



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



In the matter of: )  
)  
) ISCR Case No. 15-01624  
)  
Applicant for Security Clearance )

**Appearances**

For Government: Gatha Manns, Esq., Department Counsel  
For Applicant: Sheldon I. Cohen, Esq.

01/25/2019

**Decision**

Curry, Marc, Administrative Judge:

Applicant mitigated the security concerns generated by his contacts and financial interests in the Philippines. The romantic relationship that he had with a Thai woman several years ago when he was working in Estonia generates no security concern. As for security concerns under the personal conduct guideline, Applicant did not falsify his 2012 security clearance application, and his acquaintances who are Filipino natives and residents do not generate personal conduct security concerns. In sum, Applicant has mitigated all of the security concerns. Clearance is granted.

**Statement of the Case**

On March 9, 2017, the Department of Defense (DOD) Consolidated Adjudications Facility (CAF) issued a statement of reasons (SOR) alleging security concerns under Guideline B (foreign influence) and Guideline E (personal conduct). The action was taken under Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1990), as amended; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG), which became effective on September 1, 2006.

The SOR further informed Applicant that, based on information available to the Government, DOD adjudicators could not make the affirmative finding that it is clearly consistent with the interests of national security to grant or continue Applicant's security clearance. It recommended that his case be submitted to an administrative judge for a determination whether his clearance should be granted, continued, denied, or revoked.

On March 29, 2017, Applicant responded to the SOR, denying all of the allegations except 1.d and 1.e, and requested a hearing.<sup>1</sup> The case was initially assigned to another administrative judge on June 13, 2018, before it was transferred to me on September 18, 2018. On September 21, 2018, the hearing was scheduled for October 5, 2018.

At the hearing, Department Counsel submitted five documents for admission that I marked as Government Exhibits (GEs) 1 through 5. Counsel for Applicant objected to the admission of GE 4 and GE 5. I sustained the objection, only admitting GEs 1 through 3 into the record. Upon reconsideration, I have decided to admit GE 4.

Counsel for Applicant proposed 26 exhibits for admission. (Applicant Exhibit (AE) A – AE Z) I admitted all of these exhibits into the record except AE O, which I excluded after considering Department Counsel's objection.

At the hearing, I also incorporated Department Counsel's list of Government Exhibits (Hearing Exhibit (HE) I), and a copy of Department Counsel's discovery letter (HE II). In addition, Department Counsel submitted a memo (HE III) requesting that I take administrative notice of the facts set forth in four U.S. Department of State documents regarding the Philippines (HE IV – HE VIII). Applicant's counsel objected. I stayed my decision on the administrative notice request, leaving the record open through October 26, 2018 to allow Applicant's counsel to respond to Department Counsel's request, and to submit administrative notice documents, if desired. Within the time allotted, Applicant's counsel submitted a memo (HE IX) requesting that I take administrative notice of the facts set forth in eight documents (HE X – XVIII). After considering all of the facts set forth in the exhibits provided by both parties, I have decided to take administrative notice of all of them except HE XV, *Human Rights Watch 2016—The United States*, and HE XVI, *Department of Justice Federal Bureau of Investigation: 2016 Crime in the United States*.

While my decision was pending, Security Executive Agent Directive 4 was issued establishing National Security Adjudicative Guidelines (AG) applicable to all covered individuals who require initial or continued eligibility for access to classified information or eligibility to hold a sensitive position. The AG supersede the adjudicative guidelines

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<sup>1</sup> There are six allegations under Paragraph 1 and five allegations under Paragraph 2. The Paragraph 1 allegations are correctly annotated as subparagraphs 1.a through 1.f. The Paragraph 2 allegations are erroneously annotated as 2.g through 2.k rather than 2.a through 2.e. After Department Counsel identified this error at the hearing and discussed it with Applicant's counsel, the parties suggested that, as a matter of judicial economy, I forego amending the SOR, and rule upon the allegations, as written. I concurred. (Tr. 7-8)

implemented in September 2006 and are effective for any adjudication made on or after June 8, 2017. Accordingly, I have adjudicated Applicant's security clearance eligibility under the new AG. The transcript was received on October 16, 2018.

### **Preliminary Rulings**

1. Section 19 of the security clearance application that Applicant completed in 2012 contains the following question:

Do you have, or have you had, close and/or continuing contact with a foreign national within the last seven (7) years with whom you, or your spouse, or cohabitant are bound by affection, influence, common interests, and/or obligation? . . ."

Applicant answered "no," elaborating as follows:

I have several women that I have met in my foreign travels, but none that I would consider to be seriously bound by affection or obligation [sic] with.

SOR subparagraph 2.h alleges Applicant's "no" answer constitutes a falsification. Counsel for Applicant filed a motion to dismiss this claim, arguing that the allegation, on its face, does not state a justiciable claim.

Whether the nature of Applicant's relationships with these foreign women is as casual as he believes them to be is certainly an issue to be addressed under the Guideline B security concerns, as alleged in Paragraph 1. Similarly, the nature and appropriateness of these relationships raise a Guideline E issue, as alleged in subparagraph 2.g. However, Applicant's negative response to Section 19, in conjunction with his disclosure that he has met several women over the years during his foreign travels whom he is not bound by affection or obligation is sufficiently candid and forthcoming, so as not to raise any issue of falsification, on its face. Applicant's counsel's motion to dismiss subparagraph 2.h is granted. (DoD Directive 5220.6, E3.1.10)

2. Section 20B of the 2012 security clearance application required Applicant to disclose if he had ever provided financial support for any foreign national. His negative answer, together with his detailed elaboration,<sup>2</sup> is candid and forthcoming. Consequently, subparagraph 2.i, on its face, raises no issue of falsification. Applicant's counsel's motion to dismiss subparagraph 2.i is granted. (DoD Directive 5220.6, E3.1.10)

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<sup>2</sup>There have been several foreign women I have given money to via Western Union in the Philippines as gifts to help them, but I would not consider the gifts as long-term financial support. I do not know their addresses to be able to answer the questions properly if I answered 'yes.'

3. Section 20A of the 2012 security clearance application required Applicant to disclose whether he had any additional foreign financial interests. Applicant's negative response was not followed by any additional explanation. The issue of whether his response constitutes a falsification, as alleged in SOR subparagraph 2.j, must be evaluated through the record evidence developed at the hearing. Applicant's counsel's motion to dismiss subparagraph 2.j is denied.

### **Findings of Fact**

Applicant is a 56-year-old single man who was married previously between 1987 and 1995. The marriage ended in divorce. He has a high school diploma and has earned some college credits. (Tr. 231) After graduating from high school, he enlisted in the U.S. Air Force in 1982, serving through his retirement in 2003. (GE 2 at 13) Per a fellow Air Force veteran who served with him, he is an honest, trustworthy man who is hardworking and dependable. (AE W)

After retirement, Applicant worked stateside for a defense contractor for a year, through approximately May 2004. Since then, he has lived and worked for contractors almost exclusively in combat zones. (Tr. 87; AE B) He is a radar technician who is responsible for the installation, upgrade, maintenance, and repair of radars and radios. (Tr. 89; AE B) He has held a security clearance since 1982.

Applicant's work is extremely dangerous. He lives and works on base, embedded with the soldiers, and he frequently comes under enemy fire. (Tr. 80, 86) He typically works 12 hours per day for seven days a week. (Tr. 89) He shares his living space, a six foot by eight foot converted cargo container, with three roommates. (Tr. 91-92) Per Applicant's employment contract, he is allowed to take vacation leave every six months. He does not always use his leave "because the needs of the military come first." (Tr. 125) As of the hearing date, he had been working continuously without break for more than 12 months. (Tr. 125)

Per a coworker, Applicant is "the go-to guy whenever systems [go] down, and is one of the most talented technicians with whom he has ever worked." (AE X). According to another coworker, whom Applicant trained, he is a highly talented individual who provided an unmatched level of support for the warfighters. (AE Y) Over the years, Applicant has won multiple awards for exceptional performance. (AE B, AE J, AE P; Tr. 101-102)

Applicant frequently vacations in the Philippines. During the course of his travels, he has become acquainted with many people including women he dated and families he helped financially. As a traveler who has visited and spent significant amounts of time in developing countries, Applicant has witnessed abject poverty. Believing that much foreign aid, either from the U.S. government or from international charities, is squandered by corrupt officials who govern many of these countries, Applicant finds it more gratifying to assist needy people directly rather than through charitable donations. (Tr. 132) He is particularly interested in helping people be more self-sufficient. (Tr. 173)

Over the years, he has helped a family in the Philippines restore electric power that had been lost after a typhoon. (Tr. 136) On another occasion, he helped repair a home in the Philippines that had also been damaged in a typhoon. (AE Q at 3; AE T)

Applicant is equally committed to humanitarian assistance in the United States. (AE U, AE V) Several years ago, he gave \$1,000 to a charity to help flood victims after a hurricane. In addition, on one occasion, he donated \$1,000 to a U.S.-based disaster relief charity. (AE U)

In approximately 2008, during a visit to the Philippines, Applicant, while shopping, noticed a teenage girl (Acquaintance (A) 1) who appeared to be “in a really bad way.” (Tr. 208)) When he asked her what was wrong, she told him that she had not eaten in three days. Applicant then took her to a fast-food restaurant. (GE 2 at 17) After Applicant left the Philippines, he corresponded with her approximately two to three times a year via the internet.

Applicant returned to the Philippines in 2010. He had no contact with A1. In 2011, Applicant returned to the Philippines, staying approximately two to three weeks. He visited A1, meeting with her for 20 to 30 minutes. In 2013, when Applicant visited the Philippines, he met A1’s family. Noticing that they had no electricity, and a makeshift roof composed of tin and bamboo leaves, Applicant helped them install electric service and repair the roof. (Tr. 135) During the trip, Applicant also provided financial assistance to A1. He helped send her to sewing school, and he paid her \$2,500 in five increments to help her start a 7-11 style market. Since 2013, Applicant and A1 have communicated sporadically by phone. (GE 2 at 18) He neither had sexual intercourse with A1, nor propositioned her for sex. (Tr. 207)

While on a vacation to the Philippines in early 2010, as referenced in the paragraph above, Applicant met A2. She worked at a moped rental shop and cleaned homes for a living. Shortly after meeting, they began dating and became intimately involved. Applicant saw her three times over the two weeks that he was in the Philippines. (Tr. 211) After leaving the Philippines, Applicant remained in touch with her daily via Skype between 2010 and 2012. (GE 2 at 14) When Applicant was dating A2, he sent her approximately \$300 to help pay for medical expenses. (Tr. 169) By 2013, Applicant’s contact with A2 had become less frequent. He has had no contact with her since March 2016. (Tr. 212)

In either 2010 or 2011, Applicant met A3 while visiting the Philippines. She is a waitress. He dated her for three to four weeks. While dating, he gave her \$1,500, including gifts, money to buy a bicycle, and sewing school tuition. After returning from vacation, he stayed in touch with her sporadically, but stopped after realizing that she was using him to get money for her family. (GE 2 at 4) His last contact with her was in 2011. (GE 2 at 18)

Applicant met A4, a prostitute, while on vacation in the Philippines in October 2011. (Tr. 209) He paid her to have sex with him. (Tr. 209) Before leaving, he purchased her a refrigerator and helped her start a convenience store. (Tr. 168) After returning to work, he stayed in touch with her via Skype once or twice per week. (GE 2 at 15; Tr. 207) Their last contact consisted of e-mail correspondence exchanged over the holidays in 2013. (GE 2 at 14)

Applicant met A5, a Filipino foreign national, on an airplane in 2011. She is the mother of four children and works as a house cleaner. Applicant gave her \$1,700 to help her pay for a contracting agency that places clients, typically from developing countries, in housecleaning jobs in wealthier countries. (Tr. 168) They never had sexual intercourse.

Applicant met A6 online. They have never subsequently met in person. (Tr. 216) She has a bachelor's degree in business. (GE 2 at 17) With Applicant's help, she started a pig farming business. He invested \$2,500 in the business. A6 paid him back in the amount of \$2,800. Three hundred dollars constituted return on investment. Applicant entered into this arrangement approximately six to eight months after he completed the security clearance application. Their relationship was not intimate.

Applicant met A7 while visiting the Philippines in February 2013. They were intimately involved. For seven to ten days, he enjoyed his vacation with her, shopping and sightseeing. (Tr. 215) He gave her \$4,500 to help her start a fried chicken stand. He gave her this money incrementally over a period of several months. (Tr. 168) Although they stay in touch periodically, they have not been romantically involved since Applicant first met her in 2013. His last contact with her was by phone in September 2018. (Tr. 215)

Applicant met A8 on the same trip that he met A7. He stayed in touch with her twice per month electronically after returning from vacation. They have had no contact since the fall of 2013. (GE 2 at 19) Their relationship was not intimate.

Applicant met A9 while traveling to the Philippines in April 2013. She is a construction worker. Their relationship was not sexual. Applicant gave her between \$800 and \$1,600 to help pay for her diabetes treatment. (GE 2 at 17) After he returned from vacation, they initially stayed in touch several times per week via texting or Skype. Their contact gradually decreased to electronic communication twice per month. They are not currently in touch.

Applicant met A10 on the same trip to the Philippines in 2013 that he met A9. She is a restaurant hostess. Applicant had an intimate relationship with her. They spent three days together dining out, shopping, and visiting her at her home. After Applicant returned to base from vacation, they communicated electronically approximately twice a month through January 2014. (GE 2 at 17) In approximately April 2014, Applicant gave her \$500 to help her pay her rent. (GE 2 at 17-18)

In approximately 2014, Applicant purchased a condo in the Philippines for \$34,000 USD. (Tr. 116) It is roughly the size of a hotel suite. (AE R) Applicant purchased it because, given the frequency that he visits the Philippines, it is cheaper to own a condo rather than to pay hotel costs for each trip. (Tr. 123) Also, the Philippines is “a great jumping off spot to travel to other locations” around the world. (Tr. 124) The condo’s current value is approximately \$8,000 USD. (Tr. 123) Applicant does not rent it to anyone when he is not occupying it. (Tr. 125)

Applicant has money deposited in seven bank accounts. Five bank accounts are in the United States and two of the bank accounts are in the Philippines. (Tr. 107) Collectively, he has approximately \$8,000 USD deposited in the Philippines accounts. He opened the first account to facilitate the purchase of his condo in 2014. (Tr. 111; AE D at 3) He uses it to pay condo fees, utilities, and property taxes. Now, he uses it for his vacation expenses. He opened the account, in part, to avoid exorbitant ATM conversion fees that his U.S. bank charges for foreign transactions. Applicant opened the second bank account in the Philippines to take advantage of a perk in which the bank waives the \$100 USD fee that the country charges foreign visitors seeking to apply for visa extensions. (Tr. 112)

Applicant purchased his primary property in the United States in 2007. Because he is home only once every 18 to 24 months, he generally keeps it boarded. Applicant rents his other two U.S. properties. (Tr. 118) Applicant’s combined annual salary and retirement income totals approximately \$322,000. (Tr. 103; AE D at 3) His net worth is 1.7 million dollars.

For approximately four months in 2012, before taking his current job, and after finishing his previous job in a combat zone, Applicant performed contract work in Finland. (Tr. 87) While there, he became romantically involved with a waitress who was a citizen of Thailand. He had sex with her twice. Their relationship never became close because of their language barrier.

In the past, Applicant considered settling down, moving to the Philippines and pursuing a serious relationship with a Filipino woman. Now, he is no longer interested in marrying anyone from the Philippines because of the communication gap that he has found which often exists between him and the women he has dated over the years. He no longer visits his ex-girlfriends when he travels to the Philippines. He now understands that the only reason many of them want to “hang out” with him is because of the possibility that he may buy them good food and great gifts. (Tr. 140) As for relocating to the Philippines, Applicant ruled this out because his condo is too small. After living for years in a cramped, Spartan space while working on base, he prefers to purchase a home where he can “spread his legs out.” (Tr. 231) Applicant occasionally “get[s] random contacts out of the clear blue, but there’s nothing close to close and continuing happening” with any of the women he has met while traveling to the Philippines. (Tr. 213)

While Applicant was working in Finland, he took a ferry boat ride to Estonia and stayed there for two to three days. He spent the time in Estonia sightseeing. (Tr. 86, 177)

Applicant completed a security clearance application in September 2012. He answered “no” in response to Section 20B, which required him to disclose foreign interests. (See Preliminary Ruling Section, *supra*) The SOR alleges that he failed to disclose business consulting and financial support he provided to several women who were citizens and residents of the Philippines. Applicant contends that whatever advice he gave to Filipino women that he helped start businesses was limited to basic common-sense suggestions such as reminding them not to forget to subtract inventory costs from sales revenue when calculating profit. (Tr. 173) Applicant also testified that any profit from their businesses was so small by U.S. standards that if he were to have requested a share, it “would [have] defeat[ed] the purpose . . . of trying to help them.” (Tr. 167)

Applicant did receive a return on his investment in the pig farming business. Applicant helped the Filipino woman with the pig farming venture after he completed the security clearance application. He earned \$300 from the investment.

In response to Section 20C of Applicant’s security clearance application, regarding whether he had travelled outside of the United States in the past seven years, he answered, “yes.” In the second question under Section 20C, asking whether the foreign travel was solely for Government business, Applicant also answered “yes.” (GE 1 at 28) The Government alleges in SOR subparagraph 2.k that Applicant’s failure to disclose trips to the Philippines in 2010 and 2011, a trip to Estonia in 2012, and a trip to Finland in July 2012 constitutes a falsification. Applicant testified that he always reported his foreign travel to his supervisor per company policy, and that his facility security officer (FSO) told him that he was only required to list travel to adversarial countries. (AE M; AE Q at 2; Tr. 174-175)

### **Administrative Notice**

The Philippine government is a multi-party, constitutional republic with a bicameral legislature. (HE IV at 1) The relationship between the United States and the Philippines is based on a strong historical and cultural link. (HE XII) The United States and the Philippines maintain a robust relationship through several person-to-person cultural exchanges sponsored by both governments, as well as non-governmental organizations. (*Id.*) Approximately 220,000 U.S. citizens live in the Philippines. (*Id.*) Manila, the capital of the Philippines, is home to the only U.S. Bureau of Veterans Affairs office and health care clinic outside of the United States. (HE XI at 1-2) The largest U.S. cemetery outside of the United States is in the Philippines.

Manila is a high-threat location for crime directed at, or affecting U.S. government interests. (HE VII at 1) The U.S. Department of State advises all U.S. citizens contemplating travel to the Philippines to exercise increased caution due to crime,



terrorism, and civil unrest. (HE VIII) Certain regions of the Philippines have been acutely affected by Islamic State-sponsored terrorism. (HE V) The Philippines government has consistently acknowledged the danger from such groups and has welcomed assistance from the United States. (HE V)

Although the Philippines is a democratic republic, its human rights record is poor. Over an 18-month period between July 2016 and October 2017, government agents and their informal allies arbitrarily and unlawfully killed thousands of people allegedly connected to the distribution of illegal drugs. (HE IV at 2) Other problems include torture of prisoners, life-threatening prison conditions, arbitrary jailing of political prisoners, and warrantless arrests by security forces. (HE IV at 1)

## **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.

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

## **Analysis**

### **Guideline B, Foreign Influence**

Under this guideline, “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.” (AG ¶ 6) The following disqualifying conditions are potentially applicable under AG ¶ 7:

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

(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.

The Philippines is an ally of the United States and is a partner in fighting terrorism. However, terrorism and civil unrest is pervasive in parts of the country, crime is rampant, and the government has a history of brutally disregarding the human rights of its citizens in enforcing the rule of law. Under these circumstances, Applicant's relationship with girlfriends over the years and various other people whom he has helped financially, raises the issue of whether AG ¶ 7(a) applies, and Applicant's property interest in the Philippines raises the issue of whether AG ¶ 7(f) applies.

None of Applicant's romantic relationships were long-term or serious. Although Applicant spent thousands of dollars over the years helping Filipino citizens and residents, buying gifts for his then-girlfriends and helping them financially, this money was minimal in relation to his total net worth. The most recent evidence of a romantic relationship with a citizen and resident of the Philippines occurred approximately five years ago. Any residual contact with ex-girlfriends is casual and infrequent. Consequently, the casual, infrequent nature of Applicant's relationship with his friends and acquaintances who are citizens and residents of the Philippines renders the possibility of foreign exploitation, inducement, manipulation, pressure, or coercion minimal. AG ¶ 7(a) does not apply. Assuming for the sake of argument that the concerns about crime, terrorism, and human rights abuses in the Philippines were sufficient to trigger the application of AG ¶ 7(a), it is mitigated by AG ¶ 8(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." I resolve subparagraphs 1.a and 1.b in Applicant's favor.

The value of Applicant's condo and his bank accounts in the Philippines are minimal in relation to the value of his properties in the United States and to his total net worth. Consequently, the possibility that it could create the potential for coercion, influence, or exploitation is minimal. 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 to effectively influence, manipulate, or pressure the individual," applies. I resolve SOR subparagraph 1.d and 1.e in Applicant's favor.

A clear and accurate assessment of a country's geo-political position *vis a vis* the United States is crucial in a heightened risk analysis. (ISCR Case No. 05-11292 at 4,

n.1 (App. Bd. Apr. 12, 2007) The Government presented no such evidence about either Thailand or Finland. Under these circumstances, Applicant's past relationship with a Thai citizen residing in Finland does not generate a security concern. I resolve SOR subparagraph 1.c in Applicant's favor.

Applicant disclosed that he has met several women during his foreign travels on his 2012 security clearance application. He identified and discussed his relationships with them comprehensively during the investigative process. Consequently, I resolve SOR subparagraph 1.f, alleging that he failed to report association with foreign nationals, in his favor. In sum, Applicant has mitigated the Guideline B security concern.

### **Guideline E, Personal Conduct**

Under this guideline, "conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information." (AG ¶ 15) Moreover, "of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes." (*Id.*)

The personal conduct security concern is not applicable to Applicant's purchase of property in the Philippines to use during his occasional visits because it is not reflective of dishonesty, untrustworthiness, or bad judgment. Any security concerns regarding the property were addressed under the Guideline B section above.

Applicant is a single man who has lived nearly continuously in combat zones for the past 15 years, working seven days per week for his employer under extraordinarily stressful and austere conditions. These facts, together with his testimony, lead me to conclude that emotional fulfillment was not what Applicant was primarily seeking when he entered into romantic relationships with his various paramours in the Philippines during his brief vacation time over the years. Conversely, he was not intimately involved with every woman he met while vacationing in the Philippines, and he assisted them financially regardless of whether he was having sexual intercourse with them. Moreover, he has not had an intimate relationship with any citizens and residents of the Philippines in approximately five years. Applicant has a history of helping people in need, giving \$2,000 over the years to U.S. charities to help flood victims. Under these circumstances, the altruism Applicant demonstrated by helping women when visiting the Philippines was not diminished by whether or not he was romantically involved with them. I conclude that SOR subparagraph 2.g generates no security concern.

As for Applicant's response to Section 20B of his security clearance application regarding foreign interests in the Philippines, Applicant's help to Philippine foreign nationals consisted of financial support to help them start businesses or attend trade school. The advice that he has occasionally provided to them over the years was limited to innocuous, common-sense suggestions. Under these circumstances, I conclude that

Applicant did not falsify Section 20B of his security clearance application, as alleged in SOR subparagraph 2.j.

Applicant's FSO told him that he was only required to report foreign trips to adversarial countries. He always reported his foreign travel to his supervisor in advance of his trips. Under these circumstances, I conclude that his failure to disclose two trips to the Philippines, a trip to Finland, and a trip to Estonia, when he answered "no" to Question 20C regarding foreign, non-work related travel over the past seven years, did not constitute a falsification, and at worst, constituted a careless, but honest mistake. In reaching this conclusion, I considered his explanation, together with his forthcoming responses to the other security clearance application questions, and his good character. I conclude Applicant has mitigated the personal conduct 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.

Applicant has held a security clearance for more than 35 years, and he has spent nearly his entire adult life serving the country, first as an enlisted Airman, and after retirement, as a contractor, working nearly year round in combat zones for the past 15 years. While working abroad, Applicant has largely sacrificed a conventional, comfortable life stateside for an ascetic life with the near-constant threat of physical harm. I considered these facts in assessing his credibility, and in my disposition of the disqualifying and mitigating conditions of the alleged guidelines.

### **Formal Finding**

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 B:	FOR APPLICANT
Subparagraphs 1.a – 1.f:	For Applicant

Paragraph 2, Guideline E:

FOR APPLICANT

Subparagraphs 2.g – 2.k:

For Applicant

### **Conclusion**

In light of all of the circumstances presented by the record in this case, it is clearly consistent with the security interests of the United States to grant Applicant eligibility for a security clearance. Eligibility for access to classified information is granted.

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Marc Curry  
Administrative Judge