



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



In the matter of: )  
)  
) ISCR Case No. 19-03532  
)  
Applicant for Security Clearance )

**Appearances**

For Government: Rhett Petcher, Esquire, Department Counsel  
For Applicant: *Pro se*

03/10/2021

**Decision**

GALES, Robert Robinson, Administrative Judge:

Applicant mitigated the security concerns regarding foreign influence and financial considerations. Eligibility for a security clearance and access to classified information is granted.

**Statement of the Case**

On November 26, 2017, Applicant applied for a security clearance and submitted an Electronic Questionnaires for Investigations Processing (e-QIP) version of a Security Clearance Application (SF 86). On April 16, 2020, the Defense Counterintelligence and Security Agency (DCSA) Consolidated Adjudications Facility (CAF) issued a Statement of Reasons (SOR) to her, under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended and modified; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended and modified (Directive); and Directive 4 of the Security Executive Agent (SEAD 4), *National Security Adjudicative Guidelines* (AG) (December 10, 2016) (AG), effective June 8, 2017.

The SOR alleged security concerns under Guideline B (Foreign Influence) and Guideline F (Financial Considerations) and detailed reasons why the DOD adjudicators were unable to find that it is clearly consistent with the national interest to grant or continue a security clearance for Applicant. The SOR recommended referral to an administrative judge to determine whether a clearance should be granted, continued, denied, or revoked.

In an unsworn statement, dated May 23, 2020, followed up by a sworn statement, dated May 27, 2020, Applicant responded to the SOR, and she requested a hearing before an administrative judge. Department Counsel indicated the Government was prepared to proceed on November 1, 2020. The case was assigned to me on November 16, 2020. A Notice of Hearing was issued on November 24, 2020, scheduling the hearing for December 11, 2020. However, on the scheduled date, an issue arose associated with COVID-19, and the hearing had to be postponed. Another Notice of Hearing was issued on January 6, 2021. I convened the hearing as scheduled on January 15, 2021.

During the hearing, Government Exhibits (GE) 1 through GE 8, Applicant Exhibits (AE) A through AE E, and Administrative Exhibit I were admitted into evidence without objection. Applicant testified. The transcript (Tr.) was received on January 27, 2021. I kept the record open until February 16, 2021, to enable her to supplement it. She took advantage of that opportunity and timely submitted additional documents which were marked and admitted as AE F through AE J without objection. The record closed on February 16, 2021.

### **Rulings on Procedure**

Department Counsel requested that I take Administrative Notice of certain enumerated facts pertaining to both the Russian Federation (Russia), appearing in extracts of 23 U.S. Government publications, including 13 press releases, and the Democratic Republic of Georgia (Georgia), appearing in extracts of 4 U.S. Government publications. Facts are proper for Administrative Notice when they are easily verifiable by an authorized source and relevant and material to the case.

Administrative or official notice is the appropriate type of notice used for administrative proceedings. See 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)); *McLeod v. Immigration and Naturalization Service*, 802 F.2d 89, 93 n.4 (3d Cir. 1986)). The most common basis for administrative notice at ISCR proceedings, is to notice facts that are either well known or from government reports. See Stein, ADMINISTRATIVE LAW, Section 25.01 (Bender & Co. 2006) (listing 15 types of facts for administrative notice). Requests for administrative notice may utilize authoritative information or sources from the internet. See, e.g. *Hamdan v. Rumsfeld*, 126 S.Ct. 2749 (2006) (citing internet sources for numerous documents). In this instance, although Department Counsel has selected only certain facts appearing in the identified publications, I have not limited myself to only those facts, but have considered the publications in their entirety.

The 13 press releases of the U.S. Department of Justice were presented apparently to substantiate that Russia actively pursues collection of U.S. economic and propriety information, and therefore, Applicant's relationship with family members in Russia raises suspicion of her. None of the cases in the press releases involve Applicant personally or involved espionage through any familial relationship. There is no indication of any government sponsorship, approval, or involvement encouraging any attempt to acquire sensitive commercial information for competitive advantage. Likewise, there is no evidence that Russia's government was involved in, or sanctioned, the criminal activity. Moreover, the criminal wrongdoing of other U.S. citizens is of decreased relevance to an assessment of Applicant's security suitability, especially where there is no evidence that Applicant, nor any member of her family, was ever involved in any aspect of the cases or ever targeted by any Russian intelligence official.

After weighing the reliability of the source documentation and assessing the relevancy and materiality of the facts proposed by the Government, pursuant to Rule 201, *Federal Rules of Evidence*, I take administrative notice of certain facts, as set forth below under the Russia and Georgia subsections. However, while I do not reject the facts set forth in the 13 press releases issued by the U.S. Department of Justice, any inference that Applicant or her family participated in criminal activity was not argued by the Government and is specifically rejected.

### **Findings of Fact**

In her Answers to the SOR, Applicant admitted, with comments, two of the factual allegations pertaining to foreign influence (SOR ¶¶ 1.d. and 1.f.) as well as one of the factual allegations, with comments, pertaining to financial considerations (SOR ¶ 2.a.). Applicant's admissions and comments are incorporated herein as findings of fact. After a complete and thorough review of the evidence in the record, and upon due consideration of same, I make the following additional findings of fact:

### **Background**

Applicant is a 47-year-old Russian-born naturalized U.S. citizen. She arrived in the United States in November 2009, and she was naturalized in August 2013. She is an employee of several organizations, serving as either a part-time interpreter, a Russian instructor, or an Uber driver, as well as a full-time linguist, with those employers. Her last position before leaving Russia was as a professional church singer from 2004 until 2009. A 1991 high school graduate, her Russian educational pursuits were subsequently evaluated as the equivalence of a bachelor's degree in education and a master's degree in English. She has never served with the U.S. military or any other military. She has never held a security clearance. She was married in 1991 and divorced in 1995. She remarried in 2009 and was divorced in 2014. She remarried in 2015 and was divorced in 2020. (GE 7; AE A) She has one son, born in Russia in 1994.

## Foreign Influence

As noted above, Applicant was born in Russia. Both of her parents were born in Russia. She never met or had a relationship with her father, does not actually know his name, and according to her mother, he abandoned her when he found out she was pregnant. (AE E; Tr. at 30) Applicant was raised by her unmarried single mother (a retired industrial worker) who is now a septuagenarian, a Russian citizen temporarily residing in Russia, but the holder of a U.S. Permanent Resident Card (Green Card), that allows her to reside and work permanently in the United States, at least until the card expires in 2026. (AE D; Tr. at 31, 37) She resided in the United States for nearly one year before returning to Russia in 2017, essentially because she and Applicant's most recent ex-husband did not get along, and it is her intention to return to the United States once the COVID-19 restrictions are lifted. (Tr. at 63-67, 99) While residing in Russia, she has received the Russian equivalent of American Social Security (Tr. at 97-98) and she resides in her own apartment, reportedly worth about \$17,530.

Applicant has one Russian-born son, a naturalized U.S. citizen who is currently a lance corporal with the U.S. Marine Corps. (AE F; Tr. at 56, 95) His Georgian-born wife is also the holder of a Green Card, and she is a housewife residing in the United States. (AE E; Tr. at 93-94)

Applicant also has two cousins, both of whom are Russian citizen-residents. One cousin is a housewife and stay-at-home mother, and Applicant communicates with her monthly by Internet phone. (GE 2, at 14; Tr. at 96-97) She does not know what her other cousin does for a living. They generally communicate during Christmas. (GE 2, at 15; Tr. at 57-58, 96-97)

Applicant's most recent ex-husband was a citizen of Georgia whom she met using an on-line dating service. He was naturalized as a U.S. citizen in 2016. (AE B) Before she married him and he came to the United States, he served with the Georgia Military Forces and later with the Georgia Security Police guarding various physical structures. (Tr. at 47-49) His father is a Georgian-born (actually Soviet Union, when Georgia was part of the Soviet Union) citizen-resident who previously worked for the Soviet Union's Committee for State Security (KGB) until the dissolution of the Soviet Union in 1990, and then he transferred to the Georgia Security Police. He also held a Green Card, and resided in the United States for about a decade, working as a janitor, before returning to Georgia. (Tr. at 51-53) Her ex-husband also had a mother, aunts, cousins, and other extended family members who are citizen-residents of Georgia. Applicant had limited communications with her ex-husband's family, with her most recent communication with her ex-father-in-law occurring in 2017, and with some of the other family members taking place in April 2019, when she informed them that she and her husband were divorcing. (AE E; Tr. at 30, 54) She has no further relationship or communications with any member of her ex-husband's family. (Tr. at 54-55)

Before she moved to the United States, Applicant recalled the hypocrisy she had to endure when she was a child. She remembered a geography home assignment when she had to quote Lenin, and when she worked as a journalist, she was forced to write

something that she did not believe. She chose to seek a future in the United States, a place that is better than any other country in the world. She enjoys the true democracy so people can pursue happiness free from oppression. (Tr. at 38)

Although Applicant became a naturalized U.S. citizen in August 2013, she has completed no formal action under Russian law to renounce her Russian citizenship, and thus, she remains a dual citizen. Although she took certain steps in 2016 to do so, after submitting certain required documentation, and then being asked for additional documentation, she cancelled the process by failing to complete it, deciding that as a U.S. citizen, she has no further obligations to deal with Russia. (GE 2, at 4; Tr. at 43-44) On December 13, 2017, when she was interviewed by an investigator from the U.S. Office of Personnel Management (OPM), Applicant said she was willing to renounce her Russian citizenship if necessary because she no longer has any connections to Russia. (GE 2, at 5)

When she became naturalized as a U.S. citizen, she took an oath of allegiance to the United States. That oath is as follows:

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.

*<https://www.uscis.gov/us-citizenship/naturalization-test/naturalization-oath-allegiance-united-states-america>*

No member of Applicant's family, referring to her mother, son, or cousins, as opposed to her ex-husband and his father, has a past or current relationship with the Russian or Georgian governments, military, or intelligence services. (GE 2, at 14-15; GE 1, at 30)

## **Russia**

Russia is composed of 21 republics. The Government consists of a strong president, a prime minister, a bicameral legislature, and a weak judiciary often subject to political manipulation. It is a vast and diverse country with a population of 142 million people. It achieved independence with the dissolution of the Soviet Union on August 24, 1991, and remains a nuclear superpower that continues to develop politically, socially, and economically. On paper, Russia has recognized the legitimacy of international

human rights standards, but it continues to be a “police state” where human rights abuses are rampant. There are numerous reports of human rights abuses, including law enforcement personnel engaged in torture, abuse, and violence to coerce confessions from suspects, with little accountability, despite the fact that the law prohibits such practices; widespread corruption within the police force; arbitrary arrest and detention; politically motivated arrests; abductions; and life threatening prison conditions. The media is largely state-controlled. There are restrictions on freedom of movement within the country, and all adults must carry government-issued internal passports while traveling internally, and they are required to register with the local authorities within a specified time of their arrival at a new location.

Russia’s two main intelligence services are the Russian Foreign Intelligence Service (SVR) and the main Intelligence Directorate of the General Staff (GRU), both overseen by the Russian National Security Council and coordinated through the Permanent Interbranch Commissions of the National Security. Its intelligence capability is significant and focuses on collection of information from the United States. The Soviet Union engaged in a series of high profile espionage missions against the United States, and Russia has continued the tradition. Russia is one of the two most aggressive collectors of sensitive and protected U.S. technology and accounts for the majority of such targeting. Russia also provides technologies which could be used in the construction of weapons of mass destruction and missiles to other countries. It is a leading arms exporter, with major sales of advanced weapons and military-related technology to China, India, Iran, and Venezuela. Nevertheless, the United States and Russia share common interests on a broad range of issues, including counterterrorism and the drastic reduction of strategic arsenals.

The National Counterintelligence and Security Center (NCSC) reported that foreign economic and industrial espionage against the United States continues to represent a significant threat to the United States’ prosperity, security, and competitive advantage and identified Russia as one of the three most capable and active cyber actors tied to economic espionage and the potential theft of U.S. trade secrets and proprietary information. It reported that Russia uses cyber operations as an instrument of intelligence collection to inform its decision-making and benefit its economic interests, and that Russian intelligence services have conducted sophisticated and large-scale hacking operations to collect sensitive U.S. business and technology information.

The NCSC noted that, “[a]n aggressive and capable collector of sensitive U.S. technologies, Russia uses cyberspace as one of many methods for obtaining the necessary know-how and technology to grow and modernize its economy.” Other methods of collection include use of Russian commercial and academic enterprises that interact with the West; recruitment of Russian immigrants with advanced technical skills by the Russian intelligence services; and Russian intelligence penetration of public and private enterprises, which enable the Russian government to obtain sensitive technical information from industry.

The Office of the Director of National Intelligence (ODNI) issued its Worldwide Threat Assessment of the U.S. Intelligence Community, in which it assessed that

Russia will employ a variety of aggressive tactics to bolster its standing as a great power, weaken the United States, and undermine Euro-Atlantic unity; and that Russia will use a range of relatively low-cost tools to advance its foreign policy objectives, including influence campaigns, economic coercion, cyber operations, and measured military force. The ODNI also assessed that President Putin will likely increase his use of repression and intimidation to contend with domestic discontent over corruption, poor social services, and a sluggish economy; he will continue to manipulate the media and is likely to expand the Russian government's legal basis for repression; and Russia will continue to modernize, develop, and field a wide range of advanced nuclear, conventional, and asymmetric capabilities to balance its perception of a strategic military inferiority vis-a-vis the United States. Russia will also seek to maintain, and where possible, expand its influence through the former Soviet countries that it asserts are in its self-described sphere of influence.

The ODNI has reported that areas of highest interest to foreign intelligence collectors include energy/alternative energy; biotechnology; defense technology; environmental protection; high-end manufacturing; and information and communications technology. Over the years, the U.S. Department of Justice indicted a variety of U.S. citizens and foreign nationals on charges related to computer hacking and conspiring to engage in economic espionage and theft of trade secrets.

The ODNI has also reported that Russian efforts to influence the 2016 U.S. presidential election represent the most recent expression of Russia's long-standing desire to undermine the U.S.-led liberal democratic order and noted that "these activities demonstrated a significant escalation in directness, level of activity, and scope of effort compared to previous operations." The 2016 influence campaign reflected Russia's recognition of the worldwide effects that mass disclosure of U.S. Government and other private data have achieved in recent years. The ODNI assessed that Russian intelligence services will continue to develop capabilities to provide President Putin with options to use against the United States.

The U.S. Department of State Travel Advisory for Russia is Level 4 – "do not travel," due to COVID-19, terrorism, harassment, and the arbitrary enforcement of local laws. The advisory directs U.S. citizens not to travel to the North Caucasus, including Chechnya and Mount Elbrus, due to terrorism and civil unrest; or to Crimea due to Russia's occupation of the Ukrainian territory and abuses by its occupying authorities. Terrorist groups continue plotting possible attacks in Russia, and may attack with little or no warning. U.S. citizens have been arbitrarily interrogated or detained by Russian officials and may become victims of harassment, mistreatment, and extortion. Due to the Russian government-imposed reduction on U.S. diplomatic personnel in Russia, the U.S. Government has reduced ability to provide services to U.S. citizens.

The Department of State has assessed Moscow as being a high-threat location for terrorist activity directed at or affecting official U.S. Government interests. Although Russia continued to prioritize counterterrorism efforts in 2017, it remained a target of international terrorist groups, particularly ISIS.

Russia has attempted to reassert its dominance in, and integration of, the former Soviet states and has generally been successful with Belarus and Armenia. It has remained unwelcomingly active in the internal affairs of several of its neighboring countries—former republics of the Soviet Union or occupied “independent countries”—such as Georgia, Ukraine, Azerbaijan, and Moldova, and has issued threats against Poland (a member of the North Atlantic Treaty Organization (NATO) since 1999), the Czech Republic (a member of NATO since 1999), and Estonia (a member of NATO since 2004). Russia maintains an extensive military presence in Crimea and is likely to take further military actions in Crimea as part of its occupation of this part of Ukraine. The international community, including the United States and Ukraine, does not recognize Russia’s purported annexation of Crimea. In response to Russia’s violations of Ukraine’s sovereignty, and other acts, the United States suspended most bilateral engagement with the Russian government on economic issues. Anti-American and anti-Western rhetoric is widespread in both official media sources and on social media.

In its 2019 Human Rights Report, the Department of State reported that Russia’s occupation and purported annexation of Ukraine’s Crimean Peninsula continued to affect the human rights situation in Russia significantly and negatively. Credible observers attributed thousands of civilian deaths and injuries, as well as widespread abuses, to Russian-led forces in Ukraine’s Donbas region and to Russian occupation authorities in Crimea. Human rights groups asserted that numerous Ukrainian citizens remained in Russia as political prisoners.

The most significant human rights issues in Russia included extrajudicial killings; enforced disappearance; torture that was systematic and sometimes resulted in death and sometimes included punitive psychiatric incarceration; harsh and life-threatening conditions in prisons; arbitrary arrest and detention; lack of judicial independence; political prisoners; severe interference with privacy; severe restrictions on freedom of expression and the media; increasingly severe restriction on freedom of association, including laws on “foreign agents” and “undesirable foreign organizations”; and widespread corruption at all levels and in all branches of government. The government failed to take adequate steps to prosecute or punish most officials who committed abuses, resulting in a climate of impunity.

Cybercrime is also a significant problem across Russia. The risk of infection, compromise, and theft via malware, spam email, sophisticated spear phishing, and social engineering attacks is significant. Telephone and electronic communications are subject to surveillance at any time without advisory. The Russian System for Operational-Investigative Activities permits authorities to monitor and record all data that traverses Russia’s networks.

## **Georgia**

The geographical area encompassing Georgia has a history of outside domination by Persians, Arabs, Turks, and Soviets. Following the Russian Revolution, it was forcibly incorporated into the Soviet Union in 1921, and it regained its independence when the Soviet Union dissolved in 1991. Eduard Shevardnadze, the



Soviet Minister of Foreign Affairs from 1985 until 1991, and the First Secretary of the Georgian Communist Party from 1972 until 1985, became an early Georgian President, but he was forced to resign as a result of the “Rose Revolution in late 2003.

Georgia is a republic with a semi-presidential political system. The constitution provides for an executive branch that reports to the prime minister, a unicameral parliament, and a separate judiciary. The government is accountable to parliament. The president is the head of state and commander in chief. Under the constitution that came into force after December 2018, future presidents are not to be elected by popular vote. Organization for Security and Cooperation in Europe observers described the first round of the October 2018 presidential elections as competitive and professionally administered.

The Ministry of Internal Affairs and the State Security Service of Georgia (SSSG) have primary responsibility for law enforcement and maintenance of public order. The ministry is the primary law enforcement organization and includes the national police force, the border security force, and the Georgian Coast Guard. The SSSG is the internal intelligence service responsible for counterintelligence, counterterrorism, and anticorruption efforts. There were indications that at times civilian authorities did not maintain effective control of domestic security forces.

In 2008, an exchange of gunfire/artillery between Georgian and separatist forces in South Ossetia escalated into a full-blown war between Georgia and Russia. Since 2008, Russia has stationed forces in Abkhazia and South Ossetia. The Department of State has issued a Travel Advisory for Georgia as Level 4 – “do not travel warning” for the Russian-occupied regions due to COVID-19, crime, civil unrest, and landmines. Georgia has been assessed as being a medium-threat location for terrorism directed at or affecting official U.S. government interests. Georgia’s geographical proximity to Iran, Turkey, Azerbaijan, and the Russian North Caucasus region, all of which have experienced some measure of recent terrorist-related activity, continues to be of concern. While Georgia has made strides with respect to border control and integrity, its geographic location makes it a natural transit area for terrorists from these regions traveling to Syria and Iraq.

Georgia faces two separate and distinct streams of anti-U.S. sentiment: U.S.-Russian relations, and anti-U.S.-rhetoric that originates within small Islamist groups. A sizeable minority prefer alignment with Russia. The U.S. Department of State has assessed Tbilisi, the Georgian capital, as being a high-threat location for political violence directed at or affecting official U.S. government interests.

In 2019, significant human rights issues in Georgia included: unlawful or arbitrary deprivation of life by Russian and de facto authorities in the Russian-occupied Georgian regions of Abkhazia and South Ossetia, including unlawful or arbitrary killing in Abkhazia; arbitrary detentions by the government and Russian and de facto authorities; significant problems with the independence of the judiciary and investigations and prosecutions widely considered to be politically motivated; unlawful interference with privacy; inappropriate police force against journalists; substantial inappropriate police

force against protesters; and crimes involving violence or threats targeting lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons. De facto authorities in the Russian-occupied regions of Abkhazia and South Ossetia remained outside central government control and were supported by Russian forces. Ethnic Georgians were restricted in many ways: they were unable to vote, own property, register businesses, and travel.

While the official U.S. commentary regarding Georgia focuses on corruption, human rights violations, hostility between Russia and Georgia, especially in and near the Russian-occupied regions of Abkhazia and South Ossetia, and terrorist activities, there is little, if any, evidence that Georgia is an active participant in economic espionage, industrial espionage or trade theft, or is a violator of export-control regulations.

### **Financial Considerations**

General source information pertaining to the financial issues discussed below can be found in the following exhibits: GE 1 (SF 86, dated November 26, 2017); GE 2 (Enhanced Subject Interviews, dated December 13-14, 2017; and March 7, 2018); GE 3 (Combined Experian, TransUnion, and Equifax Credit Report, dated November 29, 2017); and GE 4 (Equifax Credit Report, dated April 2, 2019).

In her SF 86, and again during her interview with an investigator from the U.S. Office of Personnel Management (OPM), Applicant acknowledged the existence of several delinquent accounts. (GE 1, at 51-57; GE 2, at 8, 24) In February 2015, she lost a part-time job with an employer that furnished her most of her income, and when she realized that she would be unable to maintain her accounts in a current status, she engaged the services of a debt-relief company to assist her in resolving her debts. Following their guidance, she paid that organization, but negotiations with her creditors did not commence until her debts were sent to collection. Upon discovering the process, she terminated her agreement with that debt-relief company and started addressing her creditors directly to set up repayment agreements. (GE 1, at 54-57; Tr. at 74-75) In 2017, she was ill, suffered a miscarriage, and was unable to work for two months. Her then-husband, initially a janitor, and later a Lyft driver, was also sick. (Tr. at 80) In order to earn sufficient funds to continue addressing her debts, she has been working a number of concurrent jobs.

The SOR alleged three delinquent debts totaling approximately \$41,547, as set forth as follows:

SOR ¶ 2.a. is an automobile loan with a high credit of approximately \$30,000 that was past due \$1,035, and had an unpaid balance of \$22,484. (GE 4, at 2) When she initially applied for the loan, but because her then-husband did not yet have a Social Security number, the proposed loan was marketed to the eventual lender with an 18 percent interest rate. She attempted to refinance the loan but was denied because of her poor credit history. (GE 2, at 10) Nevertheless, Applicant routinely made her monthly payments commencing in July 2016. (AE C) The vehicle was involved in an

accident in November 2018, and her insurance company considered it to be a total loss. In March 2019, the insurance company paid her lender approximately \$14,357. (AE C) Applicant continued making the remaining payments, and as of May 2019, approximately 11 months before the SOR was issued, the account was finally paid off. The creditor acknowledged that the account had been paid in full. (AE H) The account has been resolved.

SOR ¶ 2.b. is a credit-card account with a high credit of \$17,356 and a past-due balance of \$12,079 that was placed for collection and charged off in 2015. (GE 4, at 2; GE 3, at 6) Applicant made several payments, reducing the unpaid balance to approximately \$16,557 as of May 2017. In August 2017, a default judgment was entered against her for that amount, later adjusted to approximately \$16,643. (GE 6; AE G) Initially, some payments were through garnishment. In January 2018, Applicant and the collection agent agreed to a repayment plan under which, commencing in January 2018, she agreed to make monthly payments of \$259. As of December 2020, the unpaid balance had been reduced to approximately \$6,478. (GE 5; AE G; Tr. at 80-81) The account is in the process of being resolved.

SOR ¶ 2.c. is a credit-card account with a high credit of \$5,406 and a past-due balance of \$2,420 that was placed for collection and charged off in 2015. (GE 4, at 2; GE 3, at 9) Applicant made several payments commencing in 2015, and although a complaint was filed against her in 2017 (and dismissed in 2020), she continued making monthly payments until May 2020, when the account was paid in full. (GE 8; AE I; Tr. at 81-83) The account has been resolved.

Applicant submitted a Personal Financial Statement in which she reported a net monthly income of approximately \$4,644; \$1,015 in monthly expenses; approximately \$4,281 in routine mortgage, credit card, and tax payments; and a monthly remainder of approximately \$363 available for discretionary spending or savings. (AE J)

## **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. The President has authorized the Secretary of Defense or his designee to grant an applicant 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 and modified.)

When evaluating an applicant’s suitability for a security clearance, the administrative judge must consider the guidelines in SEAD 4. In addition to brief introductory explanations for each guideline, the guidelines list potentially disqualifying

conditions and mitigating conditions, which are used in evaluating an applicant's eligibility for access to classified information.

An administrative judge need not view the guidelines as inflexible, ironclad rules of law. Instead, acknowledging the complexities of human behavior, these guidelines are applied in conjunction with the factors listed in the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. 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 meaningful decision.

In the decision-making process, facts must be established by "substantial evidence." "Substantial evidence [is] such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of all contrary evidence in the record." (ISCR Case No. 04-11463 at 2 (App. Bd. Aug. 4, 2006) (citing Directive ¶ E3.1.32.1)) "Substantial evidence" is "more than a scintilla but less than a preponderance." (*See v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4<sup>th</sup> Cir. 1994).)

The Government initially has the burden of producing evidence to establish a potentially disqualifying condition under the Directive, and has the burden of establishing controverted facts alleged in the SOR. Once the Government has produced substantial evidence of a disqualifying condition, under Directive ¶ E3.1.15, the applicant has the burden of persuasion to present evidence in refutation, explanation, extenuation or mitigation, sufficient to overcome the doubts raised by the Government's case. 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).)

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 as well. It is because of this special relationship that the Government must be able to repose a high degree of trust and confidence in those individuals to whom it grants access to classified information. 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 as to potential, rather than actual, risk of compromise of classified information. Furthermore, "security clearance determinations should err, if they must, on the side of denials." (*Id.*)

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) 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 as to Applicant's allegiance, loyalty, or patriotism. It is merely an indication the Applicant has or has not met the strict guidelines the President and the Secretary of Defense have

established for issuing a clearance. In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record. Likewise, I have avoided drawing inferences grounded on mere speculation or conjecture.

## **Analysis**

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

The security concern relating to the guideline for Foreign Influence is set out 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 inconsistent with U.S. interests or otherwise made vulnerable to pressure or coercion by any foreign interest. Assessment of foreign contacts and interests should consider the country in which the foreign contact or interest is located, including, but not limited to, considerations such as whether it is known to target U.S. citizens to obtain classified or sensitive information or is associated with a risk of terrorism.

The guideline notes several conditions that could raise security concerns 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
- (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.

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))

The mere possession of close family ties with a person in a foreign country is not, as a matter of law, disqualifying under Guideline B. However, if only one relative lives in a foreign country, and an applicant has contacts with that relative, 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. 03-02382 at 5 (App. Bd. Feb. 15, 2006); ISCR Case No. 99-0424 at 12 (App. Bd. Feb. 8, 2001)) Applicant's relationship with her mother and two cousins in Russia, are current concerns for the Government. However, the security significance of these identified concerns requires further examination of Applicant's respective relationships with those family members who are either Russian citizen-residents (her two cousins) or a Russian citizen-part-time or temporary resident (her mother) to determine the degree of "heightened risk" or potential conflict of interest. The issues regarding her most recent ex-husband (a dual citizen of the United States and Georgia, residing in the United States), his parents, siblings, and extended family members (Georgian citizen-residents) are significantly reduced because her relationship with those individuals has been terminated as a result of her divorce. The current status of Applicant's daughter-in-law (a citizen of Georgia, but a permanent U.S. resident awaiting naturalization as a U.S. citizen), has also greatly diminished, if not extinguished, any security concerns.

In assessing whether there is a heightened risk because of an applicant's relatives in a foreign country, it is necessary to consider all relevant factors, including the totality of an applicant's conduct and circumstances, including the realistic potential for exploitation. One such factor is the potential for pressure, coercion, exploitation, or duress. In that regard, it is important to consider the character of the foreign power in question, including the government and entities controlled by the government, within the relevant foreign country. Nothing in Guideline B suggests it is limited to countries that are hostile to the United States. (See ISCR Case No. 00-0317 at 6 (App. Bd. Mar. 29, 2002); ISCR Case No. 00-0489 at 12 (App. Bd. Jan. 10, 2002)) In fact, the Appeal Board has cautioned against "reliance on overly simplistic distinctions between 'friendly' nations and 'hostile' nations when adjudicating cases under Guideline B." (ISCR Case No. 00-0317 at 6 (App. Bd. Mar. 29, 2002))

There is a rebuttable presumption that a person has ties of affection for, or obligation to, his or her 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)) Applicant has not denied that she has affection for her family members, but she has clearly demonstrated the absence of any continuing relationship with, or affection for, her ex-husband and his family members..

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 relationship of Russia with the United States, and the situation in Russia place a burden of persuasion on Applicant to demonstrate that her relationships with any family member living in Russia does not pose a security risk. Applicant should not be placed into a position where she might be forced to choose between loyalty to the United States and a desire to assist a relative living in Russia. As noted above, the situation regarding Georgia has substantially been mitigated.

While there is no evidence that intelligence operatives, criminals, or terrorists from or in Russia or Georgia seek or have sought classified or economic information from or through Applicant or her 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 Russia has a significant problem with terrorism and crime. With Applicant's daughter-in-law residing in the United States, the issue is largely eliminated. Applicant's family in Russia "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 Russia create a potential conflict of interest because Russian intelligence operatives could place pressure on or offer inducements to her family in Russia in an effort to cause Applicant to compromise classified information. These relationships create a potential heightened risk of foreign inducement, manipulation, pressure, or coercion. AG ¶¶ 7(a) and 7(b) have been established.

The guideline also includes examples of conditions that could mitigate security concerns arising from foreign influence under AG ¶ 8:

(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, group, government, or country is so minimal, or the individual has such deep and longstanding relationships

and loyalties in the U.S., that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest; and

(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.

Applicant has substantial connections to the United States, having lived in the United States for over a decade. Her son is a naturalized U.S. citizen serving with the U.S. Marine Corps, and her daughter-in-law resides in the United States, with a Green Card, awaiting her own naturalization. Her mother, a Green Card holder, is awaiting her return to the United States once the COVID-19 situation is resolved. Applicant owns a residence in the United States.

Department Counsel argued that the presence of terrorist groups; the increased levels of terrorism, violence, and insurgency; and human rights problems in Russia and Georgia demonstrate that a heightened risk of exploitation, coercion or duress are present due to Applicant's close ties to her family. Based on their various relationships, and the geographical locations of Applicant's family, there is a potential, but greatly reduced, risk – a "heightened risk" – of foreign exploitation, inducement, manipulation, pressure, or coercion to disqualify Applicant from holding a security clearance.

However, that risk is not generated solely by the Russian or Georgian governments, but also by terrorists striking out against the central Russian and Georgian authorities and all foreigners. Applicant's family members are potential targets in this war on civilized humanity. However, the Georgian government is not focusing on economic espionage, industrial espionage or trade secret theft. Applicant's mother and Russian cousins are merely potential targets in this war on civilized humanity. The presence of radical groups and increased levels of terrorism, violence, and insurgency in both Russia and Georgia have also been described for events (terrorism, civil unrest, and other riots) occurring on September 11, 2001, and more recently in Fort Hood, Boston, Paris, Nice, Orlando, San Bernardino, Portland, Seattle, Minneapolis, Kenosha, and New York City.

There is no evidence that Applicant's family members are or have ever been political activists, challenging the policies of the Russian government; that terrorists have approached or threatened them for any reason; that the Russian or Georgian governments or any terrorist organizations have approached them; or that they currently engage in activities that would bring attention to themselves. As such, there is a reduced possibility that they would be targets for coercion or exploitation by the Russian government or the terrorists, which may seek to quiet those who speak out against them. They reside far from the areas of turmoil in Russia: Chechnya and the Northern Caucasus. Under these circumstances, the potential heightened risk created by their residence in Russia is greatly diminished. Under the developed evidence, it is unlikely Applicant 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. I am persuaded that Applicant's loyalty to the United States is steadfast and



undivided, and that she has “such deep and longstanding relationships and loyalties in the U.S., that she can be expected to resolve any conflict of interest in favor of the U.S. interest.” AG ¶¶ 8(a) and 8(b) apply. As to her former husband’s family in Georgia, AG ¶ 8(c) applies.

### **Guideline F, Financial Considerations**

The security concern relating to the guideline for Financial Considerations is set out in AG ¶ 18:

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. Financial distress can also be caused or exacerbated by, and thus can be a possible indicator of, other issues of personnel security concern such as excessive gambling, mental health conditions, substance misuse, or alcohol abuse or dependence. An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds. Affluence that cannot be explained by known sources of income is also a security concern insofar as it may result from criminal activity, including espionage.

The guideline notes several conditions that could raise security concerns under AG ¶ 19:

- (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 had three delinquent SOR-alleged accounts totaling approximately \$41,547. She claimed that she did not have sufficient funds to maintain them in a current status. When the SOR was issued in April 2020, two of her accounts were still delinquent, although she had made significant strides in making payments to her creditors. AG ¶¶ 19(a) and 19(c) have been established, but there is insufficient evidence that Applicant had been unwilling to satisfy her debts regardless of an ability to do so, and AG ¶ 19(b) has not been established.

The guideline also includes examples of conditions that could mitigate security concerns arising from financial difficulties under AG ¶ 20:

- (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; and

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

AG ¶¶ 20(a), 20(b), 20(c), and 20(d) fully or partially apply. A debt that became delinquent several years ago is still considered recent because "an applicant's ongoing, unpaid debts evidence a continuing course of conduct and, therefore, can be viewed as recent for purposes of the Guideline F mitigating conditions." ISCR Case No. 15-06532 at 3 (App. Bd. Feb. 16, 2017) (citing ISCR Case No. 15-01690 at 2 (App. Bd. Sept. 13, 2016)). Applicant attributed some of her financial problems to having lost a significant part-time job in 2015; following the guidance of the debt-relief company in 2016; her poor health and miscarriage, leaving her unable to work for two months; and her then-husband's limited income.

Clearance decisions are aimed at evaluating an applicant's judgment, reliability, and trustworthiness. They are not a debt-collection procedure. The guidelines do not require an applicant to establish resolution of every debt or issue alleged in the SOR. An applicant needs only to establish a plan to resolve financial problems and take significant actions to implement the plan. There is no requirement that an applicant immediately resolve issues or make payments on all delinquent debts simultaneously; nor is there a requirement that the debts or issues alleged in an SOR be resolved first. Rather, a reasonable plan and concomitant conduct may provide for the payment of such debts, or resolution of such issues, one at a time. In this instance, Applicant's initial plan was to follow the guidance of the debt-relief company, but when she became disenchanted with their procedures, she chose direct contact with her creditors.

Applicant managed to address all three of her SOR-related delinquent accounts before the SOR was issued. She made arrangements with her creditors or collection agents and has remained in compliance with those arrangements. Two accounts were resolved before the SOR was received. The remaining account has been substantially reduced. An applicant who begins to resolve financial problems only after being placed on notice that his or her security clearance is in jeopardy may be lacking in the judgment and self-discipline to follow rules and regulations over time or when there is no immediate threat to his or her own interests. (See, e.g., ISCR Case No. 17-01213 at

5 (App. Bd. Jun. 29, 2018); ISCR Case No. 17-00569 at 3-4 (App. Bd. Sept. 18, 2018)). However, in this instance, Applicant started to address those accounts well before the SOR was issued. Her strong showing that her accounts are now resolved, or about to be resolved, along with steady employment that would increase in the amount of money that will be available for discretionary spending or savings each month, indicate that the financial problems are substantially in the past.

The Appeal Board has previously explained what constitutes a good-faith effort to repay overdue creditors or otherwise resolve debts:

In order to qualify for application of [the “good-faith” mitigating condition], an applicant must present evidence showing either a good-faith effort to repay overdue creditors or some other good-faith action aimed at resolving the applicant’s debts. The Directive does not define the term “good-faith.” However, the Board has indicated that the concept of good-faith “requires a showing that a person acts in a way that shows reasonableness, prudence, honesty, and adherence to duty or obligation.”

(internal citation and footnote omitted) ISCR Case No. 02-30304 at 3 (App. Bd. Apr. 20, 2004) (quoting ISCR Case No. 99-9020 at 5-6 (App. Bd. Jun. 4, 2001)).

While there is no evidence of financial counseling, Applicant did seek assistance from an organization to clean up her financial situation. She subsequently cancelled the professional relationship and started addressing her delinquent accounts by herself. The timeliness of her efforts to resolve her debts is very good, as are the subsequent substantial positive and successful efforts. She is apparently in a much better position financially than she had been. Applicant’s actions, under the circumstances, no longer cast doubt on her current reliability, trustworthiness, and good judgment. See ISCR Case No. 09-08533 at 3-4 (App. Bd. Oct. 6, 2010).

### **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 SEAD 4, App. A, ¶ 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 SEAD 4, App. A, ¶ 2(c), the 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. Moreover, I have evaluated the various aspects of this case in light of the totality of the record evidence and have not merely performed a piecemeal analysis. (See *U.S. v. Bottone*, 365 F.2d 389, 392 (2d Cir. 1966); See also ISCR Case No. 03-22861 at 2-3 (App. Bd. Jun. 2, 2006).)

There is some evidence against mitigating Applicant's situation. A Guideline B decision concerning Russia must take into consideration the geopolitical situation and dangers there. (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).) Russia has a history of espionage against the United States and violence from terrorists, and the Russian government does not respect the full spectrum of human rights. Yes, Russia is a bad actor on the international stage. Applicant's septuagenarian mother is a Russian citizen temporarily residing in Russia, and her two cousins, both of whom are Russian citizens, reside in Russia. While they are more vulnerable to direct coercion or exploitation, because of their ages and low political profiles, as well as their geographic locations within Russia, the realistic possibility of pressure, coercion, exploitation, or duress with regard to them is relatively low. Her son was born in Russia, and his wife was born in Georgia. By way of her now-broken relationship with her most recent ex-husband, Applicant had a relationship with not only her ex-husband, a dual U.S.-Georgia citizen residing in the United States, but also with his family, including his father who was a member of the Russian KGB. In addition, Applicant had several financial accounts that became delinquent, and remained in that status for some time.

The mitigating evidence under the whole-person concept is simply more substantial. Applicant is a 47-year-old Russian-born naturalized U.S. citizen. She arrived in the United States in November 2009, and she was naturalized in August 2013. She is an employee of several organizations, serving as either a part-time interpreter, a Russian instructor, or an Uber driver, as well as a full-time linguist, with those employers. Her last position before leaving Russia was as a professional church singer from 2004 until 2009. A 1991 high school graduate, her Russian educational pursuits were subsequently evaluated as the equivalence of a bachelor's degree in education and a master's degree in English. Her Russian-born mother is still a Russian citizen, temporarily residing in Russia, but as the holder of a Green Card, she anticipates returning to the United States after the COVID-19 issues are resolved. Applicant's Russian-born son is a naturalized U.S. citizen, and he is in the U.S. Marine Corps. Applicant's Georgia-born daughter-in-law has a Green Card, and she resides in the United States, awaiting her opportunity for naturalization. Applicant owns a residence in the United States. She has resolved two of her debts and is in the process of resolving the one remaining debt. With regard to those family members already in the United States, as well as the anticipated return of her mother from Russia, there is a reduced "heightened risk" of foreign exploitation, inducement, manipulation, pressure, or coercion. While she still retains an affection for her two cousins who have remained

citizens and residents of Russia, her contacts with them have diminished substantially from where they were initially.

Moreover, while terrorist activities occur in Russia and Georgia, they are also active in the United States, creating a “heightened risk” here as well. Under the evidence presented, I have no questions about Applicant’s reliability, trustworthiness, and ability to protect classified information. See AG ¶ 2(a)(1) through AG ¶ 2(a)(9).

Overall, the record evidence leaves me without questions or doubts as to Applicant’s eligibility and suitability for a security clearance. For all these reasons, I conclude Applicant mitigated the security concerns arising from the Government’s foreign influence concerns and financial considerations.

### **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 B:	FOR APPLICANT
Subparagraphs 1.a. through 1.g.:	For Applicant
Paragraph 2, Guideline F:	FOR APPLICANT
Subparagraphs 1.a. through 1.c.:	For Applicant

### **Conclusion**

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

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ROBERT ROBINSON GALES  
Administrative Judge