



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



In the matter of:)
)
-----) ISCR Case No. 20-01575
)
)
Applicant for Security Clearance)

Appearances

For Government:
Andrew Henderson, Esq., Department Counsel

For Applicant:
Grayson Yeargin, Esq.
Ryan McGovern, Esq.
Jones Day

June 30, 2022

Decision

ROSS, Wilford H., Administrative Judge:

Based on a review of the pleadings, testimony, and exhibits, I conclude that Applicant has mitigated the concerns related to foreign influence raised by the presence of his spouse’s relatives in the Republic of China – Taiwan (Taiwan), and his foreign financial interests. His request for national security eligibility and a security clearance is granted.

Statement of the Case

Applicant submitted his most recent Electronic Questionnaire for Investigations Processing (e-QIP) on April 26, 2015. (Government Exhibit 1.) On April 29, 2021, the Department of Defense Consolidated Adjudications Facility (DoD CAF) issued a

Statement of Reasons (SOR) to Applicant, detailing security concerns under Guideline B (Foreign Influence). The action was taken under Executive Order 10865, *Safeguarding Classified Information Within Industry* (February 20, 1960), as amended; Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the Adjudicative Guidelines effective within the Department of Defense after June 8, 2017.

Applicant answered the SOR in writing (Answer) on May 24, 2021, and requested a hearing before an administrative judge. Department Counsel was prepared to proceed on July 20, 2021. The case was assigned to me on July 26, 2021. The Defense Office of Hearings and Appeals (DOHA) issued a Notice of Hearing on February 1, 2022. The case was heard on March 24, 2022.

The Government offered Government Exhibits 1 and 2, which were admitted without objection. Applicant testified on his own behalf, called one witness in his case, and submitted Applicant Exhibits A through H, which were also admitted without objection. Applicant Exhibit I is discussed below. He asked that the record remain open for the receipt of additional documentation. Applicant timely submitted Applicant Exhibit J, which was also admitted without objection, and the record closed on April 22, 2022.

Procedural Rulings

Applicant's spouse is also applying for national security eligibility. Her case number is ISCR 20-01739. Her case was heard on the same day as Applicant's. The parties specifically agreed that the testimony in each hearing could be considered in both cases. DOHA received the transcripts of both hearings on April 4, 2022. References to the transcript of his spouse's case will be identified in both decisions as Tr. One at [page number]. References to the transcript in this case will be identified in both decisions as Tr. Two at [page number]. (Tr. Two at 16.)

The Government requested I take administrative notice of certain facts relating to Taiwan. Department Counsel provided a seven-page summary of the facts, supported by fifteen Government documents pertaining to Taiwan, identified as Administrative Notice - I (AN - I). The documents provide elaboration and context for the summary. I take administrative notice of the facts included in the U.S. Government reports. They are limited to matters of general knowledge, not subject to reasonable dispute. They are set out in the Findings of Fact. (Tr. Two at 7.)

The Government also requested that I take administrative notice of certain facts relating to the People's Republic of China (China) due to its relationship to Taiwan. Department Counsel provided a nine-page summary of the facts, supported by 22 Government documents pertaining to China, identified as Administrative Notice - II (AN - II). The documents provide elaboration and context for the summary. I take administrative notice of the facts included in the U.S. Government reports. They are limited to matters of general knowledge, not subject to reasonable dispute. They are set out in the Findings of Fact. (Tr. Two at 7.)

Applicant's counsel also submitted a request for administrative notice in regard to Taiwan. Counsel supplied a ten-page summary of the facts, supported by 165 pages of pertinent excerpts from various Government documents pertaining to Taiwan, identified as Applicant Exhibit I. The documents provide elaboration and context for the summary. I take administrative notice of the facts included in the U.S. Government reports. They are limited to matters of general knowledge, not subject to reasonable dispute. They are set out in the Findings of Fact. (Tr. Two at 9-10.)

Findings of Fact

Applicant admitted SOR allegations 1.a through 1.c, 1.e, 1.f, 1.h, and 1.j. He denied SOR allegations 1.d, 1.g, and 1.i with explanations. After a thorough and careful review of the pleadings, exhibits, and testimony, I make the following findings of fact.

Applicant is 53 years old and married with two children. He received a doctorate degree in 1997. He is applying for national security eligibility and a security clearance in connection with his employment as a senior executive with a defense contractor he founded. (Government Exhibit 1 at Sections 12, 13A, 17, and 18; Tr. Two at 26-29, 32.)

Paragraph 1 – Guideline B (Foreign Influence)

SOR allegations 1.a, and 1.b concern Applicant's in-laws, who are dual citizens of Taiwan and Canada.

Applicant is a native-born American citizen. His wife is also a native-born American citizen. Her family lived in the United States, Canada, and Taiwan when she was young. She returned to the United States in 1998, at the age of 17, to attend college. She has lived in the United States ever since. They were married in 2012 and have two native-born children. She works for her husband's company. One of her duties is as the facility security officer (FSO). (Tr. Two at 26, 31-32.)

Applicant's mother-in-law and father-in-law are citizens of Taiwan and Canada, and reside in Taiwan. Neither of his in-laws have any connection to the Taiwanese or Chinese governments. (Tr. One at 60, 62; Tr. Two at 39-42.)

Applicant's spouse has been estranged from her mother for many years. The reason is unknown, but appears to center around her choice of Applicant as her husband. She stated, "My mother, the relationship is pretty much non-existent from her side. It's very binary. After I got married, she stopped talking to me pretty much unless she has to because there are other people there." Applicant last saw his mother-in-law in 2018 in Taiwan in connection with his brother-in-law's wedding. (Tr. One 62-65, 67-68.)

Applicant described his own relationship with his mother-in-law as follows:

I have seen her. I don't talk with her at all. Her English is apparently good. But, I see her on formal occasions like our wedding, [Applicant's spouse's] brothers' weddings or engagement ceremonies. . . . And she'll be basically acting as the hostess, and she would treat us with the courtesy one would give a guest that you don't know. (Tr. Two 40-41.) (See Tr. Two at 73-74.)

Applicant's father-in-law runs a company with his brothers. Applicant has no ownership interest in the company and cannot inherit any interest in it because he is not Taiwanese. The company does no business with the Taiwanese or Chinese governments. He has never received any financial benefit from the company. (Tr. One at 60-61; Tr. Two at 42, 44-45.)

With regard to Applicant's spouse's relationship with her father, she testified that it was growing more distant over the years. She stated, "And, then, with my father, it's better. We still talk to each other on the phone. It was more frequent when I was in school. It was pretty much weekly. Now, it's not so much. My life is busy, his life is busy. So, if we're lucky, maybe every other week, we call and chitchat." She last saw her father in 2019 in her state of residence when he was there on a business trip. (Tr. One at 63-65.)

Applicant stated that he liked his father-in-law, but their interactions are very limited, due to the actions of the mother-in-law. Also, there is a severe language barrier as Applicant does not speak Chinese and his father-in-law knows very little English. (Tr. Two at 40.)

Applicant has two brothers-in-law. The older brother-in-law was born in the United States and resides here. He submitted a statement in support of Applicant. However, he admits in that statement, "My relationship with [Applicant] is more distant than my relationship with [Applicant's spouse]. We only speak when [Applicant's spouse] is also involved. I understand [Applicant] and my father communicate occasionally, but their conversations are limited, at least partially because my father does not speak much English." (Applicant Exhibit G.)

Applicant's other brother-in-law is a citizen of Taiwan and Canada. He is a Permanent Legal Resident of the United States and has resided in the United States for over 20 years. Applicant has little contact with this brother-in-law, which the brother-in-law confirmed in his testimony in the spouse's case 20-01739. He testified about his relationship with Applicant as follows, "I view him [Applicant] as her husband, and I don't go out of my way to talk to him. There is no reason for me to talk to him." He also stated that the last time he spoke to Applicant was in 2017. (Tr. One at 30.)

Applicant testified about his relationship with this brother-in-law, stating it is, "Non-existent. Again, we don't talk on the phone. There is no animosity, but there is no relationship." (Tr. 41.)

SOR allegations 1.c through 1.j involve Applicant's foreign financial connections. Several general statements are applicable to these particular allegations. First, Applicant and his spouse confirmed that she has no ownership interest in any of the foreign financial accounts and investments of Applicant. Second, these investment vehicles and bank accounts are used by Applicant to diversify his portfolio, a common investment strategy. As further described below, with the exception of a small bank account in China, all of his foreign bank accounts and other financial interests are in nations that are friendly to the United States, or allies of the United States. Finally, Applicant has consistently reported to the Federal Government the existence of his foreign bank accounts and the amounts in them. (Answer at pages 4-5; Government Exhibit 1 at Section 20A, Government Exhibit 2; Applicant Exhibit H; Tr. One at 77; Tr. Two at 54-55, 58-63.)

As stated, Applicant started a closely-held corporation (The Company) in 1998 when he was 30 years old. Applicant's spouse has no ownership interest in The Company. Applicant has been a very successful scientist and entrepreneur since he began The Company. His net worth in the United States is between 35 and 40 million dollars. He supplied extensive documentary evidence to support that statement. (Applicant Exhibit J; Tr. One at 44-47; Tr. Two at 34-36, 63-66.)

With that background, we move to a discussion of the specific allegations.

1.c. Applicant purchased property in Taiwan. He subsequently built on that location with an expectation of creating some kind of hospitality business. Those plans have not come to fruition. The building is vacant and Applicant has no current plans to finish the building or have it occupied. He believes the property and building to be worth approximately \$1,000,000. He owes about \$400,000 on the property. This property is part of his diversification investment strategy. (Tr. One at 71-76; Tr. Two at 46-50.)

With regard to the specific bank accounts described below, the figures in them are derived from the most recent Foreign Bank and Financial Accounts reports (FBAR), which are for 2020. Applicant stated that the bank accounts have been funded from his personal savings. The FBARs also confirm that he is the individual account holder on all of them. Finally, a review of earlier FBARs reveals that the accounts are static holdings. In other words, there has been no appreciable increase in the amounts held in the various bank accounts. Applicant further stated that with the exception of the company in Taiwan described in SOR allegation 1.j, below, he has no plans to do business in any other foreign country. (Applicant Exhibit H; Tr. Two at 61-62.)

1.d. Applicant has two bank accounts in Foreign Country (FC) A. Their combined value in 2020 was \$713,278. (Applicant Exhibit H at 70-71.)

1.e. Applicant has one bank account in FC B. The value of this account in 2020 was \$495,127. (Applicant Exhibit H at 70; Tr. Two at 56.)

1.f. Applicant has one bank account in FC C. The value of this account in 2020 was \$387. (Applicant Exhibit H at 70; Tr. Two at 56.)

1.g. Applicant has one bank account in FC D. The value of this account in 2020 was \$6,915. (Applicant Exhibit H at 69; Tr. Two at 56-57.)

1.h. Applicant has three bank accounts in Taiwan. One of them has no money, according to the 2020 FBAR. The other two have a combined value of \$115,893. (Applicant Exhibit H at 69, 71; Tr. Two at 53-54.)

1.i. Applicant has one bank account in China. The value of this account in 2020 was \$77. (Applicant Exhibit H at 69; Tr. 57-58.)

The total value of Applicant's foreign bank accounts is \$1,331,677. When one includes the property and building, his foreign holdings amount to about \$2,000,000. This figure is approximately 7% of his stateside net worth, which is estimated between 35 and 40 million dollars. (Tr. Two at 66-67.)

1.j. Applicant established a company in Taiwan in approximately 2014. This company has no assets and does no business. Applicant established the company with the hope that it might improve relations with his in-laws. It did not succeed in doing so and has no current value. (Tr. One at 75-76; Tr. Two at 43-46, 68-71.)

Applicant stated that he does not rely on any of the foreign accounts or investments to cover any of his daily living, personal or family expenses. He has an annual income in the United States of between \$200,000 and \$600,000. He testified that the possible loss of the foreign bank accounts would have minimal impact on his day-to-day life. (Tr. Two at 30, 59-60, 67.)

Mitigation

Applicant submitted a written statement from a counterintelligence (CI) agent for the Defense Counterintelligence and Security Service. He has worked with the Applicant since 2017 in his role as founder of The Company.

The CI agent stated in Applicant Exhibit E:

At my request, [Applicant] has offered himself as a subject matter expert regarding a variety of subjects he is well versed in. Anytime [Applicant] has a question regarding counterintelligence issues, he reaches out to me for advice and assistance regarding how to handle the situation. [Applicant] has been one of the best reporters of suspicious information in [the state where The Company is located].

The agent's statement goes on:

Especially given my position, I appreciate and respect the seriousness and gravity of the security clearance application process. While my interaction with [Applicant] has been limited as described above, it is my opinion [Applicant] has been open and honest in his interactions with me. .

.. I often use [Applicant's] dedication to reporting CI concerns as an example of what a superior CI awareness program looks like and encourage other companies to do the same.

Applicant testified that he would contact the CI Agent if there were any questions or concerns about foreign contacts. (Tr. Two at 36-38.)

A business associate and friend of Applicant testified on his behalf and provided a written statement. The witness is currently a senior intelligence analyst working for the scientific and technical intelligence branch of an American armed force intelligence activity. He has known Applicant for over twenty years on a personal and professional basis. (Applicant Exhibit C; Tr. 17-24.)

The witness stated in Applicant Exhibit C:

Based on my interactions with [Applicant], I believe he is someone with a strong moral compass who is loyal to our country. . . . in my opinion, [Applicant] is deserving of trust and he would be a valuable asset in continuing to support our classified national defense work. In my many years of professional and personal interaction with [Applicant], I have no reason to doubt his patriotism or commitment to national defense.

As an individual operating in the national security space for more than three decades, I appreciate and respect the seriousness and gravity of the security clearance application process. Because of my respect for that process, I can confidently lend my support to [Applicant's] application to be granted a security clearance as clearly consistent with the nation's interests.

Taiwan

Applicant has contacts with Taiwan. Accordingly, it is appropriate to look at the current situation concerning Taiwan. Taiwan is a multiparty democracy; whose authorities generally respect the human rights of its citizens. Taiwan is an active collector of industrial information and engages in industrial espionage, as shown by the administrative notice documents in the record. However, the record does not demonstrate that the Taiwanese government seeks to exert pressure on U.S. citizens to collect information from family members residing in country or abroad. Finally, it is worth noting that the U.S. Government, and the Defense Department in particular, have a close and continuing relationship with Taiwan and its military, in accordance with the Taiwan Relations Act of 1979, which has governed policy in the absence of diplomatic relations or a defense treaty with Taiwan. In 2018 the Secretary of Defense stated, "The Department of Defense remains steadfastly committed to working with Taiwan to provide the defense articles and services necessary to maintain sufficient self-defense consistent with our obligation set out in our Taiwan Relations Act. We oppose all unilateral efforts to alter the status quo, and will continue to insist any resolution of differences accord with the will of the people on both sides of the Taiwan Strait."

(Department of Defense, *Remarks by Secretary Mattis at Plenary Session of the 2018 Shangri-La Dialogue*, <https://www.defense.gov/Newsroom/Transcripts/Transcript/Article/1538599/remarks-by-secretary-mattis-at-plenary-session-of-the-2018-shangri-la-dialogue/> (June 2, 2018).)

China

I take administrative notice of the facts set forth in the Administrative Notice documents concerning China, which are incorporated herein by reference. China is a large and economically powerful country, with a population of more than billion people and an economy growing at about 10% per year. China has an authoritarian government, dominated by the Chinese Communist Party. It has a poor record with respect to human rights, suppresses political dissent, and engages in arbitrary arrests and detentions, forced confessions, torture, and mistreatment of prisoners. China is one of the most aggressive countries in seeking sensitive and protected U.S. technology and economic intelligence. It targets the United States with active intelligence gathering programs, both legal and illegal. As a result, it is a growing threat to U.S. national security. In addition, China views Taiwan as part of China. China has engaged in many different coercive diplomatic and military activities, seeking to isolate and intimidate Taiwan into unification on China's terms.

Policies

When evaluating an applicant's suitability for national security eligibility and a security clearance, the administrative judge must consider the adjudicative guidelines (AG). In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are to be used 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, administrative judges apply the guidelines in conjunction with the factors listed in AG ¶ 2 describing the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(a), 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 national security eligibility will be resolved in favor of the 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 the applicant or proven by Department Counsel, and has the ultimate burden of persuasion as to obtaining a favorable clearance decision.”

A person who seeks national security eligibility 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 the applicant may deliberately or inadvertently fail to protect or 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 adverse 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

Paragraph 1 - 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. Four are arguably applicable in this case:

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

(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;

(e) shared living quarters with a person or persons, regardless of citizenship status, if that relationship creates a heightened risk of foreign inducement, manipulation, pressure, or coercion; and

(f) substantial business, financial, or property interests in a foreign country, or in any foreign owned or foreign-operated business that could subject the individual to a heightened risk of foreign influence or exploitation or personal conflict of interest.

Applicant's parents-in-law live in Taiwan. They are citizens of Taiwan and Canada. He also has a brother-in-law who is a citizen of Taiwan and Canada and lives in the United States.

Applicant has a considerable amount of money deposited in several foreign banks. The amount of money he has deposited overseas is \$1,331,677. In addition, he has approximately \$600,000 in equity in the building he owns in Taiwan. However, only the financial connections to Taiwan and China implicate AG ¶ 7(f), since the other accounts are located in countries that are allies or friendly to the United States. All of the above disqualifying conditions have application to this case.

Taiwan is an active collector of industrial espionage. Accordingly, Applicant's family connections in that country have the potential to generate a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion under AG ¶ 7(a). 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. In addition, though not specifically alleged, I have considered China's activities and attitude with regard to Taiwan and the United States. (See ISCR Case No. 03-02382 at 5 (App. Bd. Feb. 15, 2006); ISCR Case No. 99-0424 (App. Bd. Feb. 8, 2001).)

AG ¶ 8 provides conditions that could mitigate security concerns. I considered all of the mitigating conditions under AG ¶ 8 including:

(a) the nature of the relationships with foreign persons, the country in which these persons are located, or the positions or activities of those persons in that country are such that it is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual, group, organization, or government and the interests of the United States;

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

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

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

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

I have carefully considered the fact that Applicant's mother-in-law and father-in-law live in Taiwan. In addition, one brother-in-law, who is a citizen of Taiwan and Canada, is a long-time resident of the United States. In this particular case, I find that Applicant has mitigated the security significance arising from these facts for the following reasons. Due to his wife's family issues, she and Applicant have minimal contact with her parents and her brothers. Applicant has virtually no relationship with his mother-in-law. His relationship with his wife's father is better, but is still distant, and neither speaks the other's language. Applicant is a native-born American citizen, who has lived in the United States almost all his life. He obtained his advanced education here. Applicant's family, consisting of his wife and two children, live in the United States. He is an extremely successful and wealthy entrepreneur, who started his own company when young and still owns it. As further described, Applicant has substantial financial interests in the United States. AG ¶¶ 8(a), (b), and (c) apply.

Applicant is knowledgeable about his security responsibilities, and evinced a credible intent to rebuff any attempts by foreign actors to influence him. As the founder and chief scientist for The Company he has a long history of working with CI agents of the Defense Counterintelligence and Security Service. I have particularly considered the statement of the agent who works with Applicant. His positive remarks about Applicant's proactive approach in reporting potential CI issues is compelling evidence of Applicant's security worthiness. AG ¶ 8(e) applies.

As stated, Applicant is a very wealthy man. He has substantial holdings in the United States, worth between 35 and 40 million dollars. He also made the decision to engage in diversification of his assets by depositing sums in foreign financial institutions. With the addition of the equity in the empty building in Taiwan, his foreign assets amount to only about 7% of his American-based wealth. Though the amounts are large, compelling evidence was shown that Applicant's financial activities overseas

have been routine. Applicant and his spouse both testified that losing any or all of the foreign accounts would have minimal effect on them, given their substantial income and assets in the United States.

Applicant has completely mitigated the security significance of his connections to Taiwan, as well as his foreign financial connections. Paragraph 1 is found for Applicant.

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 relevant circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(d):

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

Under AG ¶ 2(b), the ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept.

I considered the potentially disqualifying and mitigating conditions in light of all facts and circumstances surrounding this case. I have incorporated my comments under Guideline B in my whole-person analysis. Some of the factors in AG ¶ 2(d) were addressed under that guideline, but warrant additional comment. Applicant has shown himself to be a talented and patriotic American citizen and member of the defense industry. He can be expected to resolve any conflict of interest in favor of the United States due to his sense of loyalty and deep personal connections to the United States, the land of his birth. There is very minimal, if any, potential for pressure, coercion, exploitation, or duress.

Overall, the record evidence leaves me without questions or doubts as to Applicant's suitability for national security eligibility and a security clearance. For all these reasons, I conclude Applicant mitigated the Foreign Influence security concerns.

Formal Findings

Formal findings for or against Applicant on the allegations set forth in the SOR, as required by ¶ E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1, Guideline B: FOR APPLICANT

Subparagraphs 1.a through 1.j: 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 national security eligibility for a security clearance. Eligibility for access to classified information is granted.

Wilford H. Ross
Administrative Judge