DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS

In the matter of:	)	
	)	
	)	ISCR Case No. 19-01170
	)	
Applicant for Security Clearance	)	

Appearances

For Government: Aubrey De Angelis, Esq., Department Counsel
Andrew H. Henderson, Esq., Department Counsel
For Applicant: *Pro se*

09/20/2022

_____

Decision

_____

CERVI, Gregg A., Administrative Judge:

Applicant did not mitigate the foreign influence security concerns. Eligibility for access to classified information is denied.

Statement of the Case

Applicant submitted a security clearance application (SCA) on December 4, 2017. On June 4, 2021, the Defense Counterintelligence and Security Agency Consolidated Adjudications Facility (DCSA CAF) sent him a Statement of Reasons (SOR) alleging security concerns under Guideline B, Foreign Influence. The DCSA CAF acted under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) effective on June 8, 2017.

Applicant responded to the SOR on June 17, 2021, and requested a hearing before an administrative judge. The case was assigned to me on March 31, 2022. The Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing on April 26, 2022, scheduling the hearing for May 25, 2022. The hearing was started via video teleconference,

as scheduled, but continued to May 26, 2022, due to technical difficulties with the video teleconference. Government Exhibits (GE) 1 through 3 were admitted into evidence without objection. Applicant testified and submitted no exhibits at the hearing. The record was held open until June 10, 2022, for the parties to submit any additional exhibits. Applicant submitted various exhibits collectively marked as Applicant Exhibit (AE) A, and admitted into evidence without objection. DOHA received the hearing transcript on June 9, 2022.

Request for Administrative Notice

Department Counsel requested that I take administrative notice of certain facts about the Hashemite Kingdom of Jordan (Jordan). (HE 1) The facts administratively noticed are summarized in the Findings of Fact and are sourced from public U.S. Government resources and a summary by Department Counsel. (HE 1)

Findings of Fact

Applicant is a 64-year-old prospective employee of a defense contractor, applying for a position as a linguist interpreter/translator. He is currently unemployed. He was born in Nablus, Jordan (now a city in the West Bank, Palestinian territory), studied in Egypt from 1975 to 1977, graduated from high school, and entered the United States in 1979 on a student visa. In 1983, he studied toward a certificate in airframe power-plant mechanics and he completed some college coursework, but did not graduate. Applicant married in 1980 (Tr. 12) and divorced in 1985. He naturalized as a U.S. citizen in 1985. He remarried in 1990 and has four adult children, all of whom are U.S. citizens. He has never held a security clearance, however he testified that he previously held a public trust position. (Tr. 61)

The SOR alleges Applicant's spouse is a citizen and resident of Jordan (SOR ¶ 1.a); his three sons and daughter are residents of Jordan (SOR ¶¶ 1.b and 1.c); and his two sisters, two brothers and mother-in-law are citizens and residents of Jordan (SOR ¶¶ 1.d-1.f). The SOR also alleges Applicant maintains close and continuing contact with various relatives residing in Jordan (SOR ¶ 1.g), and a friend who is a citizen and resident of Qatar, is employed as a minister delegate with the Qatari Ministry of Foreign Affairs. (SOR ¶ 1.h) In his Answer to the SOR, Applicant admitted that his spouse, sisters, and mother-in-law are citizens and residents of Jordan, but denied the remaining allegations with explanations.

After attaining U.S. citizenship in 1985, he returned to Jordan in 1986 and opened a restaurant that he operated from 1987 to 1990, until he sold it to his brother. (Tr. 13) From 1991 to 2000, Applicant worked for the Saudi Arabian embassy in Germany as a translator, passport document filer (GE 3) and occasional medical patient transporter (Tr. 14). Of note, he stated in his personal subject interview (PSI) with a Government investigator conducted in December 2017 and January 2018, that he moved to Jordan in 1986 or 1987 after his divorce from his first spouse, and re-established contact with his current spouse, whom he knew from childhood and married in 1990. Despite his contrary testimony, he stated that he moved to Germany in 1992, and worked as a hotel cook and eventually as a "hospital translator" until he left Germany in 2000. (GE 2) He said in his November 2017 Counterintelligence Screening Questionnaire (counterintelligence screening) that he was not an official contract employee of the embassy, but was paid in cash. (GE 3 at p.7) When pressed in his PSI about who paid him, he stated that he was contracted by the Saudi

embassy as a translator, but not employed by them directly. He was paid by "clients" whom he transported between the airport, hospital, and their hotels. He said he left Germany in 2000 and "did not maintain any contact with the Saudi embassy or his "clients" after he left. (GE 2 at p.39) Contrary to Applicant's statement in his PSI, he did in fact maintain at least one relationship with a "client" he met in Germany.

While working for the Saudi embassy, Applicant met Sheikh K, a Qatari citizen, who had a relationship with Saudi Arabia and was in Germany for medical care. (Tr. 48, 52) Sheikh K employed Applicant for about six months while in Germany. Sheikh K is a member of the Qatari royal family. According to Applicant, Sheikh K was appointed as a Minister Delegate to the Qatari Ministry of Foreign Affairs. (GE 2 at p. 20; Tr. 49) The record does not indicate the Sheikh's current status.

Applicant returned to the U.S. in 2000 and worked at a restaurant. From 2006 to 2011, Applicant lived and worked in Iraq as a U.S. military contract translator/linguist for Multi-National Forces-Iraq, including at Iraq's largest theater internment facility and for U.S. special operations forces in Iraq. (GE 3, AE A) In 2011, he moved back to Jordan for a few months.

After Sheikh K returned to Qatar, he asked Applicant to move there and work in a United Arab Emirates (UAE)-based construction company in Qatar, owned by Sheikh K's brother, Sultan H, also a member of the Qatari royal family. (Tr. 48-51; GE 2 at pp. 19-20) Through this association, Applicant also met another of the Sultan's brothers (landlord) in 2013. (GE 2, p. 27-28)

Although Applicant testified that he lived and worked in Qatar from 2011 until 2013, he stated in his PSI that he lived in Qatar from 2013 to 2017, and in his counterintelligence screening, he listed that he lived in Qatar from 2014 to 2016, and was employed by two companies in Qatar from October 2013 to June 2017. (Tr. 20-21; GE 2; and GE 3)

While in Qatar, Applicant worked as a general supervisor for a construction company based out of the UAE and related to Sultan H, Sheikh K's brother, whom he met in Germany. (Tr. 21; GE 3 at p. 2) In about 2016, he then changed employment to another company in Qatar for better pay, owned by Mr. F, a Qatari citizen and good friend of Sultan H. (GE 1; GE 1 at pp. 21-23; GE 2 at p. 14) In his PSI, Applicant stated that Mr. F is a member of a Qatari law firm and owner of a construction company where Applicant was a general supervisor. (GE 1; GE 2 at p. 28; GE 3 at p. 3) Applicant described his construction company positions in various ways throughout the investigation to include advisor, advisor consultant, public relations, general supervisor, and general management. (GEs 1 – 3; Tr. 20, 51)

Applicant stated in his PSI that he maintained quarterly contact with Sheikh K from 1998 to 2016, however, in testimony, he said he has not had contact with him in the past 10 years. In his Answer to the SOR, he said that they were never close friends and has not had contact with him since 2010. (Ans.; Tr. 56) He testified that he had no relationship with Sheikh K, and spoke to him only about a job opportunity. He said "I wasn't really infatuated to talk to this guy." He said he stopped talking to Sheikh K after a ten-year relationship "most of the time, yes." (Tr. 56) In his PSI, Applicant stated that his last contact with Sheikh K was April 2016, however, according to his November 2017 counterintelligence screening, he

maintained “monthly” contact with Sheikh K. (GE 2 at p. 19; GE 3 at p. 8) Applicant also testified that he saw Sheikh K’s brother, Sultan H, “only once or twice.” (Tr. 57) However, in his PSI, he noted that he maintained “monthly” contact with Sultan H from 2009 to 2017, essentially to the date of the interview, and that he vacationed with him and did personal errands for him, as noted below.

In 2013, Applicant testified that he returned to Jordan to live with his spouse until 2017 (Tr. 23), although he stated in his counterintelligence screening that he also worked in Qatar and Saudi Arabia in 2013 and 2014, and that he worked in Doha, Qatar, from 2014 to 2016 for a company that paid him although he did not perform work. (GE 3)

Applicant also stated that his friend, Sheikh K, applied for his visa in 2014 to travel with the Sheikh to Saudi Arabia for vacation, at Sheikh K’s expense. (GE 3 at p.8) He did not discuss this employment or vacation in testimony. In Applicant’s PSI, he detailed his foreign travel, including:

- June 2011, traveled to Qatar to visit his friend Sheikh K.
- June 2011, traveled to Thailand for a 26-day vacation with Sheikh K, who paid for all of their expenses.
- September to October 2011, traveled to Qatar to “see business or job opportunities there.”
- September 2012, traveled to UAE to “probably” look for work opportunities as a linguist.
- February 2014 to May 2014, traveled to Saudi Arabia with Sheikh K and Sultan H for vacation. Applicant’s expenses were paid by Sheikh K and Sultan H.
- December 2014, January 2015, and March 2015, traveled to the UAE for Sultan H’s company.
- July 2015, traveled with Sultan H, the Sultan’s brother Mr. S, and others, to France. They began in Nice, and took an eight-day cruise. Mr. S is married to a relative of the Prince of Qatar.
- October 2015, traveled to the United Kingdom (UK) to “take care of personal stuff for Sultan H” pertaining to the Sultan’s investment property.
- December 2015, traveled to the UK to “do personal errands for Sultan H,” including to pick up the Sultan’s purchases.
- February 2017, traveled to the UK to do personal errands for Mr. F, including to fix a bank account issue for Mr. F.

Except for disclosing the 2014 vacation with Sheikh K to Saudi Arabia (but not disclosing Sultan H’s participation), the remaining trips were not discussed in Applicant’s counterintelligence screening.

While living in Jordan from 2013 to 2017, he was not employed, but lived off of his savings. (Tr. 19-23) Applicant’s spouse, a Jordanian citizen, lives in Jordan where she owns an apartment. She is also unemployed. His father is deceased. One of their sons lives with her and attends nursing school. Applicant testified that his spouse is awaiting a U.S. permanent resident (green) card that she applied for in February or March 2022. Applicant is sponsoring her. His spouse visited the U.S. for ten days in 2007, but had to return to Jordan for an emergency, which led to her loss of a green card. (Ans.) From 2013 to at least

2017, he sent about $1,500 to $2,000 per month to his spouse in Jordan. (GE 2) He testified that in 2021, he sent her about $800 to $900 per month, and has sent his son about $200 to $300 (the record is not clear whether that is a monthly or total amount). (Tr. p. 40)

From about 2017 to 2021, Applicant worked as a contract linguist for the U.S. military in Kuwait for a few months, and then in Jordan as part of the Jordan Operational Engagement Program (JOEP), a joint U.S./Jordan military training program. Since 2021, he has lived in the U.S. He currently lives with his daughter and receives unemployment benefits. Applicant relinquished his Jordanian passport in 2018, and has not renewed it. He travels on his U.S. passport or military issued identification.

Applicant has an adult daughter and three adult sons. They are all U.S. citizens based on his U.S. citizenship. His daughter and two sons now live in the U.S., and his third son lives in Jordan, attending nursing school. His daughter and three sons were living in Jordan (but one son was in school in Germany) when he completed his SCA and PSI in 2017. As of at about 2021, his daughter and two sons are now residing in the United States. (Ans.)

Applicant has five brothers. Two brothers (A and D) live in Germany, one of which is a dual Jordanian/German citizen while the other is a Jordanian citizen. (Tr. 30-32, SCA, GE 2) A third brother lives in Jordan (M). He was not mentioned in testimony, but confirmed in Applicant's SCA and PSI. (GE 2; GE 3; SCA) However, in his SCA, Applicant listed two brothers as residing in Jordan, and one living in Germany. He confirmed the SCA entries in his PSI, and noted that two other brothers are deceased. He testified that he speaks to his brothers intermittently, about annually or longer. (Tr. 30-31) However, in his Answer, he stated that he has not spoken to either of his brothers in Germany in over 10 years. (Ans.) It appears from testimony that he does not have a close relationship with his brothers in Germany, and one brother is infirm. (Tr. 30-33)

Applicant's two sisters are citizens and residents of Jordan. In his Answer, he noted that he speaks to them once or twice a year, and in testimony, he said he last spoke with them in 2020, but also said he speaks to them twice a year. (Tr. 33) His mother-in-law is a citizen and resident of Jordan. In his Answer, he stated he spoke to her three years ago, but in his SCA, he stated he has annual in-person or telephone contact with her. In testimony, he downplayed the frequency or last contact he has had with family members in Jordan, and denied any continuing contact with extended relatives living in Jordan. (Tr. 29-35)

In a post-hearing submission, Applicant provided numerous positive character letters from U.S. military officers with whom he worked in Iraq, certificates of appreciation, challenge coins, excellent performance evaluations, letters of recommendation for employment, and training certificates. Applicant does not currently work, does not own a car, property, or investments, and has about $4,000 in a U.S. bank account. I found Applicant's testimony to be at times confusing, evasive, incomplete, less than forthcoming, and contrary to documentary evidence in the record.

JORDAN

The Hashemite Kingdom of Jordan (Jordan) is a constitutional monarchy ruled by King Abdullah II bin Hussein. The King has ultimate executive and legislative authority. The

Jordanian security services underwent a significant reorganization in December 2019 when the King combined the previously separate Public Security Directorate (police), the Gendarmerie, and the Civil Defense Directorate into one organization named the Public Security Directorate. The Public Security Directorate and the General Intelligence Directorate share responsibility for maintaining internal security. The General Intelligence Directorate reports directly to the King. The armed forces report to the Minister of Defense and are responsible for external security, although they also have a support function for internal security. Members of the security forces have reportedly committed abuses. (HE 1, Item 1 - U.S. Department of State, *Country reports on Human Rights Practices for 2020: Jordan*, March 30, 2021)

In 2013 and 2014, the United States provided Jordan $2.25 billion in loan guarantees, allowing Jordan access to affordable financing from international capital markets. The U.S.-Jordan free trade agreement (FTA), the United States' first FTA with an Arab country, has expanded the trade relationship by reducing barriers for services, providing cutting-edge protection for intellectual property, ensuring regulatory transparency, and requiring effective labor and environmental enforcement. The United States and Jordan have an "open skies" civil aviation agreement; a bilateral investment treaty; a science and technology cooperation agreement; and a memorandum of understanding on nuclear energy cooperation. Such agreements bolster efforts to help diversify Jordan's economy and promote growth. Jordan and the United States belong to a number of the same international organizations, including the United Nations, International Monetary Fund, World Bank, and World Trade Organization. Jordan also is a Partner for Cooperation with the Organization for Security and Cooperation in Europe.

The United States deeply values its long history of cooperation and friendship with Jordan with which it established diplomatic relations in 1949. The United States and Jordan share the mutual goals of a comprehensive, just, and lasting peace between Israel and the Palestinians, and an end to violent extremism that threatens the security of Jordan, the region, and the entire globe. The peace process and Jordan's opposition to terrorism parallel and assist wider U.S. interests. U.S. policy seeks to reinforce Jordan's commitment to peace, stability, and moderation. In light of ongoing regional unrest, as well as global disruptions stemming from the COVID-19 pandemic, the United States has helped Jordan maintain its stability and prosperity through economic and military assistance and through close political cooperation.

As of August 8, 2022, the U.S. Department of State travel advisories for Jordan range from Level 2 (Exercise Increased Caution) due to terrorism, to Level 4 (Do Not Travel), depending on the area of the country visited. The capital of Amman is currently assessed as being at considerable risk from terrorism directed at or affecting official U.S. Government interests. The threat of terrorism across Jordan remains high. Transnational and indigenous terrorist groups in Jordan have demonstrated the capability to plan and implement attacks. Violent extremist groups in Syria and Iraq have conducted attacks in Jordan and continue

to plot against local security forces, U.S. and Western interests, and soft targets such as high profile public events, hotels, places of worship, restaurants, schools, and malls. Jordan's prominent role in the effort to defeat ISIS, and its shared borders with Iraq and Syria, increase the potential for future terrorist incidents.

Additionally, violence in the West Bank and Gaza has led to demonstrations and anti-Government/anti-U.S. sentiment in Jordan. Regional issues can inflame anti-U.S./anti-Western sentiment. U.S. involvement in Iraq and Syria as well as U.S. Government policies on Israel have fueled anti-U.S. sentiment. Jordan's most significant human rights issues include: cases of cruel, inhumane, and derogatory treatment or punishment; arbitrary arrest and detention, including of activists and journalists; infringement on citizens' privacy rights; serious restrictions on free expression and the press, including criminalization of libel, censorship, and internet site blocking; substantial restrictions on freedom of association and freedom of peaceful assembly; serious incidents of official corruption; "honor" killings of women; trafficking in persons; and violence against lesbian, gay, bisexual, and transgender persons. Impunity remained widespread, although the Jordanian government took some limited steps to investigate, prosecute, and punish officials who committed abuses.

Law and Policies

"[N]o one has a 'right' to a security clearance." Department of the Navy v. Egan, 484 U.S. 518, 528 (1988). As Commander in Chief, the President has the authority to "control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information." Id. at 527. The President has authorized the Secretary of Defense or his designee to grant applicants 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 § 2.

National security eligibility is predicated upon the applicant meeting the criteria contained in the adjudicative guidelines. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, an administrative judge applies these guidelines in conjunction with an evaluation of the whole person. An administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. An administrative judge must consider a person's stability, trustworthiness, reliability, discretion, character, honesty, and judgment. AG ¶ 1(b).

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. Decisions include, by necessity, consideration of the possible risk that the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of classified information.

Clearance decisions must be made "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." Exec. Or. 10865 § 7. Thus, a decision to deny a security clearance is merely an indication the applicant has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance.

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The Government has the burden of establishing controverted facts alleged in the SOR. See Egan, 484 U.S. at 531. "Substantial evidence"

is "more than a scintilla but less than a preponderance." See v. Washington Metro. Area Transit Auth., 36 F.3d 375, 380 (4th Cir. 1994). The guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant's security suitability. See ISCR Case No. 92-1106 at 3, 1993 WL 545051 at *3 (App. Bd. Oct. 7, 1993).

Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. An applicant has the burden of proving a mitigating condition, and the burden of disproving it never shifts to the Government. See ISCR Case No. 02- 31154 at 5 (App. Bd. Sep. 22, 2005).

An applicant "has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance." ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). "[S]ecurity clearance determinations should err, if they must, on the side of denials." Egan, 484 U.S. at 531; see AG ¶ 1(d).

Analysis

Guideline B, Foreign Influence

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

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

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

> (a) contact, regardless of method, with a foreign family member, business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion; and
>
> (b) connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual's obligation to protect classified or sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information or technology.

Guideline B is not limited to countries hostile to the United States. "The United States has a compelling interest in protecting and safeguarding classified information from any person, organization, or country that is not authorized to have access to it, regardless of whether that person, organization, or country has interests inimical to those of the United States." ISCR Case No. 02-11570 at 5 (App. Bd. May 19, 2004). Furthermore, "even friendly nations can have profound disagreements with the United States over matters they view as important to their vital interests or national security." ISCR Case No. 00-0317 (App. Bd. Mar. 29, 2002). Finally, we know friendly nations have engaged in espionage against the United States, especially in the economic, scientific, and technical fields. Nevertheless, the nature of a nation's government, its relationship with the United States, and its human-rights record are relevant in assessing the likelihood that an applicant's family members are vulnerable to government coercion.

The risk of coercion, persuasion, or duress is significantly greater if the foreign country has an authoritarian government, a family member is associated with or dependent upon the government, or the country is known to conduct intelligence operations against the United States. In considering the nature of the government, an administrative judge must also consider any terrorist activity in the country at issue. See generally ISCR Case No. 02-26130 at 3 (App. Bd. Dec. 7, 2006) (reversing decision to grant clearance where administrative judge did not consider terrorist activity in area where family members resided).

AG ¶ 7(a) requires substantial evidence of a "heightened risk." The "heightened risk" required to raise one of these disqualifying conditions is a relatively low standard. "Heightened risk" denotes a risk greater than the normal risk inherent in having a family member living under a foreign government. See, e.g., ISCR Case No. 12-05839 at 4 (App. Bd. Jul. 11, 2013). See also ISCR Case No.17-03026 at 5 (App. Bd. Jan. 16, 2019) ("Heightened risk" is not a high standard.). Applicant's family connections and risk of terrorism in Jordan are sufficient to establish a "heightened risk." AG ¶¶ 7(a) and (b) are implicated by Applicant's foreign contacts, including his spouse, son, and other family members in Jordan, and his friend in Qatar.

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

> (a) the nature of the relationships with foreign persons, the country in which these persons are located, or the positions or activities of those persons in that country are such that it is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual, group, organization, or government and the interests of the United States;
>
> (b) there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, or allegiance to the group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the United States, that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest; 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 is a U.S. citizen who maintains regular contact with his spouse, son, sisters, mother-in-law, and brothers who are citizens of Jordan, and most of whom reside in Jordan. Of greatest concern is Applicant's spouse (a Jordanian citizen) and son (a U.S. citizen) who reside in Jordan. The mere possession of close family ties with one or more family members living in Jordan is not, as a matter of law, disqualifying under Guideline B; however, if an applicant has a close relationship with even one relative living in a foreign country, this factor alone is sufficient to create the potential for foreign influence and could potentially result in the compromise of classified information. *See Generally* ISCR Case No. 03- 02382 at 5 (App. Bd. Feb. 15, 2006); ISCR Case No. 99-0424 (App. Bd. Feb. 8, 2001). There is a rebuttable presumption that a person has ties of affection for, or obligation to, their immediate family members. *See generally* ISCR Case No. 01-03120, 2002 DOHA LEXIS 94 at *8 (App. Bd. Feb. 20, 2002).

Applicant maintains reasonably close contact with his family members remaining in Jordan. Although he claims that he is not friends with Sheikh K and maintains no contact with him, the contradictory evidence in the record and Applicant's testimony tell a different story. He has vacationed with Sheikh K at no personal expense to himself, and worked for him, including conducting personal business for him in another foreign country. The extent of his work and other activities with Sheikh K and related Qatari royal family members and acquaintances has not been satisfactorily explained to relieve concerns of potential foreign influence raised by Applicant's relationship to Sheikh K. I have considered non-alleged conduct or associations only for the purpose of assessing Applicant's credibility; in evaluating Applicant's evidence of extenuation, mitigation, or changed circumstances; in considering whether Applicant has demonstrated successful rehabilitation if applicable; and in applying the whole-person concept. *See, e.g*., ISCR Case No. 15-07369 at 3 (App. Bd. Aug. 16, 2017).

Based on the record, there is insufficient evidence to fully apply any of the mitigating conditions. Applicant has close and continuing contact with his family in Jordan, especially his spouse and son. He provides financial support for them, and has a close relationship to a foreign government official.

A key factor in the AG ¶ 8(b) analysis is Applicant's "deep and longstanding relationships and loyalties in the United States." Applicant was born in Jordan but naturalized as a U.S. citizen. His loyal service to the U.S. military in Iraq and Jordan is commendable, and there is no information showing that he is anything but a loyal American citizen. However, he has few financial ties to the United States as he spends most of his time living overseas. His two sons and daughter are currently living in the U.S., but his spouse and a son remain in Jordan.

Applicant's relationship with the United States must be weighed against the potential conflict of interest created by his relationships with family who are citizens and residents of Jordan and a friend that is a member of the Qatari royal family and government. His family are at a heightened risk from terrorist attacks in Jordan, and Applicant's service to the U.S.

military in Iraq and Jordan may enhance the risks to his family created by his association.

Applicant's patriotism is not being questioned, rather he has not shown that his ties to the U.S. outweigh his familial interests in Jordan. Applicant's work with U.S. military in Iraq and Jordan, and his glowing letters of recommendation weigh in his favor. However, these factors are insufficient to overcome the foreign influence security concerns raised above. Those concerns have not been sufficiently mitigated.

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(c), 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 have incorporated my comments under Guideline B in my whole-person analysis.

A Guideline "B" decision concerning Jordan must take into consideration the geopolitical situation and risks posed for those living there. Terrorist organizations may threaten Jordanian citizens with ties to the government, the interests of the United States, U.S. armed forces, and those who cooperate and assist the United States. Applicant's immediate family in Jordan are subject to governmental and terrorist activity that puts Applicant at significant risk of foreign exploitation, inducement, manipulation, pressure, or coercion. Applicant's interests in the United States do not overcome the foreign influence concerns.

I have carefully applied the law, as set forth in *Department of Navy v. Egan,* 484 U.S. 518 (1988), Exec. Or. 10865, the Directive, and the AGs, to the facts and circumstances in the context of the whole person. After weighing the disqualifying and mitigating conditions and evaluating all the evidence in the context of the whole person, I conclude Applicant has not mitigated the foreign influence security concerns raised in the SOR and described above.

Accordingly, I conclude Applicant has not carried his burden of showing that it is clearly consistent with the national interest to grant him eligibility for access to classified information.

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:	AGAINST APPLICANT
Subparagraphs 1.a, b, d, e, f, h:	Against Applicant
Subparagraphs 1.c and g:	For Applicant

Conclusion

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

_____
Gregg A. Cervi
Administrative Judge