



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



In the matter of: )  
)  
) ISCR Case No. 21-02007  
)  
Applicant for Security Clearance )

**Appearances**

For Government: Adrienne Driskill, Esq., Department Counsel  
For Applicant: Alan V. Edmunds, Esq

March 17, 2023

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**Decision**

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TUIDER, Robert, Administrative Judge:

Applicant mitigated security concerns under Guidelines B (foreign influence). Eligibility for access to classified information is granted.

**Statement of the Case**

On October 6, 2019, Applicant submitted a Questionnaire for National Security Positions (SF-86). On November 5, 2021, the Defense Counterintelligence and Security Agency Consolidated Adjudications Facility (CAF) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline B. The SOR detailed reasons why the CAF was unable to find that it is clearly consistent with the national interest to grant or continue a security clearance for Applicant. On December 9, 2021, Applicant submitted her SOR Answer through counsel, and requested a hearing. On February 14, 2022, Department Counsel was ready to proceed.

On February 28, 2022, the Defense Office of Hearings and Appeals (DOHA) assigned the case to another administrative judge. On May 24, 2022, DOHA reassigned the case to me. On May 24, 2022, DOHA issued a notice scheduling the hearing for July 5, 2022. I convened the hearing as scheduled.

Department Counsel offered Government Exhibits (GE) 1 and 2, which I admitted without objection. (Tr. 15) Applicant testified and called one additional witness. Applicant's Counsel offered Applicant Exhibits (AE) A through W, which I admitted without objection. (Tr. 16) I held the record open until August 5, 2022, to afford Applicant an opportunity to submit additional evidence. (Tr. 71-72) She timely submitted through counsel AE X through EE, which I admitted without objection. On August 2, 2022, DOHA received the hearing transcript (Tr.).

At Department Counsel's request and without objection, I take administrative notice of certain facts about Iran as contained in official U.S. Government documents (Hearing Exhibit (HE) I). Of particular note is the significant threat of crime, terrorism, kidnapping, armed conflict, civil unrest, and Iran's limited capacity to provide support to U.S. citizens who visit Iran. Iran's history of terrorist-related activities against the United States is a significant concern. There are also ongoing human rights problems in Iran. HE I discussed these concerns in greater detail. (Tr. 15) At counsel for Applicant's request and without objection, I take administrative notice of certain facts about Iranian customs regulations and U.S. Treasury Office of Foreign Assets (OFAC) expanded general licenses for U.S. persons to transact in certain inherited and other property in Iran. (AE W) Post-hearing, at counsel for Applicant's request and without objection, I take administrative notice of certain facts pertaining to Iran's upcoming election and possible regime change may be a result of the upcoming election. (AE Y)

### **Findings of Fact**

Applicant is 48-year-old senior associate network engineer, who has been employed by her defense contractor employer since March 2021. She seeks a Secret security clearance as a first-time applicant. A clearance is a requirement of her continued employment. (Tr. 24-27; GE 1)

Applicant was born in Iran in 1974 and acquired Iranian citizenship by birth. She graduated from an Iranian high school before immigrating to the United States in August 1990, at age 18. She became a naturalized U.S. citizen in July 1999. As such, she is a dual citizen of Iran and the United States. She holds a valid Iranian passport issued to her in May 2021, and holds a valid U.S. passport issued to her in December 2018. (Tr. 32-34, 60; GE 1; AE I, AE J)

Applicant initially came to the United States in the summer of 1978 on a tourist visa accompanied by her father, mother, and sister. While Applicant and her family were visiting the United States, the very first reports of pre-revolution chaos and street demonstrations were being reported from Iran. It was during this visit that Applicant's parents decided to start the application process for the entire family to immigrate to the United States. Applicant and her family returned to Iran and witnessed the Islamic Revolution of Iran unfold in 1979 followed by the hostage crisis and the Iran/Iraq war which began in 1980 and lasted for about eight years. (SOR Answer; Tr. 59-60)

Following the Iranian revolution, the Shah of Iran was overthrown, and the Ayatollah Khomeini and an Iranian government hostile to the United States assumed

power. (Tr. 29-31, 59-60) Applicant's parents explained to her later in her adult life that the theme of the rhetoric for uprisings in 1978 resonated quickly in their minds as both Marxist Populist, and Fanatic Shi'ite Islamic; neither of which ideologies they nor likewise, the Applicant, could ever subscribe to. These events in Iran shattered Iran-U.S. diplomatic relations and the immigration quota for Iranian nationals was dramatically reduced. As a result, their immigration process took about 12 years to complete. It was not until 1990 that Applicant and her family were finally admitted to the United States. They have lived here ever since. (SOR Answer; Tr. 60)

Applicant's mother is an interior designer who was educated in the U.S., and her father was an electrical engineer, educated in Germany. Applicant's mother and sister became U.S. citizens, and her father passed away in September 2015 before he could attain U.S. citizenship. (SOR Answer; Tr. 32, 59; GE 2) Applicant's father worked in the private sector in Iran before moving to the United States. Her mother continued working as an interior designer after she arrived in the United States until she retired. (Tr. 61-62) Applicant's mother lives with her in her residence. (Tr. 39) Applicant's sister is married to a U.S.-born chemical engineer and employed as a university professor in the field of environmental science. (Tr. 45, 62) Applicant has no close or continuing contacts with anyone in Iran. (Tr. 45; AE K) Applicant and her sister live relatively close to each other and visit each other on average of once a month. (Tr. 62-63)

Applicant completed all of her post-high school education in the United States. She was awarded a Bachelor of Science degree in electrical engineering in September 1997, and a Master of Science degree in electrical engineering in January 1999. She has never married and has no dependents. (Tr. 28-29; AE B, AE L) Applicant was a top student and qualified for scholarships. For the past 20 years of her professional life in the United States, she has been fortunate and privileged to be mentored by some of the best technical and business leaders in her field. She has always been involved in the early development of cutting-edge communications systems and technologies (mostly wireless). (SOR Answer) She received a ten-year certificate of appreciation commending her for contributions to the growth of the communications industry from a professional society. (AE M)

Applicant has participated and represented companies in international standardization and regulatory bodies and has been a technical editor of standards. As such, throughout her professional career, she has been exposed to sensitive and confidential information and trained by intellectual property attorneys on the methods of safeguarding not only the intellectual property, but also the "know-how." She assures that having access to classified information and the implied responsibility to safeguard and protect such information is always on her mind. (SOR Answer; Tr. 42-43)

Applicant has been awarded six U.S. patents, is a member of two prestigious engineering professional organization, and has made two significant book contributions in the electrical engineering field. (Tr. 33-34; AE B) Applicant's 2020 Federal Income Tax Return Form 1040 reflects combined gross income of \$183,990. (Tr. 34; AE T) She owns a home valued at \$1.618 million. As of June 17, 2022, she owed \$413,375 to her mortgage company and her monthly mortgage payments were \$3,138. Her FICO score

is 749. (Tr. 34. 41; AE R, AE P, AE Q) She has fine arts in her residence with a 2011 appraised value of \$82,737. (AE U, AE V) As of May 31, 2022, her checking account had a balance of \$12,414. (AE O) She is registered to vote in the United States and exercises that right to vote. She does not vote in Iranian elections. She has no real estate or business assets in Iran, apart from the personal property discussed *infra*. (Tr. 40-41; AE N) She has a valid driver's license. (AE H)

## Foreign Influence

The sole allegation under this concern alleges that Applicant has personal property in Iran valued at approximately \$600,000. (SOR ¶ 1.a) The Government became aware of these holdings when she self-reported them in her October 6, 2019, SF-86, and in her March 3, 2020, Office of Personnel Management interview. In her SF-86, she reported acquiring these holdings in October 1974. (GE 1, GE2) In her SOR Answer, Applicant admitted this allegation with clarification. Her reported foreign financial interests are her share of personal property assets that she and her sister inherited directly from their maternal grandparents when they passed away. Applicant and her sister received an equal interest in the inheritance. The personal property held in Iran consists of hand-crafted silver and glass objects and original paintings (heirlooms) that have been in the family a “[h]undred and eighty years or so” and are stored at a secure “vault-like” commercial storage facility in Iran. (SOR Answer; Tr. 35-36, 52-55, 65, GE 1, GE 2; AE C) Post-hearing, Applicant's counsel submitted explanatory family photos with some of the artwork in storage highlighted in red. (AE BB)

Applicant and her sister intend to keep these heirlooms in storage with the hope that in the future relations between the United States and Iran will improve and they will be able to bring these heirlooms to the United States legally. The current Iranian export restrictions did not exist until the Iranian revolution. (Tr. 36-37) Having been born in Iran, Applicant maintains her Iranian passport because she would not be allowed to enter Iran with a U.S. passport. Furthermore, it would be difficult if not impossible for Applicant to dispose of or sell any of the heirlooms unless she has an Iranian passport. Applicant is willing to give up her Iranian passport when this issue is resolved. (Tr. 37-38, 40)

Iranian customs prohibit the export of antiques and original artwork, which is the reason that Applicant's family was unable to export any of those items at the time they immigrated to the United States. Hence, she opted to place them in a storage facility in the hopes that Iran would ease their export regulations in the future. Additionally, as a U.S. citizen, and because Iran is presently a sanctioned country, Applicant is prohibited from engaging in any business dealings to sell or send proceeds back to the United States without an OFAC license. Based on Applicant's research, it appears that OFAC grants permission to U.S. persons to sell inherited real or personal properties in Iran. (SOR Answer; AE C, AE D)

However, Applicant stated since there is no direct banking relationship between the United States and Iran, bringing the sale proceeds to the United States still remains

complex and risky. It is well known that the foreign exchange houses in Iran charge a premium on top of the exchange rate to transfer funds through a third country to the United States. These exchange houses make no guarantees whether the funds will arrive safely in the United States as the intermediary banks can also block the funds based on their own governing rules and regulations beyond OFAC. (SOR Answer; Tr. 38-39; GE 2; AE C)

Applicant pays the storage facility annual cash payments of 120 Iranian Rial (IRR) in-person on behalf of her sister and herself. When Applicant paid the 120 IRR two years ago, this amount equated to \$11 under the then current exchange rate. The \$600,000 valuation was done in 1978, forty plus years ago when Applicant's grandparents passed away. The collection has not been appraised since then. Applicant concedes that it is generally true that art and antiques maintain or appreciate value over time. However, the Iranian currency has dramatically lost its value since the 1979 revolution. As a reference, at the time of the revolution one U.S. dollar was being exchanged for around 70 IRR and today it is being exchanged for around 280,000 IRR, about 4,000 times reduction in value. Given this severe depreciation of the Iranian Rial, it is very likely that today's reappraised value of the collection, in U.S. dollars, would be much less than the original appraised value. In short, Applicant stated, "[s]o I honestly cannot say is it a greater value, lower value, where it is. It's just I don't know." (SOR Answer; Tr. 51-52, 56, 58-59, 63-64) Post-hearing, Applicant's counsel submitted a brief history of the exchange rate in Iran, and articles that discussed the substantial devaluation of the IRR from 1980 to 2016 and from 2018 to 2022. (AE CC, AE DD, AE EE)

Because Applicant does not intend to sell the heirlooms, she has not had a more recent appraisal. If the assets were forcibly seized, the loss of the assets would not place Applicant in a position for influence or coercion because of her income, real estate holdings, and continuing employment in the United States. The heirlooms have great sentimental significance, and it is Applicant's intent to maintain control of them. It symbolizes her Persian cultural heritage, and she would very much prefer to eventually have the heirlooms displayed in her own home in the United States. She has opted to preserve and store the heirlooms in Iran in the hopes of being able to legally export them from Iran. It was and remains her mother's wish that Applicant and her sister have these family heirlooms. (SOR Answer; Tr. 40) Applicant has not given any thought to the disposition of the heirlooms in Iran should the import restrictions still be in effect after she and her sister pass away. (Tr. 55-56) If the Iranian regime should change in the future, Applicant has no intention of ever moving back to Iran. Her whole career, life, family, and friends are in the United States. She stated, "I have no reason to go back." (Tr. 56-57)

Applicant assured that if for any unforeseen reason, her heirlooms were forcefully seized by the Iranian government she will forego her financial interests. The financial loss of the heirlooms would not place her in any possible position for influence or coercion. She has a strong sense of ethics, earns a substantial income, owns the property she lives in, personally manages her mother's three rental investment properties valued at "close to \$3 million," and owns a stock investment portfolio valued

at a much greater value than the assets in question. (SOR Answer; Tr. 42, 57; GE 2) If she was ever approached by any foreign government official attempting to put pressure on her to reveal classified information, she would report them to the authorities. (Tr. 43)

Applicant travels to Iran “[p]robably once a year, if I have to.” She most recently accompanied her then 77-year-old mother for a three-week visit to Iran in 2022 to have some specialized dental work done. Covid restrictions were in place and Applicant and her mother did not visit anyone. During this visit, Applicant paid the storage facility where her family heirlooms are being stored their fee in IRR cash. She typically pays her storage fees “for multiple years” at a time. When making storage fee payments, she tries to give herself a cushion because of the yearly inflation rate, which recently was at “46, 47 percent.” (Tr. 43-50) She visited Iran in 2021 to renew her Iranian passport, which she must do every five years. As of her hearing date, she had no immediate visits to Iran planned. The frequency of her visits to Iran have varied. For example, the year her father died she visited Iran three times. And there have been periods of time where she has not visited Iran for two or three years. (Tr. 48, 50-51)

During her hearing, Applicant stated that her Iranian passport was stored in a bank safe deposit box. She stated that if required she would surrender her Iranian passport to her facility security officer (FSO). (Tr. 65-66, 68-71) Post-hearing, Applicant’s counsel submitted an Industrial Security Letter dated January 15, 2019. In summary, that letter stated that cleared contractors who have retained a cleared employee’s foreign passport, based on DoD directions or personnel security adjudicative decisions, should immediately return the foreign passport, or identity card to the cleared employee. Upon return the foreign passport to the cleared employee, the FSO will remind the cleared employee of their responsibility to enter and exit the United States using their U.S. passport. The cleared contractor would submit an incident report if any cleared employees report uses of a foreign passport to enter or exit the United States. (AE AA)

Applicant submitted a notarized statement of intent dated July 12, 2022, in which she stated that she would never use her Iranian passport for any other reason other than to maintain the safety of family heirlooms, that she has in her possession a valid Iranian passport, that the only reason she has an Iranian passport is to secure and maintain the safety of her family heirlooms, and that she will not use her Iranian passport for any other purpose except to maintain the safety of her family heirlooms. When not in use, she will secure her Iranian passport in her safe deposit box. She will notify her FSO of the date she removes her Iranian passport from her safe deposit box and of the date she returns it to the safe deposit box. Lastly, her FSO informed her that he will no longer take custody of foreign passports of employees. (AE X, AE Z)

Except for Applicant’s immediate family residing in the United States, no one is aware of this heirlooms collection. Even the managers of the commercial storage facility in Iran are not fully aware of the contents in the storage container. This property is unlike real estate or a bank account, which would be registered under her name and easily traced back to her. (SOR Answer) Applicant has no reason to believe that the Iranian government has any knowledge of these items. (Tr. 57-58) She opines that the

storage company in Iran would contact her if an issue ever developed regarding payment, especially because her family has stored their goods at the facility for three generations. (Tr. 66-67)

## **Character Evidence**

Applicant's witness is currently the vice president (VP) of a defense contractor, a role he previously held with another defense contractor. He has held clearances since 1988 at various levels and currently holds a top secret clearance. Before beginning his career as a defense contractor, he previously served as a nuclear trained submariner for 14 years. (Tr. 18-20)

VP also submitted a reference letter on behalf of the Applicant in which he stated:

I interviewed, hired, and managed [Applicant] at [defense contractor] and during that time I initiated the process to get her approved for a SECRET clearance. . . . In my time spent with [Applicant] I believe she cares deeply for this country and realizes the deep impact the work we do everyday has on maintaining our freedoms and the American way of life. . . . Today you have the ability to make a difference in that equation by granting a security clearance and allowing a great mind to do important technical and scientific work that matters.

VP testified that he is familiar with the SOR allegation against Applicant and stated that he does not have any concerns about her being granted a security clearance based on his first-hand knowledge of her character. VP added that Applicant will be able to contribute to the national defense, and that she will resolve any conflict in favor of the United States. (Tr. 21-25; AE E)

Applicant submitted two additional letters: (1) from the director of business development of a defense contractor; and (2) the chief executive officer of a cable company. Both individuals know Applicant well from their interactions with her while employed with previous employers. They described her as having "unparalleled integrity," "work ethic beyond reproach," and said she was a "dedicated, hard-working, and highly ethical employee." All three references have extensive security clearance experience and strongly recommend that Applicant be granted a clearance. (AE E) Applicant's 2020 annual work performance evaluation further corroborates the comments made in the reference letters. (AE F) Lastly, Applicant submitted photos of her relaxing with friends and family in a non-work setting. (AE G)

## **Policies**

This case is adjudicated under Executive Order (EO) 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 (AG), which became effective on June 8, 2017.

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines. In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are 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 the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(c), the entire process is a conscientious scrutiny of a number of variables known as the "whole-person concept." The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision.

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that "[a]ny doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security."

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." The applicant has the ultimate burden of persuasion to obtain a favorable security decision.

A person who seeks access to classified information enters into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it grants access to classified information. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation of 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

### Guideline B, Foreign Influence

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

The behavior of the Iranian government presents a serious national security concern. The heightened-risk element is easily satisfied. Given Applicant's ties to Iran via her collection of inherited valuable family heirlooms stored in Iran, the Government established its case under Guideline B. The above disqualifying conditions are established by the evidence.

Conditions that could mitigate foreign influence security concerns are provided under AG ¶ 8. The following are potentially applicable:

- (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 or 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

(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.

Iran's relationship with the United States, and the heightened risk it presents, place a heavy burden on Applicant to mitigate the security concern. With that said, Applicant has multiple indicators of being a mature, stable, responsible, and trustworthy person. She cooperated fully throughout the security clearance process. I found her testimony to be credible.

I have considered the totality of Applicant's ties to Iran via her collection of inherited valuable family heirlooms stored in Iran. She inherited these family heirlooms from her maternal grandmother in 1974. At that time, they were reportedly worth \$600,000. This estimate is over 40 years old and does not consider the significant inflation the Iranian Real has sustained throughout the years especially since worldwide sanctions were instituted against Iran. At some point before she immigrated to the United States in 1990, she or someone in her family arranged to have these heirlooms packed and transported to a secure storage facility in Iran where they remain to this day. Iran does not permit the export of such items and the heirlooms will remain in storage until such time as export restrictions are relaxed. Since the heirlooms were placed in the storage facility, Applicant has ensured that the storage facility receives their storage fees in cash in IRR and in person. As Applicant explained, she sometimes pays more than a year at a time and extra to account for inflation and the fact that she may not be able to visit Iran every year.

Applicant's multiple visits to Iran using her Iranian passport in the last five years, including after she received the SOR, cause some concern. When she is in Iran, she is available for coercion. Similarly, when her mother went to Iran, she was available for coercion. I acknowledge that in ISCR Case No. 08-02864 (App. Bd. Dec. 29, 2009) the Appeal Board said AG ¶ 8(b) could not be used to mitigate security concerns caused by an immediate family member's visit to Iran because of the serious risks of coercion of the visitor to Iran. However, this Applicant's connections to the United States are so compelling I am convinced she could not be coerced into compromising national security.

Since arriving in the United States at age 18 in 1990, Applicant has embraced the American way of life by pursuing her university and graduate education. Since completing her education, she has amassed a number of professional accomplishments. She has been awarded six patents, written two book contributions in the field of electrical engineering, and has excelled in her career. In the United States,

she owns her home valued at \$1.618 million, earns a solid six-figure annual income, and has significant other assets. She is also heavily vested in the United States by embracing and participating in all the rights and privileges of being a U.S. citizen. All of her immediate living family members are in the United States and are U.S. citizens.

These factors serve in stark contrast to her comparatively limited connections to Iran. She has no immediate family member there with whom she has close contact. She has no personal or real property other than the inherited heirlooms. Those cannot be sold or exported, so she cannot do anything with them other than maintain custody of them in Iran. The value of those heirlooms remains uncertain. Rather, the heirlooms in Iran have more of a sentimental value than a monetary value to Applicant, particularly in their present state. Given the fact Applicant's self-reported heirlooms in Iran have raised a security concern, she understands and is sensitive to the nature of the security concern based on foreign influence. Although her ties to Iran still count and cannot be dismissed out of hand, the strength of those ties are diminished given the facts and circumstances here. On balance, her ties to the United States are far stronger than any ties she may have to her heirlooms in Iran.

Given the totality of the facts and circumstances, I conclude that it is unlikely Applicant will be placed in a position of having to choose between the interests of the United States and the Iranian governments or her family heirlooms. I further conclude there is no conflict of interest because Applicant has developed such deep and long-standing relationships and loyalties in the United States that she can be expected to resolve any potential conflict of interest in the favor of the United States. AG ¶ 8(a) is partially applicable. AG ¶ 8(b) is fully applicable.

### **Whole-Person Concept**

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for a security clearance by considering the totality of the applicant's conduct and all the circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(d):

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

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. AG ¶ 2(c). The discussion in the Analysis section under Guideline B is incorporated in this whole-person section. However, further comments are warranted.

Applicant finds herself in a situation placed upon her through family ties. To summarize, she self-reported the fact that she inherited a purported \$600,000 worth of heirlooms in Iran by inheritance. This estimate was made over 40 years ago when the IRR was much stronger. Although the current value of these heirlooms is unknown, it is unlikely that they are worth anything near that 40-year-old valuation. Since then, she has been responsible for the safe keeping of these heirlooms. At some point before she permanently immigrated to the United States, arrangements were made for the safe storage of these heirlooms in a secure storeroom in Iran. She is required to pay the storage fees in cash in IRR, which she has faithfully done and will continue to do until the Iranian government eases their export restrictions.

In 1990, at age 18, Applicant along with her sister and parents left Iran to make a new life for themselves in United States. Life in Iran post-Shah was incompatible with their political views. It is noteworthy that they waited over 12 years for their visas to enter the United States, which they did legally. After arriving in the United States, Applicant excelled academically and professionally as discussed in further detail *supra*. She earns a respectable six-figure annual salary, owns a home valued at \$1.618 million, with an equity of about \$800,000 and has significant other assets indicative of financial security. Given Applicant's substantial U.S. assets, it is unlikely that her heirlooms in Iran could serve as a financial incentive to gain leverage against her. She maintains close contact with her immediate family in the United States who like herself are all naturalized U.S. citizens. In contrast, she has no real or personal property in Iran, apart from the family heirlooms, which she cannot remove from Iran in the current political climate. Nor does she have any relatives in Iran with whom she maintains close contact with. In short, for the last 30 years her personal and professional lives have been in the United States.

It is worth noting the strong support she has from several of her professional colleagues. All of those individuals have extensive experience as security clearance holders and have no reservations in recommending that she be granted a security clearance. In summary, they noted, among other things, her attributes of integrity, honesty, and loyalty to the United States. In addition to these attributes, she brings a highly specialized skillset to the table in support of the defense industry.

Following the Supreme Court's ruling in *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988), and the clearly consistent standard, I have no doubts or concerns about Applicant's reliability, trustworthiness, good judgment, and ability to protect classified or sensitive information. In reaching this conclusion, I have weighed the evidence as a whole and considered if the favorable evidence outweighed the unfavorable evidence or *vice versa*. I also considered the whole-person concept. The whole-person concept independently supports her access to classified information. Accordingly, I conclude that Applicant met her ultimate burden or persuasion to show that it is clearly consistent with the national interest to grant her 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 ¶ E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1, Guideline B:           For Applicant

Subparagraph 1.a:                   For Applicant

## **Conclusion**

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 Tuider  
Administrative Judge