



DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS



In the matter of:)
)
) ISCR Case No. 18-02249
)
Applicant for Security Clearance)

Appearances

For Government: Andre M. Gregorian, Esq., Department Counsel
For Applicant: *Pro se*

10/02/2019

Decision

HARVEY, Mark, Administrative Judge:

Applicant has connections to Iraq and United Arab Emirates (UAE) through his sister and her husband, who have expressed anti-American sentiments in Applicant’s presence. He did not make sufficient progress resolving his delinquent debts. Foreign influence and financial considerations security concerns are not mitigated. Eligibility for access to classified information is denied.

Statement of the Case

On November 8, 2017, Applicant completed and signed a Questionnaire for National Security Positions (SF 86) or security clearance application (SCA). (Government Exhibit (GE) 1) On November 19, 2018, the Department of Defense (DOD) Consolidated Adjudications Facility (CAF) issued a statement of reasons (SOR) to Applicant under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry*, February 20, 1960; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Directive), January 2, 1992; and Security Executive Agent Directive 4, establishing in Appendix A the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (AGs), effective June 8, 2017. (Hearing Exhibit (HE) 2)

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

On February 1, 2019, Applicant responded to the SOR and requested a hearing. (HE 3) On April 17, 2019, Department Counsel was ready to proceed. On April 25, 2019, the case was assigned to another administrative judge, and on July 27, 2019, the case was transferred to me for administrative reasons. On August 16, 2019, the Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing, setting the hearing for September 16, 2019. (HE 1) Applicant's hearing was held as scheduled.

During the hearing, Department Counsel offered six exhibits; Applicant offered two exhibits; there were no objections; and all proffered exhibits were admitted into evidence. (Transcript (Tr.) 22-28; Government Exhibit (GE) 1-6; Applicant Exhibit (AE) A-B). On September 25, 2019, DOHA received a transcript of the hearing.

Procedural Rulings

Department Counsel offered summaries for administrative notice concerning foreign influence security concerns raised by Applicant's connections to Iraq and UAE. (Tr. 25; HE 5) Applicant did not object to me taking administrative notice of those facts, and I granted Department Counsel's motion. (Tr. 25) Administrative or official notice is the appropriate type of notice used for administrative proceedings. See ISCR Case No. 16-02522 at 2-3 (App. Bd. July 12, 2017); ISCR Case No. 05-11292 at 4 n. 1 (App. Bd. Apr. 12, 2007); ISCR Case No. 02-24875 at 2 (App. Bd. Oct. 12, 2006) (citing ISCR Case No. 02-18668 at 3 (App. Bd. Feb. 10, 2004) and *McLeod v. Immigration and Naturalization Service*, 802 F.2d 89, 93 n. 4 (3d Cir. 1986)). Usually administrative notice at ISCR proceedings is accorded to facts that are either well known or from government reports. See Stein, ADMINISTRATIVE LAW, Section 25.01 (Bender & Co. 2006) (listing fifteen types of facts for administrative notice). Portions of the Department Counsel's requests are quoted without quotation marks and footnotes. Administrative notice is also taken of recent authoritative news reports. See ISCR Case No. 04-02630 at 3 (App. Bd. May 23, 2007).

Department Counsel moved to withdraw the allegation in SOR ¶ 2 (personal conduct). (Tr. 14-15) Applicant did not object, and Department Counsel's motion was granted. (Tr. 15)

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

Findings of Fact

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

Applicant is 43 years old, and he is seeking a security clearance to enable him to become a linguist in Iraq employed by a DOD contractor. (Tr. 6, 29; GE 1) Applicant has been unemployed since April 2016, except for some part-time employment in 2019 for about three months. (Tr. 41-45). He lives with and takes care of his mother, who is disabled. (GE 3 at 4-6) From April 2009 to April 2016, he worked in the area of petroleum as a senior technical editor. (Tr. 34) He has not served in the military of any country. (Tr. 8, 29; GE 3 at 8) He was married from 2009 to 2014. (Tr. 8-9) His “marriage” was actually a Muslim joining ceremony, and he did not consider it a legally-binding marriage. (Tr. 35-36; GE 3 at 5) Because he did not have a legally-binding marriage, he has not obtained a divorce. (GE 3 at 5) He does not have any children. In 1996, he was awarded a bachelor’s degree in chemical engineering in Iraq. (Tr. 6, 29; GE 3 at 4) He attended graduate school in Malaysia in environmental compliance engineering. (Tr. 7, 29-31; GE 3 at 4) Unless stated otherwise, the information in this paragraph is from Applicant’s SCA. (GE 1)

Financial Considerations

The credit reports and SOR list eight delinquent debts totaling \$14,393 as follows: ¶ 1.a alleges a charged-off bank debt for \$3,900; ¶ 1.b alleges a charged-off bank debt for \$3,744; ¶ 1.c alleges a charged-off bank debt for \$3,676; ¶ 1.d alleges a charged-off debt for \$927; ¶¶ 1.e and 1.f allege two debts placed for collection for \$837 and \$543 that are owed to the same entity; ¶ 1.g alleges a debt placed for collection for \$528; and ¶ 1.h alleges a utility debt placed for collection for \$238. (Tr. 87; GE 4-6)

In February 2016, Applicant visited UAE for about one month. (Tr. 62; GE 2 at 18) From July to September 2016, he stayed in UAE for more than 30 days. (Tr. 63; GE 1; GE 2 at 18-19) From August to September 2016, he visited Bulgaria, the United Kingdom, Romania, Kuwait, and Lebanon. (GE 2 at 19) In October 2016, he visited Egypt, Oman, and UAE. (GE 2 at 20) In April 2017, he visited the United Kingdom, Spain, and Turkey. (GE 2 at 5, 20) In May 2017, he visited Canada. (GE 2 at 20) From June to July 2017, he stayed in UAE for more than 30 days. In June 2017, he visited Iraq. (Tr. 64-65; GE 2 at 21) In August 2017, he visited the country of Georgia and UAE. (GE 2 at 22) In May 2018, he visited Canada. (Tr. 69) In March 2019, he visited Iceland and France. (Tr. 69) From July to September 2019, he visited the United Kingdom, Germany, and Greece. (Tr. 67-68) He said he funded his travel with money from his mother and his savings. (Tr. 70) He said he did not use his travel funds to pay his delinquent debts because he believed a debt resolution or consolidation company (DRCC) resolved or paid all of his delinquent debts. (Tr. 110) Unless stated otherwise, the information in this paragraph is from Applicant’s SCA. (GE 1)

During Applicant's November 2017 counterintelligence screening questionnaire, he was advised that his credit report contained seven unpaid debts totaling about \$12,500. (GE 2 at 9-12) Applicant said he could not afford to pay the debts, and he believed a debt resolution or consolidation company (DRCC) either resolved his debts or he was using DRCC to pay his debts. (GE 2 at 9-12) After he became unemployed, he received food stamps, and his primary source of revenue has been from his mother. (GE 3 at 5)

In his February 26, 2018 Office of Personnel Management personal subject interview (OPM PSI), Applicant said he had a debt consolidation agreement from 2014 to 2015. (GE 3 at 6) The OPM investigator confronted him with nine delinquent accounts based on his credit report. (GE 3 at 7) In October 2018, Applicant acknowledged the accuracy of the summary of his OPM interview. (GE 3 at 12) Applicant accepted responsibility for the debts, and he said he made \$400 monthly payments for 18 months to DRCC to resolve his debts. (GE 3 at 7) He said the accounts became delinquent in 2014 because he was providing financial support to a friend who was ill (Tr. 51-52, 89-90); however, he said he had no reason to believe that DRCC had not resolved his debts. (GE 3 at 7)

Applicant signed a contract with DRCC in October 2015. (AE B at 12) Applicant said he paid DRCC for about 12 or 18 months, and they promised to pay off his debts. (Tr. 94-102, 105-106) Applicant agreed to pay DRCC \$445 monthly from October 2015 to September 2017 to address six debts including the four debts alleged in SOR ¶¶ 1.a (\$3,900), 1.b (\$3,744), 1.c (\$3,676), and 1.d (\$927), and two additional non-SOR debts (\$11,155) and (\$613). (AE B at 8-10) Applicant's DRCC contract specified that funds paid to DRCC are *not* paid to creditors, and those funds received from Applicant are used to pay DRCC's fees. (AE B at 6) The contract states that DRCC is "not a debt consolidation or debt settlement company," and DRCC does not settle debts. (AE B at 6)

Applicant provided emails from DRCC from October 16, 2015, to August 2, 2016. (AE A) These emails corroborate Applicant's statement that he was paying DRCC's fee for about one year. DRCC provided information in the emails about how to avoid identity theft and how he could increase his income. DRCC also sent correspondence to credit reporting companies and creditors. (AE A) Applicant did not submit the correspondence DRCC sent to financial entities into evidence at his hearing. (Tr. 101-104; AE A) Applicant did not provide any evidence of any payments or of any efforts to initiate payment plans with any of the SOR creditors by Applicant or DRCC.

Applicant expects to earn about \$6,700 monthly if he is hired as a linguist. (Tr. 48) If he is hired as a linguist he intends to pay his debts within a short time after beginning this employment. (Tr. 88)

Foreign Influence

From 1996 to 2000, Applicant attended college in Malaysia. (GE 2 at 1, 4) From 2000 to 2004, he lived in the United Kingdom. (GE 2 at 1) From 2004 to 2010, he lived in Iraq, and in 2010, he emigrated from Iraq to the United States with his parents as a

refugee. (Tr. 37; GE 2 at 1, 3) He also brought his “wife” to the United States; several months later, he lost contact with her; and he was unable to provide information about his former wife. (Tr. 35-41) In 2015, Applicant was naturalized as a U.S. citizen. (GE 2 at 3)

Applicant repeatedly emphasized that he is loyal to the United States and had no preference for any other foreign country. The Naturalization Oath of Allegiance to the United States of America states:

I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by the law; that I will perform noncombatant service in the Armed Forces of the United States when required by the law; that I will perform work of national importance under civilian direction when required by the law; and that I take this obligation freely, without any mental reservation or purpose of evasion; so help me God.

The language of the current Oath of Allegiance is found in the Code of Federal Regulations Section 337.1 and is closely based upon the statutory elements in Section 337(a) of the Immigration and Nationality Act. U.S. Citizenship and Immigration Services, 8 U.S.C. § 1448, <https://www.uscis.gov/us-citizenship/naturalization-test/naturalization-oath-allegiance-united-states-america>. I found Applicant’s statements about his loyalty to the United States to be sincere and credible. I am convinced that Applicant is a loyal U.S. citizen.

The SOR alleges in ¶ 3.a that Applicant’s sister is a citizen of Iraq and a resident of UAE, in ¶ 3.b that his brother-in-law is a resident of UAE, and in ¶ 3.c that his nephew is a resident of UAE.

Applicant’s father was born in Iraq, and in 2016, he passed away. (Tr. 45; GE 1; GE 2 at 14) Applicant’s mother is 70 years old, and she was born in Iraq. (Tr. 46-47; GE 1) She is a U.S. citizen, and she resides in the United States. (GE 1) She is disabled. (Tr. 46-47; GE 3 at 6) Applicant’s mother is aware that Applicant is seeking employment as a linguist and is seeking a security clearance. (GE 3 at 6) If he is hired as a linguist and deployed to Iraq, he plans for his mother to live with his sister-in-law in UAE or in Iraq with another relative. (Tr. 48, 49, 108) He will have frequent contact with his mother, and he will provide financial support for her while she is in UAE. (Tr. 48-49) The SOR does not allege a security concern relating to Applicant’s mother. Consideration of Applicant’s relationship with his mother, and his mother’s relationships with other family members is limited to mitigation and whole-person purposes. His family in UAE is not aware that he has applied to become a linguist. (Tr. 52)

Applicant's sister is 55 years old; she was born in Iraq and has lived in UAE for about 20 years; she is an engineering teacher; and Applicant had monthly contact with her before May 2018; and after May 2018, he did not have direct contact with her. (Tr. 55-56, 84, 85; GE 2 at 14, 16) His sister's spouse is 56 years old; he lives in UAE; he is an Iraqi citizen; and he is an engineer. (Tr. 57-58; GE 3 at 9-10) They have four children. (Tr. 58) Their 29-year-old son also lives in UAE, and is an engineer. (Tr. 59; GE 3 at 9-10) Applicant did not know whether his nephew held UAE government employment. (Tr. 60) They hold Iraqi passports. (GE 3 at 9) Applicant did not want his mother to sponsor them for U.S. residence because of their radical, anti-United States statements. (GE 3 at 9) In 2017, Applicant was watching the news with them in UAE, and a hurricane was approaching Florida. (Tr. 75-77; GE 3 at 9) They started saying prayers asking God to drown the infidels of America. (Tr. 75-77; GE 3 at 9) When they remembered that Applicant was American, they stopped their anti-American statements. Applicant's brother-in-law had radical anti-American views and made several anti-American statements over the past twenty years. (GE 3 at 10) His brother-in-law and nephew attend a radical mosque in UAE. (Tr. 79, 84; GE 3 at 9-10) Applicant did not attend the mosque himself. (Tr. 79) Applicant was very unhappy about their anti-American comments. (Tr. 77) Applicant strenuously objected to any aspersions cast against his loyalty to the United States. (Tr. 17-19, 77-78, 111)

Applicant's brother-in-law cried when Saddam Hussein was executed in 2006 by Iraqi authorities, and his brother-in-law was aligned with the Baath Party before leaving Iraq. (Tr. 82; GE 3 at 10) He hates the current government of Iraq. (Tr. 83) His brother-in-law made numerous statements supporting the downfall of the United States. (Tr. 82) Applicant's sister has changed and become sympathetic towards her husband's views. (Tr. 80; GE 3 at 10) His sister and her spouse do not wish to return to Iraq. (GE 3 at 10) Applicant reported the information about his sister and her spouse out of loyalty for the United States. (GE 3 at 9-10) Applicant emphasized that he loves his sister. (Tr. 77, 80, 82, 111)

Applicant said he ended his direct contacts with his sister in UAE in May 2018. (Tr. 85-86) Applicant's mother contacts his sister in UAE about once a week. (Tr. 86) Applicant has indirect contact with his sister in UAE through his mother. (Tr. 85) His mother uses WhatsApp and Viper, which are computer applications that enable users to communicate with individuals and groups of people, including sending pictures and videos at the same time. (Tr. 85, 109; GE 3 at 5)

Iraq

The Federal Republic of Iraq (Iraq) is a constitutional parliamentary republic. The outcome of the 2014 parliamentary elections generally met international standards of free and fair elections and led to the peaceful transition of power from former prime minister Nuri al-Maliki to Prime Minister Haider al-Abadi.

The U.S. Department of State travel advisory for Iraq is Level 4: "Do not travel to Iraq due to terrorism and armed conflict." U.S. citizens in Iraq are at high risk for violence and kidnapping. Numerous terrorist and insurgent groups are active in Iraq and

regularly attack both Iraqi security forces and civilians. Anti-U.S. sectarian militias may also threaten U.S. citizens and Western companies throughout Iraq. Attacks by improvised explosive devices (IEDs) occur frequently in many areas of the country, including Baghdad. The U.S. Government's ability to provide routine and emergency services to U.S. citizens in Iraq is extremely limited.

U.S. citizens in Iraq remain at critical risk for kidnapping and terrorist violence. The Islamic State in Iraq and Syria (ISIS) is a designated terrorist organization conducting an active insurgency in Syria, with franchises or direct links to terrorist groups in Iraq and other parts of the world. It commits terrorist attacks, violent atrocities, and targets U.S. citizens. ISIS controls some areas of Syria on the Iraqi border. The Iraqi government declared all of its territory liberated from ISIS in December 2017; however, despite proved government control, ISIS remains a threat to public safety in Iraq through the indiscriminate use of terrorist and asymmetrical attacks. Additionally, criminal gangs and local militias pose a potential threat to U.S. citizens.

The Department of State has assessed Baghdad as being a critical-threat location for terrorist activity directed at or affecting official U.S. Government interests. Since August 2014, ISIS has been responsible for the majority of terrorist incidents and attacks in Iraq. Although the Iraqi government declared victory over ISIS in December 2017, it anticipates that remaining ISIS fighters will go underground and form insurgent cells throughout Iraq. These cells are expected to conduct high profile attacks on Iraqi Security Forces personnel, Iraqi government installations, and other soft targets in major Iraqi population centers. Anti-American/anti-western sentiment exists throughout Iraq. The threat of kidnapping, rocket attack, or the use of IEDs and small-arms fire against official and private U.S. interests remains high and is subject to the influence of domestic, regional, and international developments. Iranian-backed Shia militias, such as Asa'ib Ahl al-Haq, Kata'ib Hizballah, and Muqtada al Sadr's nationalistic Peace Brigades Militia have targeted U.S. interests. There are reports of Shia militia groups kidnapping locals, foreign workers, and members of international organizations and demanding ransoms from either their families or their employers. A number of these groups are hostile to U.S. interests and pose a considerable potential threat, as either organized groups or individually as "rogue" elements that may take independent action.

The U.S. Government considers the potential personal security threats to U.S. Government personnel in Iraq to be serious enough to require them to live and work under strict security guidelines. In December 2017, the U.S. Embassy in Baghdad expanded its temporary movement restriction to include movements both inside and outside the international zone in response to the recent announcement that the United States recognizes Jerusalem as the capital of Israel.

In its 2017 Country Reports on Terrorism, the U.S. Department of State reported that by the end of 2017, Iraqi Security Forces, with the support of the U.S.-led Global Coalition to Defeat ISIS, had reclaimed all of the territory that ISIS had captured in 2014 and 2015. As ISIS retreated from Mosul and other cities, its fighters used IEDs, homemade mines, and mortars to booby trap homes, public spaces, and critical infrastructure to impede the movement of Iraq's security forces and terrorize returning

residents. ISIS maintained the capability to conduct terrorist attacks. Kata'ib Hizballah, a designated foreign terrorist organization, continued to operate in Iraq during 2017, exacerbating sectarian tensions.

According to the United Nations, acts of terrorism, violence, and armed conflict with ISIS killed more than 3,000 civilians and injured more than 4,600 in Iraq in 2017. ISIS' continued ability to use captured and improved military equipment allowed it to employ sophisticated methods including the use of armored vehicle-borne IEDs and chlorine gas. ISIS continued to commit atrocities involving the use of child soldiers, mass murder, enslavement of ethnic and religious minorities, rape, forced marriage, and executing civilians, including women and children, attempting to flee its rule. ISIS continued to carry out suicide and hit-and-run attacks throughout the country, the most significant occurring on September 14, 2017, during a coordinated attack on a security checkpoint and restaurant on the outskirts of Nasariyah that killed more than 80 Iraqis. On January 13, 2018, a suicide vest attack was conducted against an Iraqi Security Forces checkpoint in Baghdad, resulting in over 12 casualties. Two days later, twin suicide vest attacks killed over 36 civilians in central Baghdad. The attacks targeted Iraqi day laborers as they gathered in search of work. ISIS claimed responsibility for the attacks in the following days.

In February 2018, the U.S. Director of National Intelligence (DNI), in his Statement for the Record, Worldwide Threat Assessment of the U.S. Intelligence Community, provided the following assessment of the situation in Iraq:

Over the next year, we expect that ISIS is likely to focus on regrouping in Iraq and Syria, enhancing its global presence, championing its cause, planning international attacks, and encouraging its members and sympathizers to attack in their home countries . . . ISIS core has started-and probably will maintain-a robust insurgency in Iraq and Syria as part of a long-term strategy to ultimately enable the reemergence of its so-called caliphate. This activity will challenge local [counter-terrorism] efforts against the group and threaten US interests in the region.

Iran's support for the Popular Mobilization Committee (PMC) and Shia militants remains the primary threat to US personnel in Iraq. We assess that this threat will increase as the threat from ISIS recedes, especially given calls from some Iranian backed groups for the United States to withdraw [from Iraq] and growing tension between Iran and the United States.

Iraq is likely to face a lengthy period of political turmoil and conflict as it struggles to rebuild, reconstitute the Iraqi state, maintain pressure on ISIS, and rein in the Iranian-backed Shia militias that pose an enduring threat to US personnel . . . ISIS will remain a terrorist and insurgent threat, and the group will seek to exploit Sunni discontent to conduct attacks and try to regain Iraqi territory . . . There is an increasing risk that some Shi'a militants will seek to attack US targets in Iraq . . . Despite ISIS' loss of

territory, the social and political challenges that gave rise to the group remain and threaten the cohesion of the Iraqi state.

In December 2015, President Obama signed into law the Visa Waiver Program Improvement and Terrorist Travel Protection Act of 2015, which amended the existing Visa Waiver Program. Under the 2015 amendment, citizens of Iran, Iraq, Sudan, and Syria are ineligible to travel or be admitted to the United States under the Visa Waiver Program. The exclusion of these countries from waiver eligibility reflects the determination of the Secretary of Homeland Security that the presence of an individual in that country increases the likelihood that the individual is a credible threat to the national security of the United States; that a foreign terrorist organization has a significant presence in the country; or that the country is a safe haven for terrorists.

In its 2017 Human Rights Report, the U.S. Department of State reported that violence continued in Iraq throughout 2017, largely fueled by the actions of ISIS. Iraqi government forces successfully fought to liberate territory taken earlier by ISIS, including Mosul, while ISIS sought to demonstrate its viability through targeted attacks. Armed clashes between ISIS and government forces caused civilian deaths and hardship. By the end of 2017, Iraqi Security Forces had liberated all territory from ISIS, drastically reducing ISIS's ability to commit abuses and atrocities.

During 2017, Iraq's most significant human rights issues included allegations of unlawful killings by some members of the Iraqi Security Forces, particularly some elements of the Popular Mobilization Forces (PMF); disappearance and extortion by PMF elements; torture; harsh and life-threatening conditions in detention and prison facilities; arbitrary arrest and detention; arbitrary interference with privacy; criminalization of libel and other limits on freedom of expression, including press freedoms; violence against journalists; widespread official corruption; greatly reduced penalties for so-called "honor killings"; coerced or forced abortions imposed by ISIS on its victims; legal restrictions on freedom of movement of women; and trafficking in persons. Militant groups killed LGBTI persons. There were also limitations on worker rights, including restrictions on formation of independent unions.

ISIS committed the majority of serious abuses and atrocities occurring in Iraq in 2017. ISIS members committed acts of violence on a mass scale, including killings through suicide bombings and IEDs; executions including shootings and public beheadings; use of civilians as human shields; as well as use of chemical weapons. They also engaged in kidnapping, rape, enslavement, forced marriage, and sexual violence, committing such acts against civilians from a wide variety of religious and ethnic backgrounds, including Shia, Sunnis, Kurds, Christians, Yezidis, and members of other religious and ethnic groups. Reports of ISIS perpetrating gender-based violence, recruiting child soldiers, trafficking in persons, and destroying civilian infrastructure and cultural heritage sites were credible and common. On August 15, 2017, then-U.S. Secretary of State Tillerson stated that, "ISIS is clearly responsible for genocide against Yezidis, Christians, and Shia Muslims in areas it controls or has controlled. ISIS is also responsible for crimes against humanity and ethnic cleansing directed at these same groups, and in some cases against Sunni Muslims, Kurds, and other minorities."

United Arab Emirates (UAE)

The UAE is a federation of monarchies consisting of seven emirates - Abu Dhabi (Abu Dhabi), 'Ajman, Al Fujayrah, Ash Shariqah (Sharjah), Dubayy (Dubai), Ra's al Khaymah, and Umm al Qaywayn. The rulers of the seven emirates constitute the Federal Supreme Council, the country's highest legislative and executive body. The emirates are under patriarchal rule with political allegiance defined by loyalty to tribal leaders, leaders of the individual emirates, and leaders of the federation.

In its 2017 Country Reports on Terrorism, the U.S. Department of State reported that during 2017, the UAE remained a regional and global financial and transportation hub, and terrorist organizations exploited it to send and receive financial support. Operational capability constraints and political considerations sometimes prevented the UAE government from immediately freezing and confiscating terrorist assets, absent multilateral assistance. The UAE is a drug transshipment point for traffickers, given its proximity to Southwest Asian drug-producing countries, and its position as a major financial center makes it vulnerable to money laundering. Anti-money laundering controls are improving, but informal banking remains unregulated.

Except for free trade zones specifically established for financial activities, which are well regulated, the UAE's numerous free trade zones vary in their compliance with and supervision of anti-money laundering and countering the financing of terrorism international best practices. Exploitation by illicit actors of money transmitters, including licensed exchange houses, hawalas, and trading firms acting as money transmitters, remains a significant concern.

As the following examples demonstrate, through transshipment and diversion, U.S. goods, dual use, military and electronic components, and internet technology have passed through the UAE and UAE-owned businesses on their way to Iran and Syria: Between 2005 and 2007, U.S. companies were misled into shipping aircraft parts to the UAE that were actually destined for customers in Iran. Between 2007 and 2008, at least seven shipments of vacuum pumps and equipment related to uranium enrichment were shipped to Iran through a free trade zone located in the UAE, in a manner that made it appear that the UAE was the ultimate destination. In 2008, U.S. dual-use and military components were funneled through the UAE to Iran and were used in improvised explosive devices (IEDs) employed against coalition forces in Iraq and Afghanistan. In 2009, a U.S. company conspired to export a steel bar peeling machine to Iran, through the UAE, in violation of the Iran embargo. In 2014, a UAE company violated its reseller agreement with a U.S. software company and illegally diverted internet monitoring technology to Syria. In 2016, high-tech electronic components from U.S. companies were illegally transshipped through the UAE on their way to Iran.

The U.S. Department of State has assessed Abu Dhabi and Dubai as being medium-threat locations for terrorist activity directed at or affecting official U.S. Government interests. The Department of State remains concerned about the global threat of terrorism, including the continuing possibility of terrorist attacks against U.S. citizens and interests in the Arabian Gulf and Arabian Peninsula. Elevated security

threats have the potential to affect security in the UAE, particularly as the UAE continues taking on a more prominent role countering extremism in the region. The UAE's participation in the anti ISIS coalition and the ongoing Yemen civil war has raised the overall likelihood of terrorist attacks against Western interests.

The UAE is a member of a Saudi-led coalition that was formed to counter the 2014 overthrow of the legitimate government of Yemen by militias known colloquially as "Houthis," and forces loyal to the former Yemeni president Ali Abdullah Saleh. During 2018, UAE forces continued an active military role in Yemen, including conducting ground operations against al-Qaida in the Arabian Peninsula and the Islamic State in southern Yemen. Iran's support to the Houthis in Yemen has escalated the conflict and poses a serious threat to U.S. partners and interests in the region. Such efforts include an attempted December 3, 2017, cruise missile attack on an unfinished nuclear reactor in Abu Dhabi.

On September 21, 2019, the Secretary of Defense announced that the President had approved defensive deployment of some DOD forces to UAE and increased military sales in response to the September 2019 drone-missile attack on Saudi Arabian oil fields. "U.S. to deploy military forces to Saudi Arabia, UAE after drone attacks on oil sites," NBC News website (Sept. 21, 2019), <https://www.nbcnews.com/politics/politics-news/u-s-deploy-military-forces-saudi-arabia-after-drone-attacks-n1057216>.

In its 2017 Human Rights Report, the U.S. Department of State reported that civilian authorities in the UAE maintained effective control over the security forces. The most significant human rights issues included allegations of torture in detention; arbitrary arrest and detention, including incommunicado detention; government interference with privacy rights, including criminalization of libel and arrests and detentions for internet postings or commentary; restrictions on assembly and association; and the inability of citizens to choose their government in free and fair elections. Some press reports and human rights organizations alleged that UAE and DAE-supported local Yemeni forces abducted, arbitrarily detained, and tortured individuals as part of counterterrorism efforts in Southern Yemen.

Policies

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

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the adjudicative guidelines. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with an evaluation of the whole person. An administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. An administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable.

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of classified information. Clearance decisions must be "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." See Exec. Or. 10865 § 7. See also Exec. Or. 12968 (Aug. 2, 1995), § 3.1. Thus, nothing in this Decision should be construed to suggest that I have based this decision, in whole or in part, on any express or implied determination about applicant's allegiance, loyalty, or patriotism. It is merely an indication the applicant has not met the strict guidelines the President, Secretary of Defense, and DNI have established for issuing a clearance.

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The Government has the burden of establishing controverted facts alleged in the SOR. See *Egan*, 484 U.S. at 531. "Substantial evidence" is "more than a scintilla but less than a preponderance." See *v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994). The guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant's security suitability. See ISCR Case No. 95-0611 at 2 (App. Bd. May 2, 1996).

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

Analysis

Foreign Influence

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

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

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

(a) contact, regardless of method, with a foreign family member, business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion; and

(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 evidence of Applicant’s connections to his sister, and his sister’s connections to her spouse, who are residents of UAE, and his sister’s connections to Iraq are sufficient to establish AG ¶¶ 7(a) and 7(b). Applicant is not close enough to his nephew living in UAE to establish a security concern. SOR ¶ 3.c is refuted.

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

There are widely documented safety issues for residents of Iraq and to a lesser degree in UAE primarily because of terrorists and criminals. Numerous linguists have family living in countries that have problems with terrorists and criminals.

The mere possession of close family ties with relatives living in a foreign country is not, as a matter of law, disqualifying under Guideline B. However, if an applicant, his or her spouse, or someone sharing living quarters with them, has such a relationship with even one person living in a foreign country, this factor alone is sufficient to create the potential for foreign influence and could potentially result in the compromise of classified information. See ISCR Case No. 08-02864 at 4-5 (App. Bd. Dec. 29, 2009) (discussing problematic visits of applicant's father to Iran).

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

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

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

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

The issue under Guideline B is not whether an applicant's immediate family members in a foreign country are of interest to a foreign power based on their prominence or personal situation. Rather, the issue is whether an applicant's ties and contacts with immediate family members in a foreign country raise security concerns because those ties and

contacts create a potential vulnerability that a foreign power could seek to exploit in an effort to get unauthorized access to U.S. classified information that an applicant -- not the applicant's immediate family members -- has by virtue of a security clearance. A person may be vulnerable to influence or pressure exerted on, or through, the person's immediate family members -- regardless of whether the person's family members are prominent or not.

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

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

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

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

- (a) the nature of the relationships with foreign persons, the country in which these persons are located, or the positions or activities of those persons in

that country are such that it is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual, group, organization, or government and the interests of the United States;

(b) there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, or allegiance to the group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the United States, that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest;

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

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

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

(f) the value or routine nature of the foreign business, financial, or property interests is such that they are unlikely to result in a conflict and could not be used effectively to influence, manipulate, or pressure the individual.

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

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

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

Applicant lives with his mother, and he and his mother are close to Applicant's sister, who lives in UAE. Applicant, his mother, and his sister, and brother-in-law were born in Iraq. The connections to Iraq of his mother, sister, and brother-in-law are not described in detail. Applicant stayed with his sister and brother-in-law in UAE for extended periods of time. His sister and her spouse have radicalized against the United

States. If Applicant secures employment as a linguist in Iraq, he plans to have his mother live with his radicalized sister in UAE. His mother knows Applicant will be working for the United States in Iraq, and that he has applied for a security clearance. There is a risk that those who hate the United States will learn from Applicant's sister or her spouse that Applicant has U.S. employment in Iraq; and they might communicate with elements in UAE or Iraq that they should attempt to coerce Applicant for classified information. Applicant will be in Iraq where he is more available for coercion than if he resided in the United States. Applicant did not rule out that he might visit his radicalized sister in the UAE, which would increase the potential for compromise of classified information.

Applicant has frequent contacts with his mother, and she has frequent contact with Applicant's sister, who is a resident of UAE. A key factor in the AG ¶ 8(b) analysis is Applicant's "deep and longstanding relationships and loyalties in the U.S." Applicant resided in the United States from 2010 to present, except for when he was traveling outside the United States. Applicant and his mother are naturalized U.S. citizens.

Applicant's relationship with the United States must be weighed against the potential conflict of interest created by his relationships with relatives who are residents of UAE. Applicant has close relationships with family in that country, and they are at risk from criminals, terrorists, and human rights violations of UAE's government. The primary risk is through his sister and her husband's relationships with those who hate the United States.

It is important to be mindful of the United States' huge historical investment of manpower and money in the Middle East. The United States needs linguists who understand Middle Eastern countries to assist in the accomplishment of various U.S. missions. Applicant's family members living in UAE are potential targets of terrorists, and Applicant's potential access to classified information could theoretically add risk to his relatives living in UAE.

In sum, Applicant and his mother's connections to their relatives living in UAE are too significant to mitigate in the circumstances Applicant presented. His sister and her husband are radicalized against the United States. His connections to the United States taken together are not sufficient to overcome the foreign influence security concerns under Guideline B.

Financial Considerations

AG ¶ 18 articulates the security concern for financial problems:

Failure 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 an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. . . . An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds. . . .

The Appeal Board explained the scope and rationale for the financial considerations security concern in ISCR Case No. 11-05365 at 3 (App. Bd. May 1, 2012) (citation omitted) as follows:

This concern is broader than the possibility that an applicant might knowingly compromise classified information in order to raise money in satisfaction of his or her debts. Rather, it requires a Judge to examine the totality of an applicant's financial history and circumstances. The Judge must consider pertinent evidence regarding the applicant's self-control, judgment, and other qualities essential to protecting the national secrets as well as the vulnerabilities inherent in the circumstances. The Directive presumes a nexus between proven conduct under any of the Guidelines and an applicant's security eligibility.

AG ¶ 19 includes disqualifying conditions that could raise a security concern and may be disqualifying in this case: "(a) inability to satisfy debts"; "(b) unwillingness to satisfy debts regardless of the ability to do so"; and "(c) a history of not meeting financial obligations." Applicant's history of delinquent debt from 2014 to present establishes AG ¶¶ 19(a), 19(b), and 19(c).

Seven financial considerations mitigating conditions under AG ¶ 20 are potentially applicable in this case:

(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 judgment;

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

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

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

(e) the individual has a reasonable basis to dispute the legitimacy of the past-due debt which is the cause of the problem and provides documented proof to substantiate the basis of the dispute or provides evidence of actions to resolve the issue.

Applicant has been unemployed since April 2016, except for some part-time employment in 2019 for about three months. He provided financial support for a friend and his family. He lives with and takes care of his mother, who is disabled. These are circumstances beyond his control that adversely affected his finances. However, these financial circumstances are insufficiently detailed to prove he acted responsibly under the circumstances. Applicant did not establish that from April 2016 to present he was unable to earn enough income or apply some of the travel funds from his mother to address his delinquent debts. He did not provide proof that he diligently sought or was unable to seek any employment.

Applicant was misled by DRCC from October 16, 2015, to August 2, 2016 about resolution of his delinquent debts. Once he was confronted with the fact that the debts were unresolved, he had an obligation to investigate the situation and take action to resolve his delinquent debts. He did not act prudently or responsibly after he learned the debts were not resolved.

Applicant made numerous trips to European and Asian countries from April 2016 to present. He did not establish that he was unable to use some of the funds expended on travel to address his delinquent debts. He failed to establish mitigation of financial considerations security concerns.

Whole-Person Concept

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

- (1) the nature, extent, and seriousness of the conduct;
- (2) the circumstances surrounding the conduct, to include knowledgeable participation;
- (3) the frequency and recency of the conduct;
- (4) the individual's age and maturity at the time of the conduct;
- (5) the extent to which participation is voluntary;
- (6) the presence or absence of rehabilitation and other permanent behavioral changes;
- (7) the motivation for the conduct;
- (8) the potential for pressure, coercion, exploitation, or duress; and
- (9) the likelihood of continuation or recurrence.

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

Applicant is 43 years old, and he is seeking a security clearance to enable him to become a linguist to support a DOD contractor in Iraq. From April 2009 to April 2016, he worked in the area of petroleum as a senior technical editor. He is not married, and he

does not have any children. He was awarded a bachelor's degree in chemical engineering in Iraq. He attended graduate school in Malaysia in environmental compliance engineering.

Applicant's SOR lists eight delinquent debts totaling \$14,393. Applicant has been unemployed since April 2016. He lives with and takes care of his mother, who is disabled. He made numerous trips to European and Asian countries after April 2016. He did not prove he was unable to find employment or use his any of his travel funds to make any payments to address his delinquent debts.

Applicant is very close to his mother, and his mother has frequent contacts with Applicant's sister, who is a resident of UAE. His sister is close to her husband who lives with her in UAE. Applicant loves his sister. Applicant and his mother's relationships with and loyalty to family in UAE are positive character traits; however, they raise important foreign influence security concerns. Applicant indicated his sister and her husband have been radicalized against the United States, and they prayed for the deaths of U.S. citizens and residents. "It is the established policy of the Department of Defense that "an individual's religious affiliation plays no part in the security clearance process." ISCR Case No. 11-02842 at 3 (App. Bd. June 7, 2012) (citing ISCR Case No. 10-02902 at 3 (App. Bd. May 16, 2011)).

Applicant's connections to foreign countries must be balanced against connections to the United States. Applicant has resided in the United States since 2010. He is a loyal U.S. citizen. He honestly and sincerely described his love for the United States. In 2015, he took an oath of allegiance to the United States. His mother is a citizen and resident of the United States.

A Guideline B decision concerning UAE and Iraq must take into consideration the geopolitical situation and dangers in those countries. See ISCR Case No. 04-02630 at 3 (App. Bd. May 23, 2007) (remanding because of insufficient discussion of geopolitical situation and suggesting expansion of whole-person discussion). Iraq and to a lesser degree UAE are dangerous places because of violence from terrorists and criminals, and the Iraq and UAE governments do not respect the full spectrum of human rights. Terrorists and criminals continue to threaten the Iraq and UAE governments, the interests of the United States, U.S. Armed Forces, and those who cooperate and assist the United States. Iraq, UAE, and the United States are allies in the war on terrorism.

I have carefully applied the law, as set forth in *Department of Navy v. Egan*, 484 U.S. 518 (1988), Exec. Or. 10865, the Directive, and the AGs, to the facts and circumstances in the context of the whole person. I conclude foreign influence and financial considerations security concerns are not mitigated. Eligibility for access to classified information is denied.

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:	AGAINST APPLICANT
Subparagraphs 1.a through 1.h:	Against Applicant
Paragraph 2, Guideline E:	WITHDRAWN
Subparagraph 2.a:	Withdrawn
Paragraph 3, Guideline B:	AGAINST APPLICANT
Subparagraphs 3.a and 3.b:	Against Applicant
Subparagraph 3.c:	For Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, it is not clearly consistent with the national interest to grant Applicant eligibility for a security clearance. Eligibility for access to classified information is denied.

Mark Harvey
Administrative Judge