



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



In the matter of:)
)
 [Name Redacted]) ISCR Case No. 18-00216
)
 Applicant for Security Clearance)

Appearances

For Government: Dan O'Reilly, Esq. and Kelly Folks, Esq., Department Counsel

For Applicant: Mark S. Zaid, Esq.

05/01/2019

Summary Disposition

HOGAN, Erin C., Administrative Judge:

Applicant submitted a Questionnaire for National Security Positions (SF 86 Format) on December 16, 2015. On April 20, 2018, after reviewing the application and information gathered during a background investigation, the Department of Defense Consolidated Adjudications Facility, Fort Meade, Maryland, sent Applicant a statement of reasons (SOR), explaining it was unable to find that it was clearly consistent with the national interest to grant her eligibility for access to classified information.¹ The SOR detailed the factual reasons for the action under the security guideline known as Guideline B, Foreign Influence. Applicant timely answered the SOR and requested a hearing.

¹ This case is adjudicated under Executive Order 10865, *Safeguarding Classified Information within Industry*, signed by President Eisenhower on February 20, 1960, as amended, as well as Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program*, dated January 2, 1992, as amended (Directive). In addition, the *Adjudicative Guidelines for Determining Eligibility for Access to Classified Information* (AG), effective within the Defense Department on June 8, 2017.

The case was assigned to me on January 24, 2019. The hearing was held as scheduled on April 5, 2019. After the hearing and receipt of the transcript, I proposed to the parties that this case was appropriate for a summary disposition in Applicant's favor. Department Counsel had 10 days to consider the matter and provide written notice that Department Counsel did or did not object to the summary disposition. On April 29, 2019, Department Counsel forwarded an e-mail to the parties, indicating they had no objection to the summary disposition.

The SOR consisted of two allegations. SOR 1.a alleged Applicant's grandmother is a citizen and resident of Syria. SOR 1.b alleged Appellant's father-in-law is a citizen and resident of Syria. She admitted both allegations.

Applicant has worked for a DOD contractor and has held a security clearance since July 2013 without incident. Her co-workers attest to her excellent work ethic and the positive contributions that she makes to the work environment. (AE A; AE B; AE E)

Applicant's parents immigrated to the United States in the late 1980s and became U.S. citizens in 1991. Their two children, Applicant and her brother, were born, raised, and educated in the United States. Applicant's parents both served as DOD contractors and have been granted security clearances in the past. After 9-11, her father volunteered to deploy to Iraq in 2003. He served as a linguist and cultural advisor to several of the top generals for 22 months. Her father is currently a DOD contractor and holds a top secret clearance. (Tr. 20-38; AE D)

Applicant met her husband in the United States. He attended medical school in Syria, but moved to the United States in 2011 to complete his residency. At present, he practices medicine in United States. He became a U.S. permanent resident in February 2018 and intends to apply for U.S. citizenship when he is eligible. They married in October 2016, and Applicant recently gave birth to their first child, a son. They intend to live in the United States. Their financial assets are located in the United States. Applicant votes in the United States. (Tr. 40-43, 66-78; Gov 2)

SOR 1.a: Applicant has limited contact with her grandmother because her grandmother does not speak English and Applicant is not fluent in Arabic. She has contact with her a few times a year during the holidays such as Christmas and Easter. From 1994 to 2015, her grandmother was a permanent resident in the United States. In 2013, she returned to Syria to sell some property. Her chronic illness worsened and she became too ill to travel to the United States. As a result, her permanent residency expired. Her grandmother is 83. She has a 24-hour caregiver and cannot feed herself. She has never worked outside the home. (Tr. 27-30; 69)

SOR 1.b: Applicant has met her father-in-law but has limited interaction with him because of the language barrier. Applicant's father-in-law currently lives part of the year in Syria and part of the year in the United States. He is 78. He served in the military as a result of a military draft. He retired in January 2001. His wife passed away in September 2001. He has five sons. Applicant's husband is the youngest. Three of his

older sons are medical doctors. Two work and reside in the United States with their families and are U.S. citizens. His eldest son practices medicine in Canada. He and his family are French and Canadian citizens. He and his family recently moved to the U.S because he accepted a research position. Another son resides in Germany with his family. He owns a restaurant in Syria. He hired someone to oversee the restaurant in Syria. He travels to Syria several times a year to check up on the restaurant. He would like to open a restaurant in Germany. (Tr. 45-63)

Between 2003 and 2014, Applicant's father-in-law visited his sons in the U.S. for extended periods. He became a permanent resident of the U.S. in March 2018. He is in the process of selling his property in Syria and will move to the United States to live with his family once the sale of the property is complete. At the time of the hearing, he was living with one of his son's in the United States. (Tr. 48-56; AE G)

While Guideline B security concerns were appropriately raised related to Applicant's relatives who are citizens of and reside in Syria, the concerns are mitigated based on Applicant's longstanding connection to the United States. In reaching this conclusion, I weighed the evidence as a whole and concluded the favorable evidence outweighed the unfavorable evidence. I also considered the factors under the whole-person concept. I conclude Applicant met her ultimate burden to show that it is clearly consistent with the national interest to grant her eligibility for access to classified information.

The concerns over Applicant's family members living and residing in Syria do not create doubt about her current reliability, trustworthiness, good judgment, and ability to protect classified information. In reaching this conclusion, I weighed the evidence as a whole and considered if the favorable evidence outweighed the unfavorable evidence or *vice versa*. I also gave due consideration to the whole-person concept. Accordingly, I conclude that Applicant met her ultimate burden of persuasion to show that it is clearly consistent with the national interest to grant her eligibility for access to classified information. This case is decided for Applicant.

Erin C. Hogan
Administrative Judge