DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS

In the matter of:	)	
	)	
	)	ISCR Case No. 18-01955
	)	
Applicant for Security Clearance	)	

Appearances

For Government: Tara Karoian, Esq., Department Counsel
For Applicant: Ryan C. Nerney, Esq.

04/30/2019

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Decision

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GLENDON, John Bayard, Administrative Judge:

This case involves security concerns raised under Guidelines B (foreign influence) and C (foreign preference). Applicant, a U.S. citizen, chose to become an Israeli citizen and to live and work in Israel for a number of years. She also has substantial retirement assets in an account in Israel. Eligibility for access to classified information is denied.

Statement of the Case

On August 25, 2018, the Department of Defense Consolidated Adjudications Facility (DOD CAF) sent Applicant a Statement of Reasons (SOR) alleging security concerns under Guidelines B and C. The DOD CAF acted under Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended (Exec. Or.); DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) promulgated in Security Executive Agent Directive 4, *National Security Adjudicative Guidelines* (December 10, 2016), for all adjudicative decisions on or after June 8, 2017.

The SOR alleges under Guideline C that Applicant acquired Israeli citizenship in August 1997 even though she was a U.S. citizen by birth. The SOR alleges under Guideline B that she has a pension fund in Israel with a value of approximately U.S. $109,000 and a bank account in Israel with a current balance of approximately U.S. $16,000.

Applicant responded to the SOR on September 14, 2018, (SOR Response) and provided extensive background information and a number of character references. In her SOR Response, she admitted each allegation of the SOR with explanations. She requested a hearing before an administrative judge. The case was initially assigned to another judge, but on December 13, 2018, the case was reassigned to me. On January 3, 2019, the Defense Office of Hearings and Appeals (DOHA) issued a Notice of Hearing scheduling the hearing to be held on January 10, 2019, via video tele-conference. I convened the hearing as scheduled.

Department Counsel offered two documents into evidence, which were marked as Government Exhibits (GE) 1 and 2. These exhibits were admitted into evidence without objection. She also offered the Government's request for administrative notice regarding Israel, which I have marked as Government Administrative Notice (GAN) I. Applicant had no objection to Department Counsel's administrative notice request. Applicant testified and offered 33 exhibits, which were marked as Applicant's Exhibits (AE) A through GG and were admitted into evidence without objection. Applicant's counsel also offered a request that I take administrative notice of certain additional facts regarding Israel. He marked this request as AE HH, and I have remarked this as Applicant Administrative Notice (AAN) I. Department Counsel had no objection to Applicant's request. Two character witnesses also testified on behalf of Applicant. DOHA received the transcript of the hearing (Tr.) on January 25, 2019.

Request for Administrative Notice

As noted, Department Counsel and Applicant's counsel requested that I take administrative notice of certain facts about Israel. The facts administratively noticed are summarized in the Findings of Fact, below.

Findings of Fact[1]

Based upon Applicant's admissions in her SOR Response and a careful review of her testimony and that of her character witnesses, the documentary evidence admitted into the record, the extensive, additional information provided by Applicant in her SOR Response, and the parties' administrative notice requests, I make the following findings of fact.

[1] Applicant's personal information is extracted from her security clearance application, dated January 19, 2016, (GE 1), unless otherwise indicated by a parenthetical citation to the record.

Applicant is a 60-year-old software engineer, who is now specialized as a web developer. She has worked and studied in the information technology and related fields for most of her adult life. From 1997 until January 2015, she lived and worked in Israel. In 1997, she obtained employment in Israel as a software engineer for a German company. She then worked as an analyst for an Israeli contractor of an international technology company. From June 2007 until January 2015, she worked as a technical writer for an Israeli-based technology company. In January 2015, she relocated from Israel to the United States and was unemployed for about a year. In January 2016, she began working for her security clearance sponsor. While unemployed and living in the United States, she sought employment, and for a period, she was a full-time student taking classes in computer coding. (GE 2 at 3-4; SOR Response 3-4; AE B at 1; Tr. 15-17 and 34.)

Applicant was born and educated in the United States. In 1980, she earned a bachelor's of science degree in computer science-mathematics. She has never married and has no children. Her mother, father, stepmother, sister, brother-in-law, and their children are U.S. citizens and residents. (Tr. 44.)

In 1997, Applicant acquired Israeli citizenship under the Israeli Aliyah program based upon her Jewish heritage and her desire to live and work in Israel. She chose to do this because she wanted to experience her Jewish heritage. She was about 39 years old at the time. In her SOR Response, she wrote that "it would have been incredibly difficult, probably impossible, to work for [the German company] in Israel without acquiring citizenship." She testified at the hearing that she understood that it would be "very difficult to obtain a work visa" in Israel. She provided no collaborating evidence to support her vague claim that becoming an Israeli citizen was "probably" a prerequisite to being able to live and work in Israel. She noted in her SOR Response that she carefully confirmed that by becoming an Israeli citizen, she would not adversely affect her status as a U.S. citizen. She is presently a dual U.S. and Israeli citizen. She acquired an Israeli passport in 1998, which she renewed in 2010. Her passport expires in 2020. In connection with her application for a security clearance, she surrendered this passport to her sponsor's Facility Security Officer (FSO), but when federal personnel security policy regarding foreign passports was revised, the FSO returned Applicant's passport to her. Applicant has no intention to renew the passport when it expires.[2] (GE 2 at 2-3; SOR Response 3, 6, and 8; Tr. 21-22, 31, 35, and 41.)

During the period 1989 to 1997, Applicant lived and worked in Germany for an international technology company. She was permitted to work there without becoming a German citizen. At the hearing, she speculated that she might have had a German work visa, though she could not recall. She was about 31 years old when she moved to

[2] Applicant has not returned to Israel since January 2015, but if she does, she must enter and exit Israel using her Israeli passport. Applicant's FSO testified that Applicant had no need for her passport because she did not intend to return to Israel, at least as of the time she surrendered her passport to the FSO. Applicant testified that she has no "concrete plans" to visit Israel, but she is open to doing so in the future. She may have to return to Israel in 2021, however, after she turns 62 to close her pension and bank accounts there, which are detailed below. (GAN I at 4; Tr. 22-23 and 58-59.)

Germany for that employment. She worked for the same company in the United States for about two or three years before she transferred to Germany. Prior to relocating to Israel in 1997, she applied for and obtained an Israeli visa and then Israeli citizenship under the Aliyah program. She obtained employment with the Israeli subsidiary of the German company a number of months later. (GE 2 at 5; SOR Response 3; AE A; Tr. 36, 43, and 45-49.)

While working in Israel, Applicant and her employer contributed to a retirement account, which presently has a value of U.S. $109,000. Prior to moving to Israel, she accumulated assets and retirement accounts held by U.S. financial institutions that are today worth more than $533,000. She also has assets in Germany worth about $6,000-$7,000 that she acquired while working there. She does not have any significant, non-financial assets in the United States, however, such as a residence. (Tr. 37-41 and 45-46.)

Applicant's Israeli pension account is similar to a U.S. company-sponsored 401K or retirement savings account. Her ability to establish and save these retirement funds are a benefit she received from her Israeli citizenship.[3] She has chosen to leave the Israeli retirement assets in Israel because she would incur an Israeli tax penalty of 35 percent if she withdrew the funds before she was 62 years old. She also has a bank account in Israel with a balance of about U.S. $16,000. She maintains this account as a requirement to receive the Israeli pension funds when she turns 62 in about two years.[4] At that time, she intends to close both accounts and transfer the funds to the United States. She believes it would be financially irresponsible to remove the retirement funds from the Israeli account at this time because of the tax penalty. She also believes that her Israeli assets could never be used for coercion or exploitation purposes. Although Applicant has stated that she is willing to renounce her Israeli citizenship, she told her FSO that she needed to maintain her Israeli citizenship to be eligible to receive her retirement assets in Israel. Applicant confirmed this by testifying that she would only be willing to renounce her Israeli citizenship if she were required to do so to obtain a U.S. security clearance and if she could do so after she closed her pension and bank accounts. She also testified that if she renounced her Israeli citizenship, she would lose her Israeli identification number, which is needed to access her Israeli pension and bank accounts.[5] (SOR Response 6 and 8; Tr. 22-23, 27, 37-41, and 58-60.)

Since returning to the United States after living abroad for most of her adult life, 17 years of which were in Israel, Applicant moved to a location far from where her parents and sister reside. She moved there to take classes in computer coding. She visits her

[3] The SOR does not contain any allegations regarding Applicant's exercise of the rights and benefits she received as an Israeli citizen.

[4] Applicant also testified that she left funds in that account for her future use if she returns to visit Israel. (Tr. 58-59.)

[5] Applicant also testified that if she were to renounce her Israeli citizenship, she could probably reapply under the Aliyah program and obtain Israeli citizenship again. (Tr. 51-52.)

family members once or twice a year. Applicant has become involved in a local folk-dancing community. She teaches and participates in several different kinds of dance classes and clubs and socializes with the other participants. The record evidence contains a large number of highly favorable reference letters. In addition, her sponsor's FSO and her supervisor provided favorable testimony at the hearing regarding Applicant's work ethic, character, trustworthiness, and loyalty and connections to her country of birth, the United States. (SOR Response 4 and 9; Tr. 52.)

Israel

Israel is a parliamentary democracy with a unicameral parliament called the Knesset and a prime minister, who exercises extensive executive power. Members of the Knesset, including the prime minister, are elected in free and fair elections. The United States recognized Israel as an independent state on May 14, 1948, and established diplomatic relations with Israel the following year. The United States and Israel have had strong bilateral relations since that period. The United States extends substantial foreign aid to Israel and provides significant military support as well. The United States is also Israel's largest trading partner. Israel cooperates closely with the United States and other countries on counterterrorism issues. (AAN I at 2-7; GAN I at 2.)

Despite its close relationship with the United States, Israeli has been involved in numerous instances of illegal export, or attempted illegal export, of U.S. restricted and classified technology and products, including dual-use technology. The illegally transferred technology and products obtained for Israel's benefit includes spy software, encryption software, parts for fighter jets, components of U.S. HAWK surface-to-air missiles and F-4 Phantom fighter jets, and digital oscilloscopes capable of being used in the development of weapons of mass destruction and missile delivery. (GAN I at 2-3.)

Israel generally respects the rights of its citizens. When human-rights violations have occurred, they have involved Palestinian detainees or Arab-Israelis. Terrorist suicide bombings are a continuing threat in Israel, and U.S. citizens in Israel are advised to be cautious. (GAN I at 3-5.)

Israel considers U.S. citizens, who also hold Israeli citizenship or have a claim to dual nationality, to be Israeli citizens for immigration and other legal purposes. Dual U.S.-Israeli citizens must enter and depart Israel using Israeli passports. U.S. citizens visiting Israel have been subjected to prolonged questioning and thorough searches by Israeli authorities upon entry or departure. (GAN I at 4-5.)

Policies

"[N]o 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 applicants

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 § 2.

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, an administrative judge applies these guidelines 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 and 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 that 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 made "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." Exec. Or. 10865 § 7. Thus, a decision to deny a security clearance is merely an indication the applicant has not met the strict guidelines the President and the Secretary of Defense 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. 15-01253 at 3 (App. Bd. Apr. 20, 2016).

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 burden of proving a mitigating condition, and the burden of disproving it never shifts to the Government. *See* ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

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). "[S]ecurity clearance determinations should err, if they must, on the side of denials." *Egan*, 484 U.S. at 531.

Analysis

Guideline C, Foreign Preference

The SOR contains one allegation under Guideline C. It alleges that Applicant acquired Israeli citizenship in August 1997, even though she was a U.S. citizen by birth. (SOR ¶ 1.a.)

The security concern under this guideline is set out in AG ¶ 9, as follows:

> When an individual acts in such a way as to indicate a preference for a foreign country over the United States, then he or she may provide information or make decisions that are harmful to the interests of the United States. Foreign involvement raises concerns about an individual's judgment, reliability, and trustworthiness when it is in conflict with U.S. national interests or when the individual acts to conceal it. *By itself;* the fact that a U.S. citizen is also a citizen of another country is not disqualifying without an objective showing of such conflict or attempt at concealment. The same is true for a U.S. citizen's exercise of any right or privilege of foreign citizenship and any action to acquire or obtain recognition of a foreign citizenship.

Applicant's admissions in her SOR Response and the record evidence establish the following potentially disqualifying condition:

> AG ¶ 10(a): applying for and/or acquiring citizenship in any other country.

It is important to note that dual citizenship standing alone is not sufficient to warrant an adverse security clearance decision. ISCR Case No. 99-0454 at 5 (App. Bd. Oct. 17, 2000). Under Guideline C, "the issue is not whether an applicant is a dual national, but rather whether an applicant shows a preference for a foreign country through actions." ISCR Case No. 98-0252 at 5 (App. Bd. Sep. 15, 1999). The admitted fact that Applicant, a U.S. citizen, acquired Israeli citizenship is potentially disqualifying under this adjudicative guideline because her actions may show a preference for Israel over the United States.

The security concern under this guideline is not limited to countries hostile to the U.S. "Under the facts of a given case, an applicant's preference, explicit or implied, even for a nation with which the U.S. has enjoyed long and peaceful relations, might pose a challenge to U.S. interests." ADP Case No. 07-14939 at 4 (App. Bd. Mar. 11, 2009). AG ¶ 10(a) makes this point by specifically referencing the act of acquiring citizenship "in any other country."

The following mitigating conditions are potentially applicable:

AG ¶ 11(a): the foreign citizenship is not in conflict with U.S. national security interests;

AG ¶ 11(b): dual citizenship is based solely on parental citizenship or birth in a foreign country, and there is no evidence of foreign preference;

AG ¶ 11(c): the individual has expressed a willingness to renounce the foreign citizenship that is in conflict with U.S. national security interests;

AG ¶ 11(d): the exercise of the rights, privileges, or obligations of foreign citizenship occurred before individual became a U.S. citizen;

AG ¶ 11(e): the exercise of the entitlements or benefits of foreign citizenship do not present a national security concern;

AG ¶ 11(f): the foreign preference, if detected, involves a foreign country, entity, or association that presents a low national security risk;

AG ¶ 11(g): civil employment or military service was authorized under U.S. law, or the employment or service was otherwise consented to as required by U.S. law; and

AG ¶ 11(h): any potentially disqualifying activity took place after receiving the approval by the agency head or designee.

The mitigating conditions set forth in AG ¶¶ 11(b), (g), and (h) have no application under the facts of this case. AG ¶¶ 11(a), (c), (d), (e), and (f) have potential application and are discussed further below.

Adjudicative Guideline ¶ 11(a) has been partially established by the undisputed fact that the United States enjoys friendly relations with Israel. As noted above, however, the nature of the relations between the United States and Israel is not determinative. Under the facts of this case, Applicant's expertise and employment in the area of information technology, both in Israel and now in the United States, raises the potential that her decision to become an Israeli citizen could create a conflict with U.S. national security interests. This conflict is illustrated by the pattern of numerous incidents over a number of years of U.S. export-controlled technologies being illegally imported by Israel and Israeli companies. In the circumstances of this case, Applicant's choice to become an Israeli citizen creates a potential conflict with U.S. national security interests. Accordingly, AG ¶ 11(a) does not fully apply.

Adjudicative Guideline ¶ 11(c) has been partially established because Applicant has expressed a willingness to renounce her Israeli citizenship. She, however, failed to

establish that it would be "financial responsible," in her words, to do so if her renunciation of her citizenship could result in her loss of eligibility to collect her retirement account in Israel. Her FSO testified that Applicant admitted to her that Applicant maintains her Israeli citizenship so she can collect her pension in Israel when she turns 62. Applicant confirmed that she would lose her pension and bank accounts if she renounced her Israeli citizenship before she closed those accounts at age 62.

To render Applicant's stated willingness to renounce her Israeli citizenship more than just words, she has the burden to prove that if she renounces her Israeli citizenship, she could still collect her retirement account as a U.S. citizen or be willing to accept the loss of her Israeli retirement and bank accounts. Her testimony does not support either option. Moreover, she offered no evidence that she had even looked into the procedures for renunciation under Israeli law and the other possible consequences or taxes that might be imposed on her by the Israeli government if she did renounce her Israeli citizenship, or whether it is even possible to do so under Israeli law.

Furthermore, Applicant presented no evidence that she could not have applied for an Israeli work visa to live and work in Israel as a U.S. citizen, especially as a U.S. citizen with valuable skills and experience in the information technology field. Her claim that her only alternative to achieve her desire to experience her Jewish heritage by living and working in Israel was to become an Israeli citizen required corroborating evidence that was not forthcoming. The absence of such evidence raises significant issues that her choice to become an Israeli citizen was a matter of preference rather than necessity for her to live and work in Israel. Under the facts of this case, Applicant's expressed willingness to renounce her Israeli citizenship does not carry the same weight as it would for someone who obtained foreign citizenship by birth in a foreign country or through parents who are foreign citizens.

Adjudicative Guideline ¶ 11(d) is not applicable under the facts of this case. The SOR does not allege Applicant's exercise of her rights and privileges as an Israeli citizen.[6] Also, as a U.S. citizen by birth in this country, Applicant exercised the rights and privileges of her Israeli citizenship after, not before, she obtained her U.S. citizenship. This fact negates the application of this mitigating condition.

Adjudicative Guideline ¶ 11(e) is applicable under the facts of this case. Separately considered, Applicant's exercise of the entitlements and benefits of her Israeli citizenship do not present a national security concern. As noted, however, the SOR contains no allegations regarding Applicant's exercise of the entitlements and benefits of her Israeli

[6] Although the SOR does not allege Applicant's exercise of the rights and benefits of Israeli citizenship as a disqualifying fact, the record reflects that in addition to accumulating a tax-advantaged pension account in Israel, she voted in Israeli elections, and as noted above, she maintains her Israeli citizenship to qualify to receive her Israeli pension when she turns 62. I also note that the record is silent as to whether Applicant is entitled to receive a pension from the Israeli government as a result of her 17 years of employment in that country. In light of the single SOR allegation under Guideline C regarding her acquiring Israeli citizenship in 1997, I have not considered Applicant's exercise of her rights and benefits as an Israeli citizen as potentially disqualifying.

citizenship as disqualifying facts. As a result, this adjudicative guideline has no bearing on the security concerns alleged in the SOR.

Mitigation under AG ¶ 11(f) is not established. I have taken administrative notice of facts set forth above that demonstrate that under the facts of this case, Israel does not present a low national security risk. Applicant's education, expertise, and experience in the information technology field combined with Israel's extensive history of illegally acquiring U.S. technology undercuts a favorable mitigation conclusion under this adjudicative guideline. If Applicant was an elementary school teacher, a college professor of English literature, or a dance instructor, the analysis under this guideline might be different. Granting Applicant a security clearance so that she can work as a defense contractor on classified contracts creates a risk that any preference she holds for Israel could harm U.S. national security. The nature of the national security risk presented by the facts in this case cannot be characterized as "low."

Guideline B, Foreign Influence

The SOR sets forth two allegations under Guideline B regarding Applicant's financial assets in Israel. The security concern under this guideline is set out in AG ¶ 6, as follows:

> 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 maybe 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.
>
> The evidence establishes the following potentially disqualifying conditions:
>
> AG ¶ 7(b): connections to a foreign person, group, government, or country that creates 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
>
> AG ¶ 7(f): substantial business, financial, or property interests in a foreign country, or in any foreign owned or foreign-operated business that could subject the individual to a heightened risk of foreign influence or exploitation or personal conflict of interest.

Applicant's admissions in her SOR Response of the two Guideline B allegations in the SOR and her testimony regarding her financial assets in Israel establish these potentially disqualifying security concerns. The amount of the assets in Israel is large enough to create a heightened risk of a personal conflict of interest.

The following mitigating condition is potentially applicable:

> AG ¶ 8(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.

Applicant's refusal to incur a tax penalty in Israel by withdrawing the assets in her Israeli retirement account to mitigate security concerns under this guideline suggest that even 35 percent of her retirement assets are sufficiently important to her to give rise to a potential conflict of interest. The Israeli assets represent about one-sixth of her overall assets. If she were to forfeit them or otherwise lose them, she would have a limited opportunity at age 60 to reacquire assets of this magnitude for her retirement. The value of Applicant's assets in Israel are sufficiently large to preclude a conclusion that they are unlikely to result in a personal conflict of interest. Adjudicative Guideline ¶ 8(f) is not established.

Whole-Person Concept

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept. In applying the whole-person concept, an administrative judge must evaluate an applicant's eligibility for a security clearance by considering the totality of the applicant's conduct and all relevant circumstances and applying the adjudicative factors in AG ¶ 2(d).[7]

I have incorporated my comments under Guidelines C and B in my whole-person analysis. After weighing the disqualifying and mitigating conditions under these guidelines and evaluating all of the evidence in the context of the whole person, I conclude Applicant has not mitigated the security concerns raised by her acquiring Israeli citizenship and by her significant financial assets in Israel.

[7] The factors are: (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.

Formal Findings

I make the following formal findings on the allegations in the SOR:

Paragraph 1, Guideline C:	AGAINST APPLICANT
Subparagraph 1.a:	Against Applicant
Paragraph 2, Guideline B:	AGAINST APPLICANT
Subparagraphs 1.a and 1.b:	Against Applicant

Conclusion

I conclude that it is not clearly consistent with the national security interests of the United States to grant Applicant eligibility for access to classified information. Clearance is denied.

John Bayard Glendon
Administrative Judge