



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



In the matter of:)	
)	
)	ISCR Case No. 23-00243
)	
Applicant for Security Clearance)	

Appearances

For Government: Mark D. Lawton, Esq., Department Counsel
For Applicant: *Pro se*

03/14/2024

Decision

MURPHY, Braden M., Administrative Judge:

Applicant’s parents are citizens and residents of Saudi Arabia. His wife is a citizen and resident of Egypt. He has strong, ongoing connections to each of them. Applicant did not provide sufficient evidence to mitigate resulting foreign influence security concerns. Eligibility for access to classified information is denied.

Statement of the Case

Applicant submitted a security clearance application (SCA) on September 4, 2022. On February 9, 2023, the Department of Defense (DOD) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline B, foreign influence. The DOD issued the SOR 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 Security Executive Agent Directive 4, *National Security Adjudicative Guidelines*, effective June 8, 2017. Applicant answered the SOR on February 16, 2023, and requested a hearing before an administrative judge from the Defense Office of Hearings and Appeals (DOHA). The

case was assigned to me on October 31, 2023. On December 15, 2023, DOHA issued a notice scheduling the hearing for February 6, 2023.

The hearing convened as scheduled. Department Counsel submitted Government's Exhibits (GE) 1 and 2, which I marked and admitted without objection. The Government also submitted documents for administrative notice, discussed below. Applicant testified but did not submit any documents. At the end of the hearing, I held the record open until February 13, 2024, to afford him the opportunity to submit additional documents.

Applicant timely submitted materials that I marked as Applicant's Exhibits (AE) A through J and admitted without objection. Two of the exhibits are reference letters from work colleagues (AE A, AE B); one is a spreadsheet detailing his performance evaluations (AE C); one verifies his employment status and salary (AE D); two documents are English translations of Egyptian government documents concerning Applicant's marriage (AE E, AE F); one is a U.S. Government document regarding his wife's application for a U.S. immigration visa (AE G), and two are Congressional Research Service position papers from 2023 on Egypt and Saudi Arabia (Background and U.S. Relations), respectively (AE H, AE I). DOHA received the hearing transcript (Tr.) on February 20, 2024.

Request for Administrative Notice

At Department Counsel's request, I took administrative notice of certain facts concerning Egypt and Saudi Arabia and their relationships with the United States. Department Counsel provided supporting documents that verify and provide context for those facts. They are detailed in the Government's administrative notice filings (AN I and AN II, respectively) and addressed, as appropriate, in the Findings of Fact. I took administrative notice of the facts in AN I and AN II over Applicant's objections. (Tr. 18-23) I have considered AE H and AE I for administrative notice purposes as well.

Where appropriate, I have taken administrative notice of updated and current information from the State Department website, consistent with my obligation to make assessments based on timely information in cases involving the potential for foreign influence. ISCR Case No. 05-11292 at 4 (App. Bd. Apr. 12, 2007) ("Decisions in Guideline B cases should be made to the greatest extent possible in the context of current political conditions in the country at issue.")

Amendment to the SOR

At the start of the hearing, Department Counsel moved to amend SOR ¶ 1.b to correct the spelling of "United States." The motion was granted and the amendment adopted without objection. (Tr. 10-11)

Findings of Fact

Applicant admitted SOR ¶¶ 1.a through 1.e, without explanations. His admissions are incorporated into the findings of fact. Additional findings follow.

Applicant is 25 years old. He was born in 1998 in Saudi Arabia. His father, who was born in Egypt, came to the United States many years ago to pursue a graduate education and became a U.S. citizen. (SOR ¶ 1.b) Applicant has U.S. citizenship, derived from being born overseas of a naturalized U.S citizen (his father). Applicant also holds Egyptian citizenship through his father. Applicant has an Egyptian passport, but it expired several years ago and he does not intend to renew it. Applicant's mother was born in Egypt of a Saudi father and an Egyptian mother. She is a citizen of Saudi Arabia and has never held Egyptian citizenship. (SOR ¶ 1.a) Applicant has a brother and a sister who are citizens and residents of the United States. (GE 1; 29-41, 51-57, 88-89)

Applicant spent the first three years of his life living in the United States. His parents moved the family to Saudi Arabia in about 2003, after the terrorist attacks of September 11, 2001, led them to feel persecuted in the United States as Muslims. He spent the rest of his childhood in Saudi Arabia and graduated from an international high school in 2016. (GE 1; Tr. 26, 29-30, 36, 43-44, 57)

When he turned 18, Applicant decided "to come to my country, the United States" for college. (Tr. 24) He briefly pursued pilot training in 2016, but then changed schools. He earned an associate degree in 2018 and a bachelor's degree in economics in December 2020. He later pursued a master's degree but is no longer in school. He worked for an economics firm as an intern from November 2018 until May 2020, when he lost his job due to the COVID-19 pandemic. He was then unemployed until June 2021. Since July 2021, he has worked full time as an analyst or consultant on government contracts for a large consulting firm. He earns \$90,000 annually and has about \$20,000 in his 401(k)-pension plan. He seeks a security clearance through his employment and has not had one before. Between 2016 and March 2023, he lived in State 1. (GE 1; AE D; Tr. 8, 26-27, 44-47, 69-71)

Applicant's parents remain in Saudi Arabia. (Tr. 35, 53, 56) In recent years he has visited them regularly in Egypt and in Saudi Arabia. (GE 2) Since his September 2022 background interview, Applicant has visited them in Egypt twice a year, most recently in May 2023, and again from December 2023 to January 2024. (Tr. 38, 43, 53-54, 57, 79-81)

Applicant speaks to his parents daily or every other day. His mother comes to the United States to see her children about once a year, most recently during 2023 for about two months. His father does not travel for health reasons. His father owns a farming and agriculture business and some farmland in Saudi Arabia. He has never been employed by the Saudi government or military. (Tr. 58-60, 85-86)

Applicant testified that none of his family members are aligned with foreign government officials or employed by foreign government agencies, but for his mother, who, as a former high school teacher, was technically a Saudi state employee. She draws a pension from the Saudi government. She also owned a business in residential and commercial real estate, but no longer owns property in Saudi Arabia. (Tr. 28, 54-55)

During his period of unemployment (2020-2021), Applicant flew to Egypt on his way to Saudi Arabia to see his family. While he was in Egypt, the Saudi government closed the country's borders due to the COVID pandemic. This left him stranded in Egypt for about four months. He stayed at a hotel. Other travelers were in the same predicament, and they soon began to socialize. This was how Applicant met his fiancée, a citizen and resident of Egypt, who was also staying at the hotel. (Tr. 38-39, 71-72)

Applicant's fiancée (SOR ¶ 1.c) is now his wife. She is a resident and citizen of Egypt. She was born in 2005. She is 19 and is currently a student. They have no children. They married in May 2023, after she turned 18. They married in Egypt in a civil ceremony attended by their parents and some of her siblings. He is currently planning a wedding celebration that will take place in Egypt in the next six months. He provides his wife financial support. (AE E, AE F; Tr. 32-34, 48, 51, 68-69, 78-79)

Applicant's wife's parents and siblings are citizens and residents of Egypt. Applicant's wife lives with her sister, S1, in Egypt. S1 is a housewife. S1's husband is involved in professional sports. Applicant's wife does not live with her parents due to family conflict. She has two other sisters (one age 14) and two brothers, all in Egypt, but she is not close to them, and Applicant is not close to them either. (Tr. 73-78) The SOR was not amended during the hearing to allege additional Guideline B concerns about his wife's Egyptian parents and siblings.

Applicant's wife has never visited the United States and requires a visa to do so. A U.S. visa application is pending, and she intends to move to the U.S and pursue U.S. citizenship when the visa is granted. (AE G; Tr. 32-34, 49-51) Her parents have never worked for the Egyptian government or its military. (Tr. 49-50)

In March 2023, Applicant moved from State 1 to State 2 in the United States. He rents an apartment. He owns no real property either in the United States or overseas. He explained that this was largely due to a lack of funds and an interest in finding a place to live with his wife when she comes to the United States. He has no foreign accounts or assets and has never been employed in Egypt. When he sees his family in Egypt, he stays in a hotel or rents an apartment for the visit. (Tr. 42, 66-67, 85, 87-88)

The remaining allegations concern Applicant's "close and continuing contact with friends who are citizens and residents" of either Egypt (SOR ¶ 1.d) or Saudi Arabia (SOR ¶ 1.e). While Applicant admitted each allegation without explanation, neither allegation describes any individual with any specificity.

In his November 2022 background interview, Applicant discussed several friends in detail. Among them were: 1) F, a Saudi friend who lives in Canada; 2) O #1, an Egyptian friend who lives in Canada now pursuing a graduate degree; 3) O #2, a citizen and resident of Saudi Arabia; 4) Y, a citizen and resident of Egypt who has known Applicant since childhood; and 5) H, an Egyptian citizen who lives in the United States. Several of these friends were acquaintances of Applicant through “online gaming” or “group chats,” and they had frequent contact of that nature. Others, such as O #2, were friends with whom Applicant maintained contact every few weeks. (GE 2 at 5-6) Applicant testified that he maintains some contact with high school and college friends. (Tr. 28-29, 44, 61-66, 82-85) In his background interview, Applicant also discussed M, an 18-year-old from Egypt, who is now his wife. (GE 2; Tr. 82)

Applicant last had contact with Y, his childhood friend, five days before the hearing, and they saw each other in Egypt when Applicant visited there in early 2024. They have weekly online or gaming contact. (Tr. 61-64, 81-82)

Applicant’s reference letters and evaluations reflect that he is well regarded at work. He is reliable, trustworthy, thoughtful, dependable, engaged, and enthusiastic. He excels at his job, and is a consummate professional, a trusted colleague, and a true team player. He has strong integrity and an excellent work ethic. He received a semi-annual award for client innovation. (AE A, AE B, AE C)

Administrative Notice

Egypt (Taken from Government’s AN II and AE H):

Egypt is a republic governed by an elected president and bicameral legislature. Inspired by the 2010 Tunisian revolution, Egyptian opposition groups led demonstrations and labor strikes countrywide, culminating in President Hosni Mubarak’s ouster in 2011. In January 2014, voters approved a new constitution by referendum and in May 2014 elected former defense minister Abdelfattah El Sisi president. El Sisi was reelected to a second four-year term in March 2018. In April 2019, Egypt approved via national referendum a set of constitutional amendments extending El Sisi’s term in office through 2024 and possibly through 2030 if re-elected for a third term. (AN II)

Historically, Egypt has been an important country for U.S. national security interests based on its geography, demography, and diplomatic posture. Egypt controls the Suez Canal, which opened in 1869 and is one of the world’s most critical maritime chokepoints, linking the Mediterranean and Red Seas. As of 2023, an estimated 12% of global trade, including 7% of the world’s oil, ships through the Suez Canal. Egypt’s population of more than 104 million people makes it by far the most populous Arabic-speaking country. Egypt’s 1979 peace treaty with Israel remains one of the most significant diplomatic achievements for the promotion of Arab-Israeli peace. While people-to-people relations remain limited, the Israeli and Egyptian governments have increased their cooperation against Islamist militants and instability in the Sinai Peninsula and Gaza Strip. Since taking office, President Joseph Biden has balanced

various considerations in his approach to U.S.-Egyptian relations, praising Egyptian diplomacy while signaling U.S. displeasure with Egyptian President El Sisi's continued domestic crackdown. In the two-and-a-half years since the United States started facilitating the historic Abraham Accords between Israel and various Arab states, Egypt, which has maintained its peace treaty with Israel since 1979, has earned praise from U.S. officials by increasing its diplomatic outreach to Israel. (AE H)

The U.S. Department of State advises individuals to reconsider travel to Egypt due to terrorism. The Department of State also advises individuals to exercise increased caution in Egypt due to the Embassy's limited ability to assist dual national U.S.-Egyptian citizens who are arrested or detained. Terrorist groups continue plotting attacks in Egypt. Terrorists may attack with little or no warning, and have targeted diplomatic facilities, tourist locations, transportation hubs, markets/shopping malls, western businesses, restaurants, resorts, and local government facilities. Terrorists have conducted attacks in urban areas, including in Cairo, despite the heavy security presence. Terrorists have targeted religious sites, to include mosques, churches, monasteries, and buses traveling to these locations. The State Department has also catalogued and taken notice of human rights issues in Egypt. (AE II)

Saudi Arabia (Taken from Government's AN II and Applicant's Exhibit I):

The Kingdom of Saudi Arabia is a monarchy ruled by King Salman bin Abdul Aziz, who is both head of state and head of government. The 1992 Basic Law sets out the system of governance, rights of citizens, and powers and duties of the government, and it provides that the Quran and Sunna (the traditions of the Prophet Muhammad) serve as the country's constitution. It specifies that the rulers of the country shall be male descendants of the founder, King Abdulaziz (Ibn Saud) (AN II)

The Kingdom of Saudi Arabia wields global influence through its administration of the birthplace of the Islamic faith and by virtue of its large oil reserves (17.2% of global total) and its role as a major oil exporter. Since acceding to the throne in 2015, King Salman bin Abdul Aziz (age 87) has empowered his son, Crown Prince Mohammed bin Salman as heir apparent, prime minister, and the central figure in Saudi policymaking. (AE I)

Saudi leaders' top priority at home appears to remain their *Vision 2030* initiative, through which the kingdom is attempting to transform its economy, public finances, and social contract. Abroad, Saudi officials conduct a multidirectional foreign policy that embraces parallel partnerships with the United States and U.S. strategic competitors, such as Russia and China. Saudi policy toward the Middle East region currently appears to prioritize détente; in March 2023, the kingdom reestablished diplomatic relations with Iran in an agreement facilitated in part by China. Lower regional tensions may contribute to Saudi government efforts to market the kingdom as an attractive hub for investment, commerce, and tourism—all central to the *Vision 2030* initiative. Continued Saudi cooperation with Russia on oil output decisions bolsters revenue for both countries. (AE I)

While directing the implementation of far-reaching economic and social changes, the Crown Prince has centralized control over security forces, sidelined potential political rivals (including some royal family members and religious conservatives), and cracked down on public dissent. The state has recognized some women's rights and now actively promotes women's participation in the economy. Strict controls on public expression, arrests of activists and potential critics, and reported Saudi state involvement in transnational repression limit foreign observers' ability to understand Saudi social, economic, and political dynamics. The Saudi government rejects international scrutiny and criticism of its human rights practices as interference in Saudi domestic affairs. (AE I)

In February 2021, the Office of the Director of National Intelligence assessed that Saudi Arabia's Crown Prince Muhammad bin Salman had approved an operation to capture or kill Jamal Khashoggi, a Saudi citizen and long-time U.S. resident, an operation that was carried out in October 2018 inside the Saudi consulate in Istanbul, Turkey. (AN II)

During the Biden Administration, the U.S.-Saudi relationship at times has appeared strained, but public comments in 2022 and 2023 from both countries have highlighted ongoing cooperation and new collaborative opportunities. During a June 2023 visit to Saudi Arabia, Secretary of State Antony Blinken noted ongoing U.S.-Saudi counterterrorism and regional security cooperation and promoted emergent U.S.-Saudi collaboration on global infrastructure financing, digital communications technology development, and clean energy adoption initiatives. (AE I)

The Biden Administration supports the kingdom's economic and social reform initiatives, praises Saudi efforts to deescalate regional conflicts, and describes potential Saudi diplomatic normalization with Israel as "a declared national security interest of the United States." Various sources suggest that Saudi Arabia may condition future normalization-related choices on Israel's approach to the Palestinians, U.S. security commitments, and/or changes to U.S. policy on the kingdom's nuclear energy program. Press reports citing unnamed U.S. officials suggest that as part of its push for Saudi-Israel normalization, the Biden Administration has discussed a possible mutual defense agreement with Saudi Arabia. A defense treaty would require the advice and consent of the Senate. (AE I)

As of June 2023, nearly 2,700 U.S. military personnel were deployed in the kingdom "to protect U.S. forces and interests in the region against hostile action by Iran and Iran-backed groups." These forces are in addition to hundreds of U.S. personnel supporting long-running U.S.-Saudi security cooperation programs for military and internal security forces. Officials also renewed a bilateral agreement for internal security force training in 2023. (AE I)

The U.S. Department of State has issued a Level 4 Travel Advisory regarding Saudi Arabia, advising U.S. travelers to reconsider travel to Saudi Arabia due to the threat of missile and drone attacks on civilian facilities. Travelers should exercise

increased caution due to terrorism and should not travel to certain locations due to missile and drone attacks and terrorism, including within 50 miles of the Saudi-Yemen border. (AN II)

Houthi (designated as “Entities of Particular Concern” by the Secretary of State on November 30, 2022) militants in Yemen posed the greatest security threat to Saudi Arabia. Houthi attacks increased in frequency and sophistication over the year, to include attacks with ballistic and cruise missiles, unmanned aerial systems (UAS), and unmanned surface vessels (USV). (AN II)

Missile and drone attacks perpetrated by Iran and Iran-supported militant groups represent a significant threat. The Islamic Republic of Iran has supplied Yemen-based Houthis and other regional proxy groups with weapons to conduct destructive and sometimes lethal attacks using drones, missiles, and rockets against a variety of Saudi sites, including critical infrastructure, civilian airports, military bases, and energy facilities throughout the country, as well as vessels in Red Sea shipping lanes. Recent attacks were aimed at targets throughout Saudi Arabia including Riyadh, Jeddah, Dhahran, other locations, military installations in the south, as well as oil and gas facilities. The State Department has also catalogued and taken notice of human rights issues in Saudi Arabia. (AN II)

Policies

It is well established that no one has a right to a security clearance. As the Supreme Court held, “the clearly consistent standard indicates that security determinations should err, if they must, on the side of denials.” *Department of Navy v. Egan*, 484 U.S. 518, 531 (1988).

When evaluating an applicant’s suitability for a security clearance, the administrative judge must consider the adjudicative guidelines. In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are 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, these guidelines are applied in conjunction with the factors listed in the adjudicative process. The administrative judge’s overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(a), the entire process is a conscientious scrutiny of several 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. Likewise, I have not drawn inferences grounded on mere speculation or conjecture.

Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, an “applicant is responsible for presenting witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by applicant or proven by Department Counsel and 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.

Analysis

Guideline B, Foreign Influence

AG ¶ 6 details the security concern about “foreign contacts and interests” as follows:

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 indicates conditions that could raise security concerns 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.

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 or inducement. The risk of coercion, persuasion, or duress is significantly greater if the foreign country has an authoritarian government, a family member or friend is associated with or dependent upon the government, the country is known to conduct intelligence-collection operations against the United States, or the foreign country is associated with a risk of terrorism.

A heightened security risk is established by the administratively noticed facts about Saudi Arabia and Egypt, especially human rights concerns, risks of terrorism, and ongoing regional instability. Applicant unquestionably has strong and ongoing ties to both Egypt and Saudi Arabia, through his wife and his parents. AG ¶¶ 7(a) and 7(b) both apply to them.

The remaining allegations concern Applicant's "close and continuing contact with friends who are citizens and residents" of either Egypt (SOR ¶ 1.d) or Saudi Arabia (SOR ¶ 1.e). While Applicant admitted each allegation without explanation, neither allegation describes any individual with any specificity. Further, none of these contacts suggest a current foreign influence security concern. Applicant has maintained friendships with some childhood schoolmates (from school in Saudi Arabia) and college friends (from college in the United States), and he maintains social media and other contact with other foreign citizens through a shared interest in online gaming. None of his friends or contacts are foreign government or military employees, and his relationships with them are largely casual. I do not find that AG ¶¶ 7(a) or 7(b) apply to SOR ¶¶ 1.d or 1.e and find those allegations for Applicant.

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 U.S.;

(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 or infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation.

Understandably, Applicant maintains close and frequent, even daily, contact with his parents in Saudi Arabia and his wife in Egypt. His new wife has never visited the United States, and indeed, is not allowed to do so until her visa is approved. She remains an Egyptian citizen (as does Applicant, through his father). If anything, Applicant's ties to Egypt have strengthened since the issuance of the SOR, since he and his fiancée are now married. The presence of Applicant's parents in Saudi Arabia is an additional security concern, given the heightened risk concerns about the Saudi government and its treatment of its own citizens, and other reasons laid out in the administrative notice materials.

Applicant's wife's family members, her parents and siblings, are not alleged as independent security concerns but their presence in Egypt undercuts any mitigation otherwise shown, as Applicant's ties to Egypt are therefore increased even if he and his wife have a strained relationship with her family.

Applicant regards the United States as his country, and he has ties here through his citizenship, education, his professional career, and his siblings. As he acknowledged, establishing property ties (buying a home) is expensive, particularly at his relatively young age, and he has yet to find a home for himself and his wife here. While this is understandable, these ties must be weighed against his strong connections to his family in Egypt and Saudi Arabia – ties that have now strengthened due to his recent marriage. Based on the administrative notice materials, there is strong evidence that Applicant may be placed in a position where he might be forced to choose between U.S. and Egyptian or Saudi interests, and a heightened risk of the potential of exploitation, duress or coercion is shown. AG ¶¶ 8(a), 8(b) and 8(c) do not apply to mitigate the foreign influence security concerns. Applicant has not met his heavy burden of persuasion of establishing that the foreign influence security concerns are 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 considered the potentially disqualifying and mitigating conditions under all the facts and circumstances surrounding this case. I have incorporated my comments under Guideline B in my whole-person analysis. I also considered Applicant's favorable recommendations and strong professional evaluations. However, given the strong heightened risk of foreign coercion, exploitation, or duress, Applicant has not met his heavy burden of showing that the security concerns established by his family connections to Egypt and Saudi Arabia through his wife and parents are mitigated. Overall, the record evidence leaves me with questions and doubts as to Applicant's 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-1.c:	Against Applicant
Subparagraphs 1.d-1.e:	For Applicant

Conclusion

Considering all of the circumstances presented, it is not clearly consistent with the interests of national security to grant Applicant eligibility for access to classified information. Eligibility for access to classified information is denied.

Braden M. Murphy
Administrative Judge