



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



In the matter of: )  
)  
)  
) ISCR Case No. 19-03948  
)  
Applicant for Security Clearance )

**Appearances**

For Government: Carroll J. Connelley, Esq., Department Counsel  
For Applicant: *Pro se*

04/22/2021

**Decision**

MATCHINSKI, Elizabeth M., Administrative Judge:

The risk of undue foreign influence that exists because Applicant’s sister is a dual citizen of Israel and the United States residing in Israel and by Applicant’s contact with an officer in the Israeli Defense Forces (IDF) is mitigated. Clearance eligibility is granted.

**Statement of the Case**

On March 10, 2020, the Defense Counterintelligence and Security Agency Consolidated Adjudications Facility (DCSA CAF) issued a Statement of Reasons (SOR) to Applicant detailing a security concern under Guideline B, foreign influence, and explaining why it was unable to grant or continue a security clearance for her. The DCSA CAF took the action under Executive Order (EO) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (AG) effective within the DOD on June 8, 2017.

On March 28, 2020, Applicant responded to the SOR allegation and requested a hearing before an administrative judge from the Defense Office of Hearings and

Appeals (DOHA). On July 28, 2020, the Government amended the SOR to include an additional allegation (SOR ¶ 1.b) under Guideline B. On August 14, 2020, Applicant admitted the allegation with some comments.

Referral of the case to the Hearing Office was delayed because of the COVID pandemic. On February 17, 2021, Department Counsel indicated that the Government was ready to proceed to a hearing. On February 26, 2021, the case was assigned to me to conduct a hearing to determine whether it is clearly consistent with the national interest to grant or continue a security clearance for Applicant. I received the case assignment and file on March 4, 2021. On March 8, 2021, I informed Applicant of the possibility of an online hearing. Applicant expressed her willingness to have an online video hearing. Following a successful test of the Defense Collaboration Services (DCS), on March 11, 2021, DOHA scheduled a DCS video teleconference hearing for March 31, 2021.

At the hearing, Applicant's August 28, 2019 Questionnaire for National Security Positions (SF 86) was admitted as a Government exhibit (GE 1) without objection. Department Counsel offered as GE 2 a Request for Administrative Notice – Israel, dated March 30, 2021. I withheld ruling on that document pending a response from Applicant after the hearing. Applicant testified at the hearing, as reflected in a transcript (Tr.) received on April 14, 2021.

### **Ruling on Request for Administrative Notice**

At the hearing, the Government submitted as GE 2 a request for administrative notice concerning Israel dated March 30, 2021. The request was in lieu of a previous request for administrative notice dated September 30, 2020. The Government's updated request for administrative notice was based, in part, on five publications of the U.S. State Department: *2019 Country Reports on Human Rights Practices – Israel, West Bank, and Gaza*, dated March 11, 2020; *Israel, The West Bank and Gaza Travel Advisory*, dated September 23, 2020; *Israel 2020 Crime & Safety Report*, dated May 4, 2020; *Israel, the West Bank and Gaza International Travel Information*, dated November 24, 2020; and *Country Reports on Terrorism 2019*, dated June 24, 2020. Additionally, some of the facts proposed for administrative notice were drawn from a publication from the Central Intelligence Agency, *The World Factbook – Israel*, dated January 18, 2021, and the Congressional Research Service's report *Israel: Background and U.S. Relations*, dated July 31, 2018. Applicant confirmed that she received the Government's request for administrative notice with the source documents.

Pursuant to my obligation to take administrative notice of the most current political conditions in evaluating Guideline B concerns (see ISCR Case No. 05-11292 (App. Bd. Apr. 12, 2007)), I informed the parties that I would take administrative notice of the facts requested by the Government with respect to Israel, subject to the relevance and materiality of the source documentation, including whether the facts are substantiated by reliable government sources, and subject to any valid objections from Applicant. I held the record open after the hearing for Applicant to file any objections to

the admissibility of the Request for Administrative Notice as GE 2 and to submit on her behalf any exhibits or a request for administrative notice or both. On April 9, 2021, Applicant indicated that she did not intend to submit any evidentiary exhibits or a request for administrative notice. In the absence of any objection to GE 2, I accepted the Request for Administrative Notice – Israel in evidence and closed the record on April 9, 2021.

### **Findings of Fact**

The amended SOR alleges under Guideline B, foreign influence, that Applicant maintains contact with an intelligence officer serving in the IDF (SOR ¶ 1.a) and that Applicant's sister is a dual citizen of Israel and the United States residing in Israel (SOR ¶ 1.b). Applicant admitted the allegations, but she also stated that she believes the Israeli military officer's service had ended by the time the March 2020 SOR was issued or will end in 2020; and she completed her initial security clearance application before her sister had moved to Israel. Applicant's admissions to having had foreign contact with the IDF officer and to the Israeli citizenship and residency of her sister are incorporated as findings of fact. After considering the pleadings, exhibits, and transcript, I make the following additional findings of fact.

Applicant is a 26-year-old U.S. native-born citizen with a bachelor's degree earned in December 2016 from a prestigious private university in the United States. She has been employed by her current employer, a U.S.-based defense contractor, since late January 2017. She completed an internal three-year engineering leadership development program (ELDP) with her employer, and during that program, she earned her master's degree in chemical and aerospace engineering. She currently works as a senior systems engineer and seeks a top secret clearance. (GE 1; Tr. 19-21.) Because of the time it has taken to adjudicate her security-clearance eligibility, Applicant has taken on a general systems engineering management role, which can be done at the unclassified level. (Tr. 21.)

Applicant's parents are U.S. native-born citizens and residents of the United States. Applicant was raised in the United States with her two sisters, who are now ages 24 and 29. In 2017, Applicant's older sister moved to Israel for a summer job as a gymnastics instructor. (GE 1; Tr. 19, 32.) At the end of that summer, she was offered a full-time job, and she elected to remain in Israel. (Tr. 32-33.) She subsequently obtained Israeli citizenship and is a dual citizen of Israel and the United States. (GE 1.) Applicant's sister is employed as a medical writer for a technology company in Israel. She is dating her current roommate, who is a dual U.S.-Israeli citizen employed as an engineer by a U.S.-based corporation in Israel. (Tr. 21-22.) Applicant states that she is not particularly close to her older sister (Tr. 19), explaining that "childhood resentment evolved into just a long-distance tolerance of each other." (Tr. 28.) Applicant's sister did not share with Applicant that she had become a dual citizen. When asked by the DOD about her sister's citizenship status, Applicant made an inquiry of her parents and learned that her sister had acquired her Israeli citizenship. (Tr. 20.) Applicant has weekly contact with her sister in Israel during family "teleconference" calls in which their

parents and sister also participate. Monthly to once every few months, Applicant has additional contact with her sister by social media. (Tr. 23-24.) Applicant had in-person contact with her older sister during family vacations to Europe in July 2018 and July 2019. She has not seen her sister since the July 2019 trip. (Tr. 24-25.) Applicant plans to continue to participate in the weekly family video gatherings with her sister because it makes her mother happy. Applicant sees no reason to change her current relationship with her sister. (Tr. 31-32.)

Applicant went to Israel for a few weeks from December 2016 to January 2017 on a "Birthright [Israel] organized trip," which was designed to introduce young Jewish adults to Israel. Applicant and the other Americans on the program were joined by six or seven college-age Israelis, including some off-duty members of the IDF. For a week to ten days, the participants rode a bus together across Israel to various tourist sites and went to a chemical forensics laboratory on an IDF base. (GE 1; Tr. 28-29.) After the trip ended, Applicant maintained contact with some of the program's participants, including an intelligence officer in the IDF. She and the IDF officer had some common interests, and she contacted him monthly by text messaging and social media through August 2019. (Tr. 26-27, 30.) She reported her contacts with the Israeli national when she completed a March 2017 SF 86 for a secret clearance (Tr. 31) and on an August 2019 SF 86 for a top secret clearance. (GE 1; Tr. 18-19.) She made him aware that she reported him as a foreign contact on her SF 86 forms. By the time she completed her August 2019 SF 86, he had shared with her that he was leaving the IDF to pursue a master's degree and possibly a doctorate degree. She does not know for certain that he is no longer serving in the IDF. Applicant has had no contact with him since "sometime in 2019." (Tr. 26-27). They "grew apart" and stopped communicating. (Tr. 30.) Applicant does not currently have any contact with any member of the IDF. (Tr. 33.)

Neither Applicant nor her family members living in the United States own any financial assets, including any property, in Israel. (Tr. 27.) Applicant has no current plans to travel to Israel in the future. (Tr. 24.)

### **Administrative Notice**

Administrative notice is not taken of the source documents in their entirety, but of specific facts properly noticed and relevant and material to the issues. Concerning the facts submitted for administrative notice in GE 2, I take administrative notice of the facts requested by the Government, as supplemented by the following facts:

Israel is a vibrant parliamentary democracy with a modern economy. Despite the instability and armed conflict that have marked Israel's relations within the region since it came into existence, Israel has developed a robust, diversified, and technologically advanced market economy. Nationwide elections in April 2019, September 2019, and March 2020 were considered free and fair but failed to form a coalition government. The political stalemate was resolved in April 2020 with the current Prime Minister, Benjamin Netanyahu, to remain in office until October 2021, when Blue and White party leader Benny Gantz is scheduled to succeed him.

The relationship between Israel and the United States is friendly and yet complex. Since 1948, the United States and Israel have had a close friendship based on common democratic values, religious affinities, and security interests. Successive U.S. Administrations and Congress have demonstrated a commitment to Israel's security and to maintaining close bilateral ties. Israel is considered a critical ally and friend of the United States. The United States recognized Jerusalem as Israel's capital in December 2017 without taking a position on Israel's sovereign boundaries. The relocation of the U.S. Embassy to Jerusalem in May 2018 was greeted warmly by Israel but rejected by Palestinians and many other international actors. The United States is Israel's largest single-country trading partner. Israel is a leading recipient of U.S. foreign aid and is a frequent purchaser of major U.S. weapons systems.

Israel and the United States do not have a mutual defense agreement, although the United States remains committed to Israel's security and well-being, predicated on Israel maintaining a "qualitative military edge" over other countries in its region. Strong U.S. congressional support for Israel resulted in the country being designated as a "major non-NATO ally" in 1989 and receiving preferential treatment in bidding for U.S. defense contracts and access to expanded weapons systems at lower prices. Significant cooperation exists in military aid, arms sales, joint exercises, and information sharing. Legislation in the U.S. Congress frequently includes proposals to strengthen U.S.-Israeli cooperation, such as the U.S.-Israel Security Assistance Authorization Act of 2018.

Yet, the interests of the two countries are not always aligned. The sales of U.S. defense articles or services to Israel and other foreign countries is subject to the provisions of the Arms Export Control Act, which predicates eligibility for purchase on agreements not to use purchased items or training for purposes other than those permitted by the act or to transfer them to third-party countries (except under certain conditions) without the prior consent of the U.S. President. The United States has acted to restrict aid and/or rebuked Israel in the past for possible improper use of U.S.-supplied military equipment. Israeli-U.S. relations were strained between Israeli Prime Minister Netanyahu's second administration and the Obama Administration, particularly over Israeli settlements in the West Bank and the Iran Nuclear Deal. Negotiations between Israel and the Palestinians have been complicated by Israeli actions, including a July 2018 law by the Knesset which defined Israel as the national homeland of the Jewish people and by Israeli settlement activity in the West Bank. Israel is threatened by Iran; Iranian-sponsored non-state actors, such as the Lebanese Shiite group Hizb'allah; and violent jihadist terrorist groups in the region, such as the Islamic State. Israel's concerns about a nuclear-weapons-capable Iran as an imminent threat to its security have led Israel to criticize the international agreement on Iran's nuclear program when it was negotiated in 2015 and to welcome the Trump Administration's withdrawal of the United States from that agreement in May 2018.

The United States has also expressed concern about Israel's sales of sensitive security equipment and technology, especially to China. Since the 1980s, there have been at least three cases in which U.S. government employees were convicted of

disclosing classified information to Israel or of conspiracy to act as an Israeli agent (e.g., Jonathan Pollard in 1985, who Israel has acknowledged acted as its agent). U.S. government contractors have also been implicated in providing classified and sensitive information to Israel.

The security situation remains complex in Israel, the West Bank, and Gaza. The U.S. recognition of Jerusalem as Israel's capital in December 2017 and of Israel's sovereignty over the Golan Heights in March 2019, and the U.S. failure to condemn as illegal Israeli settlements in the West Bank, have led to a recent rise in anti-U.S. sentiment, especially in the West Bank. Throughout 2019, hostile organizations associated with designated terrorist groups (Hizb'allah, the Popular Front for the Liberation of Palestine (PFLP), Hamas, and the Palestinian Islamic Jihad (PIJ)) and Iran launched mortars, rockets, and incendiary devices into Israel. In September 2020, the U.S. State Department raised the travel advisory for Israel, the West Bank and Gaza from Level 2 to Level 3. Travelers are advised to reconsider travel to Israel and the West Bank and to avoid all travel to Gaza due to COVID-19, terrorism and civil unrest, and with respect to Gaza also armed conflict. Terrorist groups and known lone-wolf terrorists continue plotting possible attacks in Israel, the West Bank, and Gaza, and they target tourist locations, markets, transportation hubs, and local government facilities. Gaza is under the control of Hamas, a U.S.-designated foreign terrorist organization. During 2019, Palestinian militant groups launched 1,340 rockets and mortars from the Gaza Strip toward arbitrary or civilian targets in Israel, killing six and injuring more than 150. Jerusalem and Tel Aviv are considered high-threat locations for terrorism directed at or affecting official U.S.-government interests.

Persons seeking to enter or depart Israel, the West Bank, or Gaza are reminded as of January 2021 that they are subject to immigration and security screening, possibly including prolonged questioning and physical searches, and that they may be denied entry or exit. Israeli security officials have on occasion requested access to travelers' personal email accounts or other social media accounts as a condition of entry. Travelers are advised that they should have no expectation of privacy for any data stored on their devices or in their accounts under those circumstances.

Civilian authorities in Israel maintained effective control over security services in Israel in 2019. Significant human rights issues in Israel in 2019 included reports of unlawful or arbitrary killings by Palestinian terrorist groups in Israel. The Israeli intelligence community reported having thwarted more than 500 attempted terrorist attacks in 2019. Israeli forces killed Palestinians in the West Bank who were attempting or allegedly attempting to attack Israelis, but reportedly some of those killed did not pose a lethal threat at the time. Human rights groups alleged that the Israeli government sometimes used excessive force resulting in the deaths of several Palestinians. Israeli security personnel reportedly used "special interrogation methods" (beatings, threats of rape and physical harm, pressure from restraints, and sleep deprivation) against Palestinian security detainees in the West Bank. However, Israel's government took steps to prosecute and punish officials who committed abuses within Israel regardless of rank or seniority.

## Policies

The U.S. Supreme Court has recognized the substantial discretion the Executive Branch has in regulating access to information pertaining to national security, emphasizing that “no one has a ‘right’ to a security clearance.” *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). When evaluating an applicant’s suitability for a security clearance, the administrative judge must consider the adjudicative guidelines. In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are required to be considered in evaluating an applicant’s eligibility for access to classified information. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with the factors listed in the adjudicative process. The administrative judge’s overall adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(c), the entire process is a conscientious scrutiny of a number of variables known as the “whole-person concept.” The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision.

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that “[a]ny doubt concerning personnel being considered for access to classified information will be resolved in favor of national security.” In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record. Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, the applicant is responsible for presenting “witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by applicant or proven by Department Counsel. . . .” The applicant has the ultimate burden of persuasion to obtain a favorable security decision.

A person who seeks access to classified information enters into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it grants access to classified information. Decisions include, by necessity, consideration of the possible risk that the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified information. Section 7 of EO 10865 provides that decisions shall be “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See *also* EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

## Analysis

### Guideline B: Foreign Influence

The security concern relating to the guideline for foreign influence is articulated in AG ¶ 6:

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 that is 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.

Applicant traveled to Israel on a Birthright Israel organized trip in December 2016, just before starting her first year of a three-year ELDP with her current employer. One of the Israeli participants in the program was an intelligence officer in the IDF with whom she maintained contact by texting and social media from January 2017 until sometime in 2019. Applicant's older sister is a dual citizen of Israel and the United States, who has been working and living in Israel since the summer of 2017. Review of Applicant's foreign contacts and connections is warranted to determine whether they present a heightened risk under AG ¶ 7(a) or create a potential conflict of interest under AG ¶ 7(b). Those disqualifying conditions provide:

(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.

Not every foreign contact or tie presents the heightened risk under AG ¶ 7(a). The "heightened risk" denotes a risk greater than the normal risk inherent in having a family member or friend living under a foreign government. The nature and strength of the family ties or other foreign interests and the country involved (*i.e.*, the nature of its government, its relationship with the United States, and its human rights record) are relevant in assessing whether there is a likelihood of vulnerability to government



coercion. The risk of coercion, persuasion, or duress is significantly greater if the foreign country has an authoritarian government; a family member is associated with, or dependent on, the foreign government; or the country is known to conduct intelligence operations against the United States. In considering the nature of the foreign government, the administrative judge must take into account any terrorist activity in the country at issue. See *generally* ISCR Case No. 02-26130 at 3 (App. Bd. Dec. 7, 2006).

Israel and the United States have long had a close friendship. The United States is committed to Israel's security, to the extent of ensuring that Israel maintains a "qualitative military edge" in its region. Israel receives preferential treatment in bidding for U.S. contracts and substantial military aid from the United States. However, Guideline B concerns are not limited to countries hostile to the United States. Even friendly nations may have interests that are not completely aligned with the United States. The Appeal Board has long held that "[t]he 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." See ISCR Case No. 02-11570 (App. Bd. May 19, 2004). There is no recent report showing direct involvement by the Israeli government targeting the United States. However, U.S. government employees and U.S. government contractors have been implicated in economic espionage activity in the United States to benefit Israel. The U.S. attitude towards Israeli settlements in the West Bank has shifted depending on the administration in power. Israel's military sales to other countries such as China have not been in the interest of the United States.

There is no evidence that Israel has used coercive methods on its resident citizens to obtain U.S. sensitive information. However, it does not eliminate the *possibility* that Israel would employ some non-coercive measures in an attempt to exploit a relative, friend, or acquaintance. Israel faces threats by jihadist groups, other terrorist organizations, and states in the region that are avowedly anti-Israel. Within Israel, many of those attacks are directed at Jewish or Israeli interests. Israel attempts to prevent the indiscriminate acts of violence against its citizens or tourists in Israel and strictly enforces security measures designed to combat and minimize the risk presented by terrorism. Nonetheless, the risk of terrorism and civil unrest in Israel led the U.S. State Department in September 2020 to raise the travel advisory for Israel to level 3 in September 2020.

Applicant denies that she has a close relationship with her sister in Israel because of resentment fostered in childhood. Even so, there is the relationship of other family members, such as Applicant's parents, to her sister in Israel that must be considered. Applicant is sufficiently close to her parents to participate in the weekly family video sessions that include her sister in Israel. Family trips to Europe in 2018 and 2019 included her sister living in Israel. Maintaining her current relationship with her sister makes her mother happy, and Applicant sees no reason to cease her participation in the family sessions. The sibling relationship and the risk of terrorist activity in Israel

create a heightened security risk under AG ¶ 7(a) and a potential conflict of interest under AG ¶ 7(b).

The evidence also shows that Applicant maintained contact with an officer in the IDF from January 2017 through at least August 2019 after she returned to the United States from her “Birthright” trip to Israel. The contacts appear to have been out of friendship and shared interests. Yet, her friendship and communications with an officer in the IDF’s intelligence service could conceivably be a potential source of exploitation or conflict with her obligation to protect U.S. classified or sensitive information or technology, whether or not he had left the IDF to pursue his master’s degree. To the extent that AG ¶¶ 7(a) and 7(b) are implicated because of her contacts with the IDF officer, mitigation is established by the lack of any recent communication between them, and Applicant’s credible testimony that they “grew apart.” Four mitigating conditions under AG ¶ 8 apply in whole or in part with respect to her ties and communications with the IDF intelligence officer. They are:

(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; and

(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.

It is difficult to see how Applicant could be pressured or coerced to assist an IDF officer with whom she has not had any contact in over a year. There is no indication that Applicant had developed any loyalty to Israel or to this foreign intelligence officer. Her monthly communication with him reflects a casual relationship, and Applicant disclosed her contacts with him on her SF 86 forms completed in March 2017 and August 2019.

There is nothing about Applicant’s older sister’s duties as a medical writer for a technology company that increase the likelihood Applicant will be placed in a position of

having to choose between the interests of her sister and the interests of the United States. However, the sibling relationship and the risk of terrorism in Israel make it difficult to apply either AG ¶ 8(a) or AG ¶ 8(c) in mitigation of the foreign influence security concerns raised by her sister's residency and citizenship in Israel. Applicant wants to make her mother happy by maintaining contact with her sister in Israel. In foreign influence cases, it must be acknowledged that people act in unpredictable ways when faced with choices that could be important to a family member. As stated by the DOHA Appeal Board in ISCR Case No. 08-10025 (App. Bd. Nov. 3, 2009), "Application of the guidelines is not a comment on an applicant's patriotism but merely an acknowledgment that people may act in unpredictable ways when faced with choices that could be important to a loved-one, such as a family member." Moreover, in evaluating Guideline B concerns, the Appeal Board has held that:

Evidence of good character and personal integrity is relevant and material under the whole person concept. However, a finding that an applicant possesses good character and integrity does not preclude the government from considering whether the applicant's facts and circumstances still pose a security risk. Stated otherwise, the government need not prove that an applicant is a bad person before it can deny or revoke access to classified information. Even good people can pose a security risk because of facts and circumstances not under their control. See ISCR Case No. 01-26893 (App. Bd. Oct. 16, 2002).

Applicant has no control over her sister's decision to move to Israel and acquire dual citizenship. In evaluating whether Applicant has "such deep and longstanding relationships and loyalties in the United States" to trigger AG ¶ 8(b) in mitigation, it is noted that Applicant has not exhibited or expressed any desire or intent to move to Israel. Applicant has not been to Israel since the Birthright trip, which occurred before she started working for a defense contractor. She has no current intent to travel to Israel in the future. Raised and educated in the United States, she has chosen to pursue her career here as an engineer contributing to the U.S. defense effort. She is not likely to jeopardize her parents and younger sister, who are U.S. resident citizens, or her career in the United States by succumbing to any undue foreign influence or pressure that may be exerted through the family relationship. Applicant's clear preference for her life in the United States weighs favorably in assessing whether she can be expected to resolve any conflict of interest for the United States. AG ¶ 8(b) applies.

### **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 her conduct and all relevant circumstances in light of the nine adjudicative process factors listed at AG ¶ 2(d). Those factors are as follows:

- (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 cannot control the actions of the Israeli government or of foreign actors that may seek to obtain classified or sensitive information from her by pressuring her sister. However, she can control her response. Applicant has demonstrated trustworthiness and reliability by reporting her foreign contacts on her security clearance applications and by not continuing to maintain a relationship with a foreign military officer which could present a potential conflict with her security obligations. After considering the evidence of record, I am persuaded that Applicant can be counted on to fulfill her security obligations.

### **Formal Findings**

Formal findings for or against Applicant on the allegations set forth in the amended 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.b: For Applicant

### **Conclusion**

In light of all of the circumstances, it is clearly consistent with the interests of national security to grant Applicant eligibility for a security clearance. Eligibility for access to classified information is granted.

---

Elizabeth M. Matchinski  
Administrative Judge