



DEPARTMENT OF DEFENSE  
DEFENSE OFFICE OF HEARINGS AND APPEALS



In the matter of: )  
)  
) ISCR Case No. 17-04262  
)  
Applicant for Security Clearance )

**Appearances**

For Government: Gatha Manns, Esq.  
Brittany Muetzel White, Esq., Department Counsels  
For Applicant: Eileen B. Xenakis, Esq.

03/20/2019

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**Decision**

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CREAN, Thomas M., Administrative Judge:

Based on a review of the pleadings, exhibits, and testimony, eligibility for access to classified information is granted. Applicant presented sufficient information to mitigate financial considerations and foreign influence security concerns.

**Statement of the Case**

On September 21, 2015, Applicant submitted an Electronic Questionnaire for Investigations Processing (e-QIP) to retain a security clearance required for a position with a defense contractor. The Department of Defense (DOD) could not make the affirmative findings required to continue a security clearance. DOD issued to Applicant a Statement of Reasons (SOR), dated January 17, 2018, detailing security concerns for financial considerations under Guideline F. The SOR action was taken under Executive Order (E.O.) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) effective in the DOD on June 8, 2017.

Applicant answered the allegations on February 9, 2018, admitting the six allegations (SOR 1.a – 1.f) of delinquent student loans and two consumer delinquent debt allegations (SOR 1.g and 1.h), but provided receipts to verify that the debts had been paid. He denied the three delinquent consumer debt allegations at SOR 1.i to 1.k. In his denial, Applicant noted that he could not determine the identity and address of the creditors so he was unable to pay the debts. His SOR response included nine exhibits including performance evaluations; achievement awards; his college diploma; memorandums of support from his supervisor and employer; correspondence to the student loan service provider; receipts for payment of the debts at SOR 1.e and 1.f; a personal financial statement; W-2 tax forms for 2017; and a certificate of completion for a financial recovery course.

The Government was ready to proceed on June 21, 2018, and the case was assigned to me on September 10, 2018. DOD issued a notice of hearing on September 12, 2018, for a hearing on November 7, 2018. I convened the hearing as scheduled on November 7, 2018.

At the start of the hearing, Department Counsel moved to amend the SOR to add a Guideline B, Foreign Influence allegation because Applicant had married and his wife was a citizen and resident of the Philippines. (Hearing Exhibit I). Department Counsel provided supporting documents for the allegation. (Hearing Exhibits II to V) Since neither Applicant nor his counsel had received adequate notice of the amendment under DOD Directive 5220.6. I postponed the hearing until Applicant's counsel could research the allegation, provide an answer, and prepare a defense. (Transcript (Tr.) November 7, 2018 hearing)

I reconvened the hearing on February 27, 2019. At that hearing, Department Counsel presented a motion to amend the SOR to add and reword two allegations under Guideline B; that Applicant's wife and stepson are citizens of the Philippines (SOR 2.a), and that Applicant's wife's parents are citizens and residents of the Philippines (SOR 2.b). Applicant answered the Guideline B allegations at the hearing and admitted both allegations but argued that the facts of the allegations did not raise a security concern.

At the hearing, the Government's six exhibits (GE 1-6) were admitted into the record without objection. Applicant testified, and introduced 13 exhibits (AE A through AE M) that were admitted into the record without objection. I received the transcript of the second hearing (Tr.) on March 13, 2019.

### **Procedural Issues**

Department Counsel and Applicant requested that I take administrative notice of certain facts concerning the Philippines, and both provided relevant documents. (GE 6; AE B and AE C) I will take administrative notice of facts concerning the Philippines as noted in my Findings of Fact.

### **Findings of Fact**

After a thorough review of the record, I make the following findings of fact. Applicant is 32 years old and a college graduate with a bachelor's degree in electrical engineering received in June 2013. Prior to attending college, he served four years on active duty in the U.S. Navy as an aviation electrician's mate, and made two deployments on an aircraft carrier. He was discharged honorably in January 2010 as a third class petty officer. He used the GI Bill and student loans to attend college from September 2011 until June 2013 when he received his degree. He has been employed as an electrical engineer for a defense contractor since June 2013. He has worked in the United Arab Emirates (UAE) for the contractor since January 2014.

Applicant married in May 2018. He has a stepson, and a daughter born in December 2018. Applicant has had a security clearance since 2005 when he entered active duty in the U.S. Navy. (Tr. 26-28; GE 1, e-QIP, dated September 21, 2015; Case File, Response to SOR, Exhibit C, Diploma)

Applicant received a housing subsidy when he was first arrived in the UAE in January 2014, so his monthly salary was approximately \$18,000. (Case File, Response to the SOR, Exhibit H, Personal financial Statement, Exhibit I; Pay Statement, Exhibit I) His company now provides housing so his monthly salary has been reduced but he has no housing cost. His monthly salary is now approximately \$10,600, with monthly recurring expenses of \$5,800, leaving a net monthly remainder of approximately \$4,000. (Tr. 61-64; AE G, Personal Financial Statement, dated February 16, 2019) He has a retirement account with his employer with a balance of approximately \$19,000. (AE E, Account Status, dated, February 16, 2019) He pays into the U.S. Social Security System and will receive benefits when appropriate. Applicant has no investments other than his U.S. investments; he has only votes in U.S. elections; and he has no citizenship affiliation except to the U.S. (Tr. 59-67; AE M, Social Security Statement, dated November 27, 2018)

Applicant's performance evaluations show that he is highly regarded by his employer. The reports show that he displays good technical knowledge, is willing to learn, and is eager, enthusiastic, and responsive. His supervisors stated that he displays the company's core values, and has good team building behavior. He was rated as honest, with ethical decision making. The reports show that he met his commitments and strives for excellence. Applicant was rated as exceeds requirements. He also received achievement rewards. (Case File, Response to SOR, Exhibits A and B) His supervisors and a friend who has worked with Applicant provided recommendations that he be granted eligibility for access to classified information. (Case File, Response to SOR, Exhibit D; AE L)

The SOR lists, and credit reports (GE 2, dated September 21, 2015; GE 4, dated June 21, 2018; GE 5, dated November 6, 2018) confirm the following delinquent debts for Applicant: six delinquent student loan debts for \$7,630 (SOR 1.a), \$7,191 (SOR 1.b), \$4,496 (SOR 1.c), \$5,938 (SOR 1.d), \$5,838 (SOR 1.e), and \$1,684 (SOR 1.f); a telephone service account in collection for \$771 (SOR 1.g); a utility debt in collection for

\$180 (SOR 1.h); an unknown collection account for \$108 (SOR 1.i); a medical account in collection for \$95 (SOR 1.j); and an unknown collection account for \$94 (SOR 1.k). The amount of the student loan debt is approximately \$32,000, and the amount of the other five debts is approximately \$1,248 for a total debt of approximately \$33,000.

Applicant received six student loan disbursements from 2011 until 2013 totaling approximately \$32,000 to subsidize his GI Bill benefits so he could attend school for his bachelor's degree. (SOR 1.a to SOR 1.f) Immediately after receiving his bachelor's degree, Applicant started working for his present defense contractor employer and traveled for the company on an orientation tour. He knew that there was a lag time from graduation until he received notice to commence paying back the loans. In January 2014, he was assigned to and started living in the UAE. Prior to his move to the UAE, Applicant had not received any correspondence from a student loan service provider informing him of the procedures for paying the student loans. In the UAE, he did not have good access to the United States postal system and did not receive notice of the requirement to start repayment of his student loans. By the middle of 2014, Applicant determined that it was time for him to make payments on the student loans. He started making phone calls to determine what student loan service provider had his loans. The only information he had had was the account number. On his September 2015 e-QIP, Applicant noted that he had student loan delinquencies because he was in the process of determining what loan service provider he needed to contact. After September 2015, Applicant continued to occasionally try to determine his student loan service provider. His attempts were infrequent since he was constrained by the demands of his work and the difficulty of communicating from the UAE. (Tr. 67-71)

In January 2018, Applicant received notice from his employer that his wages would be garnished to start repayment of his student loans. He e-mailed his company for information on the garnishment, and learned the contact information for the student loan processing company. He immediately called the student loan processor, and learned the procedure to rehabilitating his student loans. He filed a request with the processor to have his loan rehabilitated. (Tr. 31-32, 71-72; Case File, Response to SOR, Exhibit E, dated January 15, 2018)

Applicant made ten payments by automatic bank deduction of approximately \$1,550 each to rehabilitate his student loans, and the student loans were rehabilitated by October 2018. Since the student loans have been rehabilitated, Applicant makes \$221 monthly payments on the student loans by automatic deduction from his bank account. (AE F and H, Repayment Planner, dated November 2018) His student loans are now current with a balance of approximately \$18,000. (Tr. 32-34; AE A, Letter, dated October 29, 2018; AE D, Account Status, dated February 16, 2019)

Applicant learned of the telephone service debt and the utility debt when he received the SOR in January 2018. Applicant believed the telephone debt was for his father's telephone service and not for his phone service. The utility debt was when he was attending school and lived with a roommate. He believed the utility bill was paid when he and his roommate moved out of their apartment. Applicant believed it was easier and

simpler to pay the debts rather than attempt to get information from his father and former roommate who were in the United States. Applicant paid both debts the day he received the SOR and the debts are resolved. (Tr. 40-42, 72-74; Case File, Response to SOR, Exhibits F and G)

Applicant has no information on the debts listed at SOR 1.i, 1.j, and 1.k. He has no knowledge of the debts. He always had health insurance so he does not know why he would have a medical debt. He did not receive any bills that would pertain to these debts since he moved around and has been in the UAE with poor mail service since 2013. There were no phone numbers or other identifiable information in the credit reports he reviewed or provided by the government. He is willing to pay the debts as soon as he learns the identity and contact information of the creditors. The sum total of the three debts is approximately \$300 and he has the funds to immediately pay the debts. (Tr. 40-43, 74-75)

Applicant has completed a financial management course (Case File, Response to SOR, Exhibit J). Applicant also took a self-study financial recovery program. (Tr. 34-35) Applicant and his wife have established procedures for paying their bills when they are received. All of their recurring bills are paid from their bank account by automatic deduction. Applicant ensures that his bank account has sufficient funds to pay any debts or bills when received. With this system, Applicant does not believe he will have any delinquent debts in the future. Since he married, it is important for him to have good credit and good credit scores. He wants to be financially "squared away" like he was on active duty in the Navy. (Tr. 44-46)

Applicant met his wife in the UAE in March 2016. She is 26 years old and a citizen of the Philippines. She came to the UAE and worked in human resources for a non-U.S. company. They dated for a while and married in May 2018. Applicant reported his marriage to his security officer in early June 2018, and complied with all reporting requirements. His wife was born and raised in the mountainous areas of northern Philippines and completed all of her schooling in the Philippines. There are no terrorist activities in the area where her family is located. Terrorist activities are in the southern area of the Philippines.

Applicant's wife had a son before coming to the UAE who was cared for in the Philippines by her mother. Applicant and his wife traveled to the Philippines in September 2018 to bring her son to live with them in the UAE. They now have a daughter who was born in December 2018, and is a United States citizen. His wife does not work outside of the home. She stays home to care for their two young children. His wife and stepson are citizens of the Philippines but reside in the UAE. His wife wants to and is working on becoming a United States citizen. It is a desire of most people from the Philippines to become United States citizens. Applicant wants to raise his family in the United States, and provide his children with the benefits of education in the United States. (Tr. 46-48, 81-82; AE I, J, K, Birth Certificate and Residency Documents)

Applicant's wife does not ask him nor do they discuss his work. She only knows that he is an electrical engineer for a U.S. contractor supporting the UAE military.

Applicant's wife's parents are citizens and residents of the Philippines. Applicant's hardly has a relationship with his wife's family in the Philippines. His wife's mother is a homemaker and her father a civil engineer. They can speak some English but they mostly converse in the native language of their region of the Philippines. They are not fluent in English since it is their third or fourth language. Applicant only met his wife's family once when they spent six days in the Philippines in September 2018 to meet her son and bring him to live with them in the UAE. Applicant only spent six hours with them. His wife occasionally talks to her parents by phone but he does not talk to them because of the language difficulties. His wife has no property or funds in the Philippines and is not in a position to inherit any property. Applicant stated he has little if any loyalty to his in-laws in the Philippines because he has had only limited contact with them. He has loyalty to his extended family who are citizens and residents of the United States and that he has known all of his life. (Tr. 82-87)

The Philippines is a multiparty, constitutional republic with a bicameral legislature. In 2016, the country conducted nationwide elections for the presidency, both houses of the legislature, provincial governors, and local government officials. An international group of observers determined that the elections were generally free and fair but vote buying was widespread. The dynastic political families continued to monopolize elective office.

The United States recognized the Philippines as an independent state in 1946 and established diplomatic relationships. The U.S. has since designated the Philippines as a Major Non-NATO ally. The U.S. and the Philippines maintain a close relationship and they have a bilateral security alliance bound by the Mutual Defense treaty of 1951. The U.S. relationship with the Philippines is based on strong historical and culture links and a shared commitment to democracy and human rights. The countries have common strategic and economic interests.

President Obama visited the Philippines in 2014 and reaffirmed the United States' commitment to the security alliance. He noted that the two nations have strong people-to-people ties; a commitment to peace and stability in the Asia-Pacific region; and a commitment to build prosperity for their people and the global economy.

Even though the U.S. closed its military bases in the Philippines in 1992, the two nations have maintained security cooperation. The Manila Agreement of 2011, maintains the 1951 Mutual Defense as the foundation for a robust, balanced, and responsive security partnership. In 2012, the Philippines played a key role in the U.S. efforts to rebalance its foreign policy priorities for Asia. In 2014, the two countries confirmed a defense cooperation agreement that will continue to promote peace and stability, and underpins Asia's remarkable economic growth. The agreement allows for the increased presence of U.S. military forces in the Philippines, as well as cooperative joint military exercises.

In the past decade, the Philippines has been the largest recipient of U.S. foreign military assistance in south east Asia. The U.S. and the Philippines have a strong trade and investment relationship. The U.S. is the Philippines' third-largest trade partner. The two countries made enormous strides to deepen the economic linkage between them.

The Philippines and the U.S. share extensive people-to-people ties. Over 350,000 American's reside in the Philippines and over 600,000 U.S. citizens visit the Philippines each year. Over forty million people of Philippine descent reside in the United States. The Philippines have the oldest continuous operating Fulbright Education Program established in 1948, and has hosted a large U.S. Peace Corps program for over 50 years.

There are human rights issues in the Philippines, to include killings by security forces, vigilantes, insurgents; torture and abuse of prisoners and detainees by security forces; harsh and life-threatening prison conditions, warrantless arrests; public corruption and abuse of power; threats of violence against human rights activists, violence against women; and forced labor. Extrajudicial killings have been a major human rights concern for many years. Conflicts continue between the government and Muslim separatists, communist insurgents, and terrorist groups. Most of the conflict takes place in the south islands of the Philippines far from where Applicant's in-laws live. The U.S. Department of State advises all U.S. citizens to exercise increased caution in the southern islands and regions due to crime, terrorism, and civil unrest. (Hearing Exhibit II; AE B and C)

## **Policies**

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines. In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which must be considered in evaluating an applicant's eligibility for access to classified information.

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with the factors listed in the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(c), the entire process is a conscientious scrutiny of a number of variables known as the "whole-person concept." The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision.

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that "[a]ny doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security." In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record.

Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, the applicant is responsible for presenting “witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by applicant or proven by Department Counsel. . . .” The applicant has the ultimate burden of persuasion in seeking a favorable security decision.

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 include, by necessity, consideration of the possible risk that the applicant may deliberately or inadvertently fail to 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.

## **Analysis**

### **Financial Considerations**

Failure or inability to live within one’s means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about a person’s reliability, trustworthiness, and ability to protect classified or sensitive information. (AG ¶ 18) The financial security concern is broader than the possibility that an individual might knowingly compromise classified information to raise money. It encompasses concerns about an individual’s responsibility, trustworthiness, and good judgment. Security clearance adjudications are based on an evaluation of an individual’s reliability and trustworthiness. An individual who is financially irresponsible may also be irresponsible, unconcerned, or careless in his or her obligations to protect classified information. Behaving responsibly or irresponsibly in one aspect of life provides an indication of how a person may behave in other aspects of life.

A person’s relationship with his or her creditors is a private matter until evidence is uncovered demonstrating an inability or unwillingness to meet financial obligations. Absent evidence of strong extenuating or mitigating circumstances, an applicant with a history of serious or recurring financial difficulties is in a situation of risk inconsistent with the holding of a security clearance. An applicant is required to manage his or her finances in such a way as to meet financial obligations.

Credit reports and Applicant’s admissions reveal that Applicant has delinquent student loans and consumer debts. The evidence in the credit reports and Applicant’s admissions are sufficient to raise the following security concerns under Financial Considerations Disqualifying Conditions AG ¶ 19:

- (a) inability to satisfy debts; and



(c) a history of not meeting financial obligations.

Since the Government has established adverse financial issues, the Applicant has the responsibility to refute or mitigate the financial issues.

I considered the following Financial Consideration Mitigating Conditions under AG ¶ 20:

(a) the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good

(b) the conditions that resulted in the financial problems were largely beyond the person's control (e.g. loss of employment, a business downturn, unexpected medical emergency, or a death, divorce, or separation, clear victimization by predatory lending practices, or identity theft), and the individual acted responsibly under the circumstances;

(c) the person has received or is receiving counseling for the problem from a legitimate and credible source, such as a non-profit credit counselling service, and there are clear indications that the problem is being resolved or is under control; and

(d) the individual has initiated and is adhering to a good-faith effort to repay the overdue creditors or otherwise resolve debts.

Mitigating conditions AG ¶¶ 20 (a) and (b) do not apply. Applicant's debts are numerous and not all of the debts have been resolved so they are current. The student loans were incurred voluntarily and willingly by Applicant to finance his college degree. Applicant did not provide any information to suggest that his other debts were not incurred in the normal course of activities and by condition beyond his control. It is noted that Applicant has acted responsibly under the circumstances by addressing and resolving most of his debts.

Mitigating condition AG ¶ 20 (c) applies. Applicant took two different financial planning and management courses. It is clear that his financial problems are being resolved or are under control.

Mitigating condition AG ¶ 20 (d) applies. Applicant acted in good faith towards his debts. Good faith means acting in a way that shows reasonableness, prudence, honesty, and adherence to duty and obligation. Applicant is not required to be debt-free. All that is required is that Applicant act responsibly given his circumstances. Applicant must establish that he has a reasonable plan to resolve financial problems, and that he has taken significant action to implement that plan. Applicant's plan must show a systematic method of handling debts, and Applicant must establish a meaningful track

record of debt payment. A meaningful track record of debt payment can be established by evidence of actual debt payments or reduction of debt through payment of debts. His plan does not require paying off all debts immediately or simultaneously. A promise to pay delinquent debts is not a substitute for a track record of paying debts in a timely manner and acting in a financially responsible manner.

Applicant's wages were garnished to commence paying his student loans. In spite of the garnishment, Applicant presented sufficient information to establish that he started to address his student loans before the garnishment and before he received the SOR listing delinquent student loans. When he believed that he should have received information how to repay his student loans, he contacted the student loan program to determine the student loan service provider managing his loans. He learned that the six loans he received were consolidated into one service provider so that he was able to make a plan to have the loans rehabilitated and considered in good standing. Applicant was able to make ten large monthly payments on the loans as requested by the loan service provided and the loans are now in a normal payment plan. He continues to make regular monthly payments and has reduced his student loan debt by almost half.

Applicant also presented sufficient information that he previously paid in full and resolved two of his SOR debts (SOR 1.g and 1.h). He was unable to identify and locate the creditors for the remaining three SOR debts. The information in the credit reports was not sufficient to identify the creditors. The three debts are small and Applicant has sufficient funds to pay the debts when the creditors are identified.

Applicant acted responsibly under the circumstances, and he provided adequate information on his plans to pay and resolve his delinquent debts. Applicant is current with payment arrangements he entered to pay the student loans at SOR 1.a to 1. f. Applicant provided significant documents to establish he paid the debts at SOR 1.g and 1.h. Applicant provided sufficient information that he plans to and has sufficient funds to pay the three debts at SOR 1.i, 1.j, and 1.k when the creditors are identified.

Applicant has shown sufficient action to resolve his delinquent debts. Applicant provided enough details and sufficient documentation to show proof of payments, correspondence to or from the creditors to establish maintenance of contact, evidence of attempts to negotiate payment plans, or other evidence of progress or resolution. There is sufficient evidence to establish why Applicant was able to make great progress addressing or resolving all of his debts. There is sufficient assurance that his financial problems are being resolved, are under control, and will not recur in the future. He has shown a good-faith effort to resolve these debts. His reasonable and responsible actions towards his finances is a strong indication that he will protect and safeguard classified or sensitive information. Under all these circumstances, Applicant mitigated financial security concerns.

## **Foreign Influence**

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 interests 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 associate with a risk of terrorism. (AG ¶ 6)

Applicant's wife and his stepson are citizens of the Philippines but reside with Applicant in the UAE. Since his wife and stepson no longer reside in the Philippines, there is no heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion, and therefore no foreign influence security concern.

Applicant's wife's parents are citizens and residents of the Philippines. Applicant's contact with his in-laws is minimal. He only met them once for a few hours on a visit he made to the Philippines to get his stepson. Applicant has little if any communication with his in-laws because of language issues. As to the in-laws, I considered the following Foreign Influence Disqualifying Condition AG ¶ 7 (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).

The mere existence of foreign relationships and contacts is not sufficient to raise the above disqualifying conditions. The nature of Applicant's contacts and relationships must be examined to determine whether it creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion. "Heightened" is a relative term denoting increased risk compared to some normally existing risk that can be inherent anytime there are foreign contacts and relationships. The totality of an applicant's ties to a foreign country as well as to each individual family tie must be considered. The foreign influence security concern is 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. Even friendly nations can have profound disagreements with the United States over matters they view as important to their vital interests or national security. Friendly nations have engaged in espionage against the U. S., especially in economic, scientific, and technical fields. The nature of a nation's government, its relationship with the United States, and its human rights record are relevant in assessing the likelihood that an Applicant is at risk of coercion, persuasion, or duress.

Applicant has just a little more than six hours of face-to-face contact with his wife's parents. Applicant does not communicate with them because of language difficulties. The in-laws reside in a part of the Philippines that only has normal and not excessive or abundant terrorist or criminal activities. These factors do not place a heightened risk of exploitation, inducement, manipulation, pressure, or coercion on Applicant. Disqualifying condition AG ¶ 7(a) does not apply.

I also considered disqualifying condition AG ¶7 (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). The disqualifying condition does not apply. There is no information to establish that Applicant's in-laws, wife, or Applicant have any connection to a foreign group, person, or government in the Philippines that they have a need, requirement, or desire to help.

Even though there is not a heightened risk, I also considered Foreign Influence Mitigating Conditions under AG ¶ 8:

(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; and

(c) contact or communication with foreign citizens is so casual or infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation.

There is a rebuttable presumption that a person has ties of affection for or obligation to immediate family members. Applicant's contact with his wife's parents is so casual and infrequent that they have only met face-to-face for six hours. Applicant does not communicate with them because of language difficulties. These facts do not establish a close and continuing relationship between Applicant and his wife's parents in the Philippines. His level of contact is at best only casual and infrequent, and does not establish that Applicant's sense of loyalty to his wife's family members is significant.

Applicant's ties and sense of loyalty to the United States are extensive. He is a native-born United States citizen, raised and educated in the United States. He served in the United States Navy for over four years, and now works for a U.S. defense contractor supporting programs sponsored by the United States. Applicant has been eligible for access to classified information for over 13 years with no blemishes on his security record. His immediately family members are all United States residents and citizens. All of his finances are in the United States.

If Applicant's in-laws in the Philippines caused him to be placed in a position to have to choose between the interests of the in-laws and the interests of the United States, his connection to and loyalty for the United States is so deep and longstanding that he can be expected to resolve any conflict of interest in favor of U. S. interests. Accordingly, based on all of the factors in this case, Applicant has met his heavy burden to show that his relationships with his wife's in-laws in the Philippines is not a security concern. I conclude Applicant has mitigated security concerns for foreign influence.

### **Whole-Person Concept**

Under the whole-person concept, an administrative judge must evaluate an applicant's eligibility for access to classified information by considering the totality of the applicant's conduct and all relevant 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), the ultimate determination of whether to grant eligibility for access to classified information must be an overall common-sense judgment based upon careful consideration of the guidelines and the whole-person concept.

I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case. The whole-person concept requires consideration of all available information about Applicant to reach a determination concerning Applicant's eligibility for access to classified information. I considered that Applicant served on active duty in the United States Navy for four years, and has worked and is working as a civilian employee of a defense contractor for over four years. He has been eligible for access to classified information over 13 years with no reported security issues.

Under the facts of this case, the Philippine citizenship of Applicant's wife and stepson, and his wife's immediate family members being citizens and residents of the Philippines does not create a heightened risk of foreign influence leading to the potential for vulnerability, pressure, or coercion on Applicant. Applicant has shown his overwhelming connections and ties to the United States by his years of service to the U.S. military. Applicant's years of service 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 his wife and her family's citizenship in the Philippines. The many years of honorable service weigh heavily towards approval of his security clearance. In addition, Applicant's entire immediate family members are citizens and residents of the United States, and Applicant has extensive loyalty to the United States. .

The protection of the national security is the paramount consideration. For all these reasons, the facts of this case leave me without questions and doubts about Applicant's eligibility and suitability for access to classified information. Overall, the record evidence leaves me without questions and doubts concerning Applicant's judgment, reliability, and trustworthiness. He has established his suitability for access to classified information. For all these reasons, I conclude Applicant mitigated the security concerns arising from his financial situation and foreign influence. 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 F:	FOR APPLICANT
Subparagraphs 1.a – 1.k:	For Applicant
Paragraph 2, Guideline B:	FOR APPLICANT
Subparagraphs 2.a - 2.b:	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 access to classified information. Eligibility for access to classified information is granted.

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THOMAS M. CREAM

Administrative Judge