



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



In the matter of:

Applicant for Security Clearance

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ISCR Case No. 18-00266

Appearances

For Government: Tara Karoian, Esquire, Department Counsel

For Applicant: *Pro se*

03/27/2019

Decision

WESLEY, Roger C., Administrative Judge:

Based upon review of the pleadings and exhibits, I conclude that Applicant mitigated the security concerns regarding foreign influence. Eligibility for access to classified information is granted.

History of Case

On April 25, 2018, the Department of Defense (DoD) Consolidated Adjudications Facility (CAF) issued a Statement of Reasons (SOR) detailing reasons why DoD adjudicators could not make the affirmative determination of eligibility for a security clearance, and recommended referral to an administrative judge to determine whether a security clearance should be granted, continued, denied, or revoked. The action was taken under Executive Order (Exec. Or) 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 Security Executive Agent, Directive 4, *National Security Adjudicative Guidelines* (SEAD) 4, effective June 8, 2017.

Applicant responded to the SOR on May 17, 2018, and requested a hearing. The case was assigned to me on July 5, 2018, and was scheduled for hearing on July 26, 2018. A hearing was convened as scheduled, for the purpose of considering whether it would be clearly consistent with the national interest to grant, continue, deny, or revoke Applicant's security clearance. At hearing, the Government's case consisted of two exhibits, which were admitted without objection; Applicant relied on one witness (himself) and seven exhibits, which were admitted without objection. The transcript (Tr.) was received on August 3, 2018.

Besides its two exhibits, the Government requested administrative notice of detailed facts taken from five U.S. Government official publications. Administrative or official notice is the appropriate type of notice used for administrative proceedings. See ISCR Case No. 05-11292 (App. Bd. April 2007); Administrative notice is appropriate for noticing facts or government reports that are well known. See *Stein*, Administrative Law, Sec. 25.01 (Bender & Co. 2006).

For good cause shown, administrative notice was granted with respect to the above-named background reports containing the identified facts in Department Counsel's Request for Administration Notice regarding the Kingdom of Saudi Arabia (Saudi Arabia) that addresses the geopolitical situation in Saudi Arabia. Administrative Notice was extended to the documents themselves, consistent with the provisions of Rule 201 of Fed. R. Evid.

Except for the specific facts referenced by Department Counsel in her administrative notice, request, Applicant was not foreclosed from challenging the accuracy and reliability of the information contained in the reports addressing Saudi Arabia's current status. Department Counsel's Administrative Notice Request was received as HE 1.

Procedural Rulings

Before the close of the hearing, Applicant requested the record be kept open to permit him the opportunity to supplement the record with documentation of Applicant's sponsor's continued sponsorship of Applicant for a security clearance. For good cause shown, Applicant was granted seven days to supplement the record. Department Counsel was afforded three days to respond.

Within the time permitted, Applicant supplemented the record with a letter from his sponsor confirming its continued sponsorship of Applicant for a security clearance. Applicant's post-hearing submission was admitted without objection as AE H.

Summary of Pleadings

Under Guidelines B and L (by incorporation), Applicant allegedly provided executive security service from 2005 to present to an important high ranking Saudi official, who is a citizen and resident of Saudi Arabia, and who previously served as an

important high ranking official of Saudi Arabia and formerly a senior military officer in the Saudi Army. Under Guideline L, Applicant allegedly worked for A Company Ltd, a company from approximately 2005 to present, which could result in a conflict with your current employment.

In his response to the SOR, Applicant denied the allegations with explanations. He claimed he no longer provides any services for the company identified in SOR ¶ 2.a. or have any contract with the same company or any high-ranking Saudi officials. He further claimed that all information has been deleted in accordance with his deed of disclaimer. Applicant claimed that both his father, himself, and his only son are proud Marines.

Findings of Fact

Applicant is a 45-year-old armed security officer (currently sponsored by a defense contractor) who seeks a security clearance. Findings of fact follow.

Applicant's background

Applicant married in December 1996 and has two adult children from this marriage.: one in the Marine Corps. and another in college. (GE 1; Tr. 37) He attended vocational classes between June 2002 and June 2016 but did not earn a degree or diploma. (GEs 1-2) He enlisted in the Marine Corps in June 1992 and served four years of active duty. During his enlistment, he completed dog training, and thereafter became a dog trainer. (GEs 1-2; Tr. 37) Applicant received a honorable discharge in June 1996.

Following his Marine Corps discharge, Applicant trained bomb-sniffing dogs for a security protection program for several years (1996-1999) (Tr. 50) Between 1999 and 2005, he worked for a closely-held corporation as an executive protection officer that provided protection services for children. (Tr. 64-65, 67)

Between August 2005 and July 2017, Applicant worked contemporaneously as a self-employed security consultant for a private firm (A Company Ltd.), whose principal client was a high-ranking Saudi official (X), a citizen and resident of Saudi Arabia, and who previously served as a high-ranking Saudi military official. (GEs 1-2) Applicant was introduced to A Company Ltd's chief executive officer (CEO) by a friend (C) who ran security details for another high-ranking Saudi official (Y) between 2005 and 2012. (Tr. 68, 71-72)

Working for Saudi official X was C's main source of income before starting his own company in 2012. (Tr. 68-69) While employed by A Company Ltd., Applicant earned \$100,000 annually during his years of service. (Tr. 46) When working with X in the 2009-2013 time frame, Applicant performed various security duties for X's wife and five children who were in boarding schools in the United States. (GE 2 and A-B; Tr. 67)

Between 2012 and 2018, Applicant worked for Company B as a security consultant. (GEs 1-2; Tr. 70-72) Company B continues to sponsor Applicant despite the

fact that it doesn't presently have a need for his services. (AE H) Applicant remains on retainer with Company B pending (a) his obtaining a security clearance and (b) the company acquires DoD contracts that will create needs for Applicant's services. (Tr. 70-74-75, 78-81) In the meantime, Applicant continues to provide security consulting services for another company that does not require a security clearance. (Tr. 81-82)

Applicant's contract with A Company Ltd. was terminated with an effective termination date of October 2017. (AE A) Supporting documents in his termination package include a confidentiality deed of general release and a deed of disclaimer. (AE A) Severance payments were set at \$50,000, in addition to payments of fees accrued between July 2017 and October 2017. (AE A) Since his separation from A Company Ltd, Applicant has had no further dealings with this firm or X. (Tr. 76)

When working with Saudi official B, Applicant performed various security duties for X's wife and five children. (GE 2 and AEs A-B; Tr. 64-65) Applicant's principal duties to X involved executive protection and entailed extensive travel outside the United States (mostly to and from Saudi Arabia).

Country status of Saudi Arabia

The Kingdom of Saudi Arabia is a monarchy ruled by King Bin Abdulagiza al Saud who is both the head of state and head of government. Albeit, since June 2017, supervision of the affairs of the Saudi government have been delegated to Y. (AEs C-G and I)

The Saudi government bases its legitimacy on its interpretations of Sharia (Islamic law) and the 1992 Basic Law which specifies that the rules of the country shall be made by descendants of King Abdulaziz al Saul. See Administrative Notice at 2; *Saudi Arabia Human Rights Report*, U.S. Dept. of State (April 2018).

Since Saudi official Y's elevation in June 2017 (placing him in line to succeed his father), he has gone to great lengths to assert his rule as the sharer of the Kingdom's national security and economic policies. The effect has been to consolidate authority under one individual and sub-branch of the family-a move unprecedented in the Kingdom since its founding under th late Ibn Saud. (AEs B-G and I) Under the leadership of Saudi official Y, Saudi Arabia has activated a more assertive posture, typified by the Kingdom's military operations in neighboring Yemen and its insistence on the departure of President Bashar al Assad in Syria. (AEs B-G and I)

The Obama Administration, like its predecessors, engaged the Saudi government as a strategic partner to promote regional security and global economic stability. (AEs B-G and I) Building on discord that emerged between the Obama Administration and Saudi leaders over differences of opinion over Iran, Syria, and Yemen, Saudi leaders, among other issues, President Trump and King Salman forged a new strategic partnership in January 2017 for the 21st century in the interest of both countries by formally announcing a Joint strategic Vision. (AEs B-G and I)

Since 2011, significant changes in political and economic conditions in the Middle East have shifted international attention on Saudi domestic policy issues and strengthened social and political debates among Saudi Arabia and its historical allies. (AEs B-G and I) Issues include political reform, unemployment, education, human rights, corruption, religious freedom, and extremism.

Travel warnings and terrorist threats

Due to the increased exposure to terrorism for Americans visiting Saudi Arabia, the State Department has issued a Level 2 Travel Advisory regarding Saudi Arabia, advising U.S. travelers to “exercise increased caution” while visiting Saudi Arabia due to terrorism and the threat of missile attacks on civilian targets. See Administrative Notice, *supra*, citing Saudi Arabia Travel Advisory, U.S. Dept. of State (April 2018)

Rebel groups operating in Yemen have fired long-range missiles into Saudi Arabia, targeting populated areas and civilian infrastructure. Missile attacks emanating from these groups have targeted major cities such as Riyadh and Jeddah. See Administrative Notice, *supra and Saudi Arabia Travel Advisory, supra*. Violence in Yemen has spilled over into Saudi Arabia on a number of occasions. See *id*.

Both ISIS and al-Qaida in the Arabian Peninsula (AQAP) contrive to encourage individual acts of terrorism within the Kingdom. ISIS attacks against Saudi security forces, Shia mosques, community center, and western targets in Saudi Arabia and other Gulf Cooperation Council (GCC) states in 2016 demonstrate the seriousness of the posed threats to Saudi Arabia and the region by ISIS. Administrative Notice, *supra*, at 3; *Country Reports on Terrorism 2016*, at 219, U.S. Dept. Of State (July 2017):

Religious freedom and human rights issues

Because the Saudi legal system is based on Sharia, freedom of religious enjoys no protected status in the Kingdom. See Administrative Notice, *supra*; *Saudi Arabia 2017, Int'l Religious Freedom Report*, U.S. Dept. of State (April 2017). The 1992 Basic Law criminalizes the promotion of atheistic ideologies in any form and other acts considered contrary to Sharia, including non-Islamic public worship, public display of non-Islamic religious symbols, conversion by a Muslim to another religion, and proselytizing by a non-Muslim. See *id*.

Human rights abuses also continue to plague Saudi Arabian governance. Examples include unlawful killings (including execution for other than the most serious offenses) without due process, torture, arbitrary arrest and detention, political prisoners, arbitrary interference with privacy, restrictions on freedom of expression, restrictions on peaceful assembly, association, movement, and religion. See Administrative Notice, *supra*, at 4, citing *Saudi Arabia 2017 Human Rights Report* at 1, U.S. Dept. Of State (April 2018). Other Saudi restrictions include the lack of ability and legal means to choose their government through free and fair elections, trafficking in persons, violence and official

gender discrimination against women (mitigated in part by newly announced women's rights initiatives), and criminalization of same sex sexual activity. *See id.*

Other stress points in U.S.-Saudi relations

Following U.S. Senate review of the reported brutal murder of U.S.-residing journalist Jamal Khashoggi by a Saudi hit team in 2018, the U.S. Senate in December 2018 passed a resolution condemning Saudi official Y for his believed orchestrated murder of the journalist *See Senate Rebukes Trump, condemns Saudi Official A for Khashoggi Murder*. <https://www.cnn.com> (Dec. 13, 2018). The manifest intent of the resolution was to ratchet pressure on President Trump who reportedly appeared to align himself with the Saudi Kingdom for economic reasons and a perceived desire to withhold sanctions on the Kingdom for strategic political reasons.

Just prior to passing its resolution by voice vote, the U.S. Senate also unanimously approved a resolution by a 56-41 vote that requires the United States to end its military support of the Saudi-led war in Yemen. *See Senate Rebukes Trump, condemns Saudi Official A for Khashoggi Murder* <https://www.cnn.com>, *supra* (Dec. 13, 2018) While both of the Senate-passed resolutions amounted to significant breaks within Congress with the U.S. administration toward Saudi Arabia, neither resolution was followed by comparable action in the House, and, as a result, never reached the President for consideration. The President, though, has to date steered clear of blaming Y, and considers Saudi Arabia to be a very good ally. *See id.*

The Senate vote on the Yemen resolution manifestly reflected frustration with the repeated human casualties from the War in Yemen and the Administration's embrace of Saudi official A, despite widely accepted evidence from U.S. intelligence agencies that A ordered the killing of Khashoggi. *See Senate Rebukes Trump, condemns Saudi Official A for Khashoggi Murder* <https://www.com> (Dec. 13, 2018), *supra*. To what extent President Trump will go in endorsing and implementing the Senate's passed resolutions is unclear at this point.

Potential Applicant conflicts of interest

Potential conflicts of interest arise as the result of Applicant's acceptance of the disclaimer agreement he signed with A Company Ltd. following his separation from the firm July 2018. (AE H) Under the terms of the agreement with his former employer, Applicant is obligated to retain and withhold any information he acquired during their 12-year employment relationship. (AE A) Information terms include trade secrets, technology or commercial information of the company and/or Saudi official X and/or any other member of Saudi official X's family (inclusive of Saudi official Y) and/or any other company, entity or organization directly or indirectly associated with Y and his family, which he may have received or obtained while in the service of the company. (AE A)

By the termination agreement's terms, the specified disclosure restrictions shall continue to apply to Applicant following the termination of his consulting agreement without

limit in point of time, save for information which may come into the public domain otherwise than through unauthorized disclosure. (AE A) Whether the non-disclosure provisions were intended to apply to persons with conflicting responsibilities imposed by their government-issued security clearances, or can be preempted in a proper case is unclear.

While these disclosure restrictions may be typical of termination agreements reached in standard commercial relationships, they create potential irreconcilable conflicts when they involve high-level officials of a country (Saudi Arabia in this case) with far-reaching connections with the United States. In this context, potential conflicts can be envisioned where Applicant is placed in a position where he has to make a choice between honoring the anti-disclosure terms of his termination agreement and protecting the security interests of the United States. Under these special circumstances, potential irreconcilable conflicts of interest between Applicant and his former employer (A Company Ltd) and U.S. security interests cannot be ruled out.

Policies

The Adjudicative Guidelines for Determining Eligibility for Access to Classified Information (effective September 2006) list Guidelines to be considered by administrative judges in the decision-making process covering DOHA cases. These Guidelines require the administrative judge to consider all of the "Conditions that could raise a security concern and may be disqualifying" (Disqualifying Conditions), if any, and all of the "Mitigating Conditions," if any, before deciding whether or not a security clearance should be granted, continued or denied.

The Guidelines do not require the administrative judge to assess these factors exclusively in arriving at a decision. In addition to the relevant Adjudicative Guidelines, administrative judges must take into account the pertinent considerations for assessing extenuation and mitigation set forth in E.2.2 of the Adjudicative Process of Enclosure 2 of the Directive, which are intended to assist the administrative judges in reaching a fair and impartial common sense decision.

Viewing the issues raised and evidence as a whole, the following adjudication policy factors are pertinent herein:

Foreign Influence

The Concern. 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, 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. See Adjudicative Guidelines (AG) ¶ 6.

Outside activities

The Concern. Involvement in certain types of outside employment or activities is of security concern if it poses a conflict of interest with an individual's security responsibilities and could create an increased risk of unauthorized disclosure of classified or sensitive information (AG) ¶ 33.

Burden of Proof

By virtue of the precepts framed by the Directive, a decision to grant or continue Applicant's request for security clearance may be made only upon a threshold finding that to do so is clearly consistent with the national interest. Because the Directive requires administrative judges to make a common sense appraisal of the evidence accumulated in the record, the ultimate determination of an applicant's eligibility for a security clearance depends, in large part, on the relevance and materiality of that evidence. As with all adversary proceedings, the Judge may draw only those inferences which have a reasonable and logical basis from the evidence of record. Conversely, factual findings cannot be drawn from inferences grounded on speculation or conjecture.

The Government's initial burden is twofold: It must prove any controverted fact[s] alleged in the Statement of Reasons, and it must demonstrate that the facts proven have a material bearing to the applicant's eligibility to obtain or maintain a security clearance. The required showing of material bearing, however, does not require the Government to affirmatively demonstrate that the applicant has actually mishandled or abused classified information before it can deny or revoke a security clearance. Rather, consideration must take account of cognizable risks that an applicant may deliberately or inadvertently fail to safeguard classified information.

Once the Government meets its initial burden of proof of establishing admitted or controverted facts, the burden of proof shifts to the applicant for the purpose of establishing his or her security worthiness through evidence of refutation, extenuation or mitigation of the Government's case.

Analysis

Applicant is a U.S. citizen by birth and an honorably discharged Marine who retained business interests for many years with a firm whose principal client was X. Security issues of concern to the Government focus on potential conflicts of interest between Applicant and the disclosure restrictions imposed on him in his exit agreement with Company A Ltd. and the potential conflicts of interest with the United States with his acquiring a security clearance.

Jurisdictional issues

Applicant's employment relationship with his current sponsor (Company B) is a bit ambiguous when it comes to establishing a prospective start-up date for Applicant. While Applicant's employer of over six years continues to list its sponsorship of Applicant for a security clearance in the Joint Personnel Adjudicative System (JPAS) and reaffirmed its intention to employ Applicant in the future once he obtains a security clearance, Company B does not currently include Applicant on its payroll and has not provided Applicant with any assurances as to when he can be expected to be hired once he obtains a clearance. To meet his expense needs, Applicant has had to secure other sources of employment that do not require a security clearance.

Procedures established by DoD Directive 5220.6 mandate that actions initiated under the Directive shall cease "upon termination of the applicant's need for access to classified information, except in those cases in which one of the following occurs: a hearing has commenced (§ 4.4.2); a clearance decision has been issued; (§ 4.4.3), or the applicant's security clearance was suspended and the applicant provided a written request that the case continue (§ 4.4.1)." See Directive 5220.6, §§ 4.4 *et seq.* Because the hearing in Applicant's case had commenced (§ 4.4.2) before his current need for a clearance could be fully explored, the case was able to proceed on the merits. Whether Company B will ever obtain the DoD contract it will need to utilize Applicant's services is unclear at this point. While this leaves Applicant's current need to know in uncertain status, jurisdiction is retained.

Foreign influence concerns

Government urges security concerns over risks that Applicant's listed employment relationship with A Company Ltd could potentially compromise his responsibilities with the United States as clearance holder with access to classified information. While Applicant has since terminated his service arrangements with A Company Ltd. The disclosure restrictions he agreed to in 2017 could potentially place him at risk of having to make an election as to whether to honor his anti-disclosure obligations even if it could impact the U.S. security interests he has sworn to protect, or breach his agreement's anti-disclosure provisions to provide needed intelligence information to DoD agencies. This potentially exposes Applicant to a potential Hobson's choice that could place him at heightened risk of making an election that could potentially harm U.S. security interests.

Because Applicant is potentially exposed to being placed in a conflict of interest situation due to his past business relationships with A Company Ltd and high-ranking Saudi official B in particular, two disqualifying conditions apply. Both DC 7(a), § 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," and DC § 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," apply to Applicant's situation.

The potential for conflicts of interest for an applicant with contractual obligations to a company or persons whose citizenship or resident status in a country who presents a heightened risk to U.S. security interests poses potential security risks. Saudi Arabia has a long and valued history as a strategic partner of the United States in commerce and foreign affairs. The country also creates ongoing security concerns over its human rights record, its toleration for terrorist groups operating within its borders, and its embrace of Sharia and other state practices that offend U.S. moral foundations and legal traditions.

These risks identifiable above are manageable, though, and are reconcilable with U.S. security interests for several reasons. Longstanding political and commercial relations between the United States and Saudi Arabia, shared security interests in the Middle East between the United States and Saudi Arabia, and Applicant's demonstrated strong loyalties to the United States and manifest commitments to protect this country's security interests under any and all circumstances make unlikely any Saudi efforts to pressure or coerce Applicant into disclosing classified or sensitive information in his possession.

The Adjudicative Guidelines governing collateral clearances do not dictate *per se* results or mandate particular outcomes for applicants with conflicting interests in foreign countries in general. What is considered to be an acceptable risk in one foreign country may not be in another. While foreign influence cases must by practical necessity be weighed on a case-by-case basis, guidelines are available for referencing in the supplied materials and country information about Saudi Arabia.

The AGs do take into account the country's demonstrated relations with the United States as an important consideration in gauging whether a potential conflict of interest in a particular case is outweighed by the applicant's demonstrated loyalties and commitments to protecting U.S. security interests at all costs. Still, the geopolitical aims and policies of the particular foreign regime involved do matter.

In Applicant's case, his demonstrated loyalties and commitment to protecting U.S. security interests enable him to take advantage of one important mitigating condition: MC ¶ 8(a), "the nature of the relationships with foreign persons, the country in which these persons are located, or the persons or activities of these 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 a foreign individual, group, organization, or government and the interests of the U.S." In the hypothetical situation where Applicant' is presented with an actual choice of which set of obligations he should adhere (i.e., his anti-disclosure duties to A Company Ltd of U.S. security interests), Applicant's demonstrated strong loyalties, patriotism, and security commitments to the United States make it very unlikely that he would permit himself to be pressured into compromising classified information.

Of full benefit to Applicant, too, is MC 8(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 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.” Applicant’s demonstrated loyalty, patriotism, and professional commitments to the United States are well demonstrated and enough under these circumstances to neutralize all potential conflicts that are implicit in his past relationships with A Company Ltd and high-ranking Saudi official X.

Outside activities concerns

Potential conflicts of interest that are presented by Applicant’s past consulting agreement with A Company Ltd. and work for X are raised under Guideline L for essentially the same reasons that are covered by the Government’s raised foreign influence concerns. One disqualifying condition applies to Applicant’s situation here: DC ¶¶ 37(a), “any employment or service, whether compensated or volunteer, with: (1) the government of a foreign country; (2) and foreign national, organization, or other entity; (3) a representative of any foreign interest; an (4) any foreign, domestic, or international organization or person engaged in analysis, discussion, or publication of material on intelligence, defense, foreign affairs, or protected technology.

For the same reasons covered in the analysis of Applicant’s potential conflict of interests as the result of his long working relationships with A Company Ltd. and X, Applicant’s actions can be favorably reconciled with his proven strong and lasting devotion to the security interests of the United States. MC ¶ 38(b), “the individual terminated the employment or discontinued the activity upon being notified that it was in conflict with his or her security responsibilities,” has some application to the facts in Applicant’s case. Full application of this mitigating condition cannot be applied only because Applicant ended his consulting relationship with A Company Ltd. in 2017 voluntarily without any prior notice of any potential conflict with the security responsibilities he could be expected to assume with a security clearance.

Whole-person assessment

Whole-person assessment also serves to minimize Applicant’s exposure to potential conflicts of interests with his A Company Ltd and HRS consulting connections. Not only is Applicant a loyal and dedicated U.S. patriot with strong Marine Corps values instilled in him, but he has made every effort to defend U.S. security interests in the past where potential conflicts could arise. Applicant is well regarded and trusted by his sponsor who continues to look for DoD contracts where it can utilize Applicant’s professional services.

In Applicant’s case, any likelihood of coercion, pressure, or influence being brought to bear on him as the result of his past consulting arrangements with A Company Ltd and HRH would appear to be minimal. By all reasonable accounts of the presented record,

Applicant has no visible conflicts of interest with A Company Ltd and X that could be at realistic risk to exploitation or compromise.

Overall, any potential security concerns attributable to Applicant's past business relationships in Saudi Arabia are sufficiently mitigated to permit safe predictive judgments about his ability to withstand risks of undue influence attributable to his prior business relationships in Saudi Arabia. His demonstrated loyalties and commitments to protecting U.S. security interests make it highly unlikely he would succumb to any foreign influence brought to bear on himself by A Company Ltd., high ranking Saudi official X, or any Saudi officials. Favorable conclusions warrant with respect to the allegations covered by Guidelines B and L.

Formal Findings

In reviewing the allegations of the SOR in the context of the findings of fact, conclusions, and the factors and conditions listed above, I make the following separate formal findings with respect to Applicant's eligibility for a security clearance.

GUIDELINE B: (FOREIGN INFLUENCE):	FOR APPLICANT
Subparagraph 1-a	For Applicant
GUIDELINE L: (OUTSIDE ACTIVITIES):	FOR APPLICANT
Subparagraphs 2.a-2.b:	For Applicant

Conclusions

In light of all the circumstances presented by the record in this case, it is clearly consistent with the national interest to grant or continue Applicant's security clearance. Clearance is granted.

Roger C. Wesley
Administrative Judge

