. However, if an applicant or his or her spouse has such a relationship with even one person living in a foreign country,

this factor alone is sufficient to create the potential for foreign influence and could potentially result in the compromise of classified information. See ISCR Case No. 08-02864 at 4-5 (App. Bd. Dec. 29, 2009) (discussing problematic visits of applicant's father to Iran).²

There is a rebuttable presumption that a person has ties of affection for, or obligation to, his or her immediate family members, and this presumption includes in-laws. ISCR Case No. 07-06030 at 3 (App. Bd. June 19, 2008); ISCR Case No. 05-00939 at 4 (App. Bd. Oct. 3, 2007) (citing ISCR Case No. 01-03120 at 4 (App. Bd. Feb. 20, 2002)).

The DOHA Appeal Board has indicated for Guideline B cases, "the nature of the foreign government involved and the intelligence-gathering history of that government are among the important considerations that provide context for the other record evidence and must be brought to bear on the Judge's ultimate conclusions in the case. The country's human rights record is another important consideration." ISCR Case No. 16-02435 at 3 (May 15, 2018) (citing ISCR Case No. 15-00528 at 3 (App. Bd. Mar. 13, 2017)). Another important consideration is the nature of a nation's government's relationship with the United States. These factors are relevant in assessing the likelihood that an applicant's family members living in that country are vulnerable to government coercion or inducement.

The risk of coercion, persuasion, or duress is significantly greater if the foreign country has an authoritarian government, the government ignores the rule of law including widely accepted civil liberties, a family member is associated with or dependent upon the government, the government is engaged in a counterinsurgency, terrorists cause a substantial amount of death or property damage, or the country is known to conduct intelligence collection operations against the United States. The relationship of Saudi Arabia with the United States, and the situation in that country places a significant burden of persuasion on Applicant to demonstrate that his relationships with any family member living in or visiting those countries does not pose a trustworthiness or security risk. Applicant should not be placed into a position where he might be forced to choose between loyalty to the United States and a desire to assist a relative living in or visiting Saudi Arabia.³

² In accordance with "well established DoD policy [Applicant and his family's] religious affiliation play[ed] no part" in this decision. ISCR Case No. 08-06795 at 6 n. 3 (App. Bd. May 25, 2012).

³ The Appeal Board in ISCR Case No. 03-24933, 2005 DOHA LEXIS 346 at *20-*21 n. 18 (App. Bd. 2005), explained how relatives in a foreign country have a security significance:

The issue under Guideline B is not whether an applicant's immediate family members in a foreign country are of interest to a foreign power based on their prominence or personal situation. Rather, the issue is whether an applicant's ties and contacts with immediate family members in a foreign country raise security [or trustworthiness] concerns because those ties and contacts create a potential vulnerability that a foreign power could seek to exploit in an effort to get unauthorized access to U.S. classified information that an applicant -- not the applicant's immediate family members -- has by virtue of a security clearance [or public trust position]. A person may be vulnerable to influence or pressure exerted on, or through, the person's immediate family members -- regardless of whether the person's family members are prominent or not.

Guideline B security or trustworthiness concerns are not limited to countries hostile to the United States. “The United States has a compelling interest in protecting and safeguarding classified information from any person, organization, or country that is not authorized to have access to it, regardless of whether that person, organization, or country has interests inimical to those of the United States.” ISCR Case No. 02-11570 at 5 (App. Bd. May 19, 2004). Furthermore, friendly nations can have profound disagreements with the United States over matters they view as important to their vital interests or national security. Finally, we know friendly nations have engaged in espionage against the United States, especially in the economic, scientific, and technical fields. See ISCR Case No. 02-22461, 2005 DOHA LEXIS 1570 at *11-*12 (App. Bd. Oct. 27, 2005) (citing ISCR Case No. 02-26976 at 5-6 (App. Bd. Oct. 22, 2004)) (discussing Taiwan).

While there is no evidence that intelligence operatives, criminals, or terrorists from or in Saudi Arabia, seek or have sought classified or economic information from or through Applicant or his family, nevertheless, it is not prudent to rule out such a possibility in the future. International terrorist groups are known to conduct intelligence activities as effectively as capable state intelligence services, and Saudi Arabia has a significant problem with terrorism and crime. Applicant’s family in Saudi Arabia “could be a means through which Applicant comes to the attention of those who seek U.S. information or technology and who would attempt to exert coercion upon him.” ADP Case No. 14-01655 at 3 (App. Bd. Dec. 9, 2015) (citing ISCR Case No. 14-02950 at 3 (App. Bd. May 14, 2015)).

Applicant’s relationships with relatives who are living in Saudi Arabia, or visiting those countries create a potential conflict of interest because terrorists could place pressure on his family in Saudi Arabia, in an effort to cause Applicant to compromise classified information. These relationships create “a heightened risk of foreign inducement, manipulation, pressure, or coercion” under AG ¶ 7. Department Counsel produced substantial evidence of Applicant’s relationships with family in Saudi Arabia, and has raised the issue of potential foreign pressure or attempted exploitation. AG ¶¶ 7(a), 7(b), and 7(e) apply, and further inquiry is necessary about potential application of any mitigating conditions.

AG ¶ 8 lists six conditions that could mitigate foreign influence security concerns including:

(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 United States;

(b) there is no conflict of interest, either because the individual’s sense of loyalty or obligation to the foreign person, or allegiance to the group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the United States, 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;

(d) the foreign contacts and activities are on U.S. Government business or are approved by the agency head or designee;

(e) the individual has promptly complied with existing agency requirements regarding the reporting of contacts, requests, or threats from persons, groups, or organizations from a foreign country; and

(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.

The DOHA Appeal Board concisely explained Applicant's responsibility for proving the applicability of mitigating conditions as follows:

Once a concern arises regarding an Applicant's security clearance eligibility, there is a strong presumption against the grant or maintenance of a security clearance. See *Dorfmont v. Brown*, 913 F. 2d 1399, 1401 (9th Cir. 1990), *cert. denied*, 499 U.S. 905 (1991). After the Government presents evidence raising security concerns, the burden shifts to the applicant to rebut or mitigate those concerns. See Directive ¶ E3.1.15. The standard applicable in security clearance decisions is that articulated in *Egan, supra*. "Any doubt concerning personnel being considered for access to classified information will be resolved in favor of the national security." Directive, Enclosure 2 ¶ 2(b).

ISCR Case No. 10-04641 at 4 (App. Bd. Sept. 24, 2013).

Applicant does not have frequent contacts with his sister and brother-in-law in Saudi Arabia. His father is ill and elderly. His child is a U.S. citizen living in the United States. SOR ¶¶ 1.b, 1.c, 1.d, 1.e, and 1.f are mitigated because of Applicant's lack of contacts and connections with these relatives living in Saudi Arabia or Egypt. He does not send any money to any relatives.

AG ¶ 8(b) partially applies. Applicant has frequent contact with or a close relationship with his father, who is a resident of Saudi Arabia. A key factor in the AG ¶ 8(b) analysis is Applicant's "deep and longstanding relationships and loyalties in the U.S." Applicant resided in the United States from 2000 to present, except for the years from 2006 to the present when he served as a linguist in combat zones.⁴ In 2007,

⁴ ISCR Case No. 17-00629 (App. Bd. May 24, 2018) the Appeal Board discussed a translator's multiple tours on behalf of the United States in Iraq, limited time as a resident in the United States, and connections to family living in Iraq. The Appeal Board stated:

Applicant became a U.S. citizen. His daughter is in the United States and has a U.S. passport. Applicant has served the U.S. Army and has received numerous commendations from the military officers in the U.S. Army. His retirement account and savings are in the United States. He has no foreign connections or property. He honorably served as a linguist in war zones for the U.S. Army, which included a tour in Iraq.

Applicant's support to the DOD in Iraq, including the dangers that service entailed, weighs heavily towards mitigating security concerns. Applicant seeks to renew a security clearance to enable him to continue serving the Middle East providing assistance to DOD. He has shown his patriotism, loyalty, and fidelity to the United States during his support to DOD while serving in Iraq and other dangerous locations.

In ISCR Case No. 17-00629 at 4 (App. Bd. May 24, 2018), the Appeal Board cogently explained the relevance of such service on behalf of the United States:

Such evidence demonstrates that Applicant has repeatedly been willing to assume a high level of risk on behalf of the U.S. and shows his ties and sense of obligation to the U.S. could be sufficiently strong enough to support a favorable application of mitigating condition 8(b). See ISCR Case No. 05-03846 at 6 (App. Bd. Nov 14, 2006) (An applicant's work in support of U.S. forces in Afghanistan occurred "in the context of dangerous high-risk circumstances in which [he] made a significant contribution to national security.") See *also* ISCR Case No. 04-12363 at 2 (App. Bd. Jul. 14, 2006); ISCR Case No. 07-00034 at 2-3 (App. Bd. Feb. 5, 2008); and ISCR Case No. 10-02803 at 6 (App. Bd. Mar. 19, 2012).

Applicant's relationship with the United States must be weighed against the potential conflict of interest created by his relationships with relatives who are residents of Saudi Arabia. Applicant has close relationships with family in Saudi Arabia when he works on a military installation in Saudi Arabia. He did not have contact when he was in Iraq and other places.

It is important to be mindful of the United States' huge historical investment of manpower and money in the Middle East, and Applicant has supported U.S. goals and objectives in Iraq. Applicant's relatives living in Saudi Arabia are potential targets of

In general, an applicant's deployment to a combat zone in support of U.S. forces is not a factor that weighs against his or her national security eligibility. On the contrary, such deployments tend to establish various mitigating conditions such as [Directive] ¶ 8(b) ("there is no conflict of interest . . . because . . . the individual has such deep and longstanding loyalties in the United States, that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest"); [Directive] ¶ 8(d) ("the foreign . . . activities are on U.S. Government business"); and [Directive] ¶ 8(f) ("the value or routine nature of the foreign business . . . is such that [it is] unlikely to result in a conflict of interest and could not be used effectively to influence, manipulate, or pressure the individual.")

Id. at 3 (internal footnotes omitted) (remanding administrative judge's denial of security clearance).

terrorists, and Applicant's potential access to classified information could theoretically add risk to his relatives living in those countries from lawless elements in Saudi Arabia.

In sum, Applicant's connections to his relatives living in Saudi Arabia, are outweighed by his service to the United States. He has mitigated the circumstances in this case. His connections to the United States taken together are sufficient to overcome the foreign influence security concerns under Guideline B.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an Applicant's eligibility for a security clearance by considering the totality of the Applicant's conduct and all the circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(d):

(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) the 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.

Under AG ¶ 2(c), "[t]he ultimate determination" of whether to grant a security clearance "must be an overall commonsense judgment based upon careful consideration of the guidelines" and the whole-person concept. My comments under Guidelines B and F are incorporated in my whole-person analysis. Some of the factors in AG ¶ 2(d) were addressed under those guidelines but some warrant additional comment.

Applicant is 56 years old, and he came to the United States in 2000. He is a naturalized U.S. citizen who has, since 2006, served as a linguist for the United States Army in war zones. He has held a security clearance since 2009. He renounced his Jordanian citizenship and is only committed to the United States. His daughter has moved to the United States and has a U.S passport.

Applicant resided in the United States from 2000 until he began his work as a linguist in 2006. He has bank accounts in the United States. He has received commendations from the U.S. military. He took the oath of allegiance to the United States when he became a U.S. citizen.

Applicant served in Iraq and several other war zones. He made contributions at personal risk on behalf of U.S. combat forces in Iraq. All these circumstances increase the probability that Applicant will recognize, resist, and report any attempts by a foreign power, terrorist group, or insurgent group to coerce or exploit him. See ISCR Case No.

07-00034 at 2 (App. Bd. Feb. 5, 2008). His past honorable service in Iraq weighs heavily towards mitigating foreign influence security concerns. See ISCR Case No. 07-00034 at 3 (App. Bd. Feb. 5, 2008) (affirming grant of security clearance and commenting “Applicant has served as a translator and as a cultural liaison between Americans and Iraqi citizens, diffusing tensions and facilitating transactions between the two groups. . . . Applicant put his life in danger on at least one occasion to protect American lives and interests in Afghanistan.”).

A Guideline B decision concerning Saudi Arabia must take into consideration the geopolitical situation and dangers there.⁵ Terrorists continue to threaten Saudi Arabia, and the interests of the United States, U.S. Armed Forces, and those who cooperate and assist the United States. The United States and Saudi Arabia are allies in the war on terrorism.

I have carefully applied the law, as set forth in *Department of Navy v. Egan*, 484 U.S. 518 (1988), Exec. Or. 10865, the Directive, and the AGs, to the facts and circumstances in the context of the whole person. I conclude foreign influence security concerns are mitigated. Eligibility for access to classified information is granted.

Formal Findings

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

Paragraph 1, Guideline B:	FOR APPLICANT
Subparagraphs 1.a- 1.g:	For Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, it is clearly consistent with the national interest to grant Applicant eligibility for a security clearance. Eligibility for access to classified information is granted.

Noreen Lynch
Administrative Judge

⁵ See ISCR Case No. 04-02630 at 3 (App. Bd. May 23, 2007) (remanding because of insufficient discussion of geopolitical situation and suggesting expansion of whole-person discussion).