



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



In the matter of: )  
 )  
----- ) ISCR Case No. 23-00576  
 )  
Applicant for Security Clearance )

**Appearances**

For Government: Tovah Minster, Esq., Department Counsel  
For Applicant: *Pro se*

05/13/2024  
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**Decision**  
\_\_\_\_\_

WESLEY, ROGER C. Administrative Judge

Based upon a review of the case file, pleadings, exhibits, and testimony, Applicant mitigated personal conduct concerns, but did not mitigate foreign influence concerns relating to his connections to Iraq, Ukraine, Kenya, and Indonesia. Eligibility for access to classified information or to hold a sensitive position is denied.

**Statement of the Case**

On May 10, 2023, the Defense Counterintelligence and Security Agency (DCSA) Central Adjudications Services (CAS) issued a statement of reasons (SOR) to Applicant detailing reasons why under the foreign influence guideline the DCSA CAS could not make the preliminary affirmative determination of eligibility for granting a security clearance, and recommended referral to an administrative judge to determine whether a security clearance should be granted, continued, denied, or revoked. The action was taken under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960); Department of Defense (DoD) Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Directive), January 2, 1992; and Security Executive Agent Directive 4, establishing in Appendix A the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (AGs), effective June 8, 2017.

Applicant responded to the SOR on May 24, 2023, and requested a hearing. The case was assigned to me on January 4, 2024. A hearing was scheduled for March 5, 2024, and heard on the scheduled date. At the hearing, the Government's case consisted of two exhibits (GEs 1-2). Applicant relied on no exhibits and one witness (himself). The transcript (Tr.) was received on March 15, 2024.

Besides its two exhibits, the Government requested administrative notice of facts contained in five attachments related to the countries of Iraq, Ukraine, Indonesia, and Kenya, with supporting attachments. Administrative or official notice is the appropriate type of notice used for administrative proceedings. See ISCR Case No. 16-02522 at 2-3 (App. Bd. July 12, 2017); ISCR Case No. 05-11292 at 4 n. 1 (App. Bd. Apr. 12, 2007); ISCR Case No. 02-24875 at 2 (App. Bd. Oct. 12, 2006) (citing ISCR Case No. 02-18668 at 3 (App. Bd. Feb. 10, 2004)). Administrative notice is appropriate for noticing facts or government reports that are well known. See Stein, *Administrative Law*, Sec. 25.01 (Bender & Co. 2006). Without objection, and for good cause shown, administrative notice was granted with respect to the above-named background reports addressing the geopolitical situations in Iraq, Ukraine, Indonesia, and Kenya.

Administrative notice was extended, without objection, to the documents themselves, consistent with the provisions of Rule 201 of Fed. R. Evid. This notice did not foreclose Applicant from challenging the accuracy and reliability of the information contained in the reports addressing the current status of Iraq, Ukraine, Kenya, and Indonesia. Additional administrative notice was taken (without objections) of *Background Note, Iraq*, U.S. Dept. of State (Feb. 2008); *the World Factbook: Iraq*, U.S. Central Intelligence Agency (Feb. 2018), *Iraq and U.S. Policy*, Congressional Research Service (May 2022) and *U.S. Relations with Iraq*, U.S. Dept. of State (June 2022).

### **Summary of Pleadings**

Under Guideline B, Applicant allegedly has: (a) a mother and father who are citizens and residents of Iraq; (b) two sons and a daughter who are citizens and residents of Iraq; (c) two brothers and two sisters who are citizens and residents of Iraq; (d) close and continuing contacts (both online and in-person) with a woman who is a citizen and resident of Ukraine, (e) close and continuing contacts with a woman who is a citizen of Ukraine and resident of Germany, (e) close and continuing contacts (both online and in-person) with four other women who are citizens and residents of Ukraine, to whom he provides financial assistance; (f) close and continuing contact with two women who are citizens and residents of Kenya, to whom he provides financial support; (g) close and continuing contact with two women who are citizens and residents of Indonesia, to whom he provides financial support; and (h) close and continuing contact with his ex-wife, a woman who is a citizen and resident of Iraq.

Under Guideline E, Applicant allegedly falsified material facts on the electronic questionnaires for Investigations processing (e-QIP) that he completed on February 8, 2022 by deliberately failing to disclose his three children residing in Iraq, his foreign contacts.

In his response to the SOR, Applicant admitted each of the allegations pertaining to the foreign influence allegations, with explanations. He claimed his current Indonesian wife is in the process of becoming a naturalized U.S. citizen. He further claimed that his parents and siblings have no control or influence over his occupation and work-related decisions.

Addressing his e-QIP omissions, Applicant denied the allegations. He claimed his omissions were innocent mistakes and attributed them to misunderstandings of the questions posed. He added that when “they asked me directly in simple word, he immediately declared and answered all.”

### **Findings of Fact**

Applicant is a 59-year-old employee of a defense contractor who seeks a security clearance. The admitted allegations are incorporated and adopted as relevant and material findings. Additional findings follow.

### **Background**

Applicant (then a citizen and resident of Iraq) married a citizen and resident of Iraq in 1987 and divorced her in 1997. (GE 1; Tr. 34) He has three children from this marriage (two sons and a daughter, ages 26, 24, and 18) who are citizens of Iraq and reside with his ex-wife in Iraq. (GEs 1-3; Tr. 40) Applicant maintains bi-monthly contact with his ex-wife. (Tr. 36) He sees his ex-wife (a retired pre-school teacher) when he makes his annual visits to Iraq to see his children. (Tr. 36) When asked, he acknowledged twice providing his ex-wife financial assistance (\$200 to \$300 at a time) to cover her medical treatments. (Tr. 38) His parents have never traveled to the United States. (Tr. 41-45)

Applicant remarried in February 2008 and divorced in January 2017. (GE 1; Tr. 33) He has no children from this marriage. (GE 1) He remarried again in August 2023, this time to an Indonesian citizen and resident in what he characterized as a Muslim religious marriage without official recognition from either the Indonesian or U.S. governments. (Tr. 118) Applicant’s last contact with his first wife (a preschool teacher) was in April 2022. (GE 3)

Applicant earned a bachelor’s degree from a university in Iraq. (GE 1) And, he earned both a master’s degree (in July 2008) and a Ph.D. degree (in September 2011) from a Ukrainian university. (GEs 1-2; Tr. 24, 30) He earned a technical degree in the United States in 2011. (Tr. 30-31)

Applicant was born in Iraq and resided in the country until 2006, when he immigrated to the Ukraine to finish his engineering studies. (GE 1; Tr. 23-26) Between 2006 and 2011, Applicant resided in Ukraine. (GE 1; Tr. 25) After completing his engineering studies, he immigrated to the United States in October 2010 at the age of

45. (GEs 1-2; Tr. 24-25) He became a naturalized U.S. citizen in December 2015 and received a U.S. passport in the same month and year. (GEs 1-2; Tr. 27)

Applicant has retained both his Iraqi citizenship and passport (due to expire in August 2024) and expressed his intention to keep both for the foreseeable future to use when reentering Iraq. (GEs 1-2; Tr. 26-27) Asked whether he uses his Iraqi or U.S. passport to reenter the United States, he always used his U.S. passport. (Tr. 27) Applicant reported brief military service in Iraq (1984-1985) that did not exceed 63 days, and he reported no military service in the United States. (GE 1; Tr. 32)

Since October 2020, Applicant has been self-employed as a taxi driver. (GEs 1-2) He has a pending application for civilian employment with a U.S. defense contractor who currently sponsors him for a security clearance. Applicant has never held a security clearance with the DoD. (GEs 1-2)

### **Family connections with Iraq**

Both of Applicant's parents are citizens of Iraq. (GEs 1-4; Tr. 49) He maintains daily contact with his mother and no contact with his father who suffers from vision and hearing deficits. (GE 3; Tr. 49, 52) Applicant's father is a retired veterinarian and lawyer; while his mother is a retired primary level teacher. (GE 3; Tr. 65) Both parents worked for the Iraqi government during their working years. (Tr. 53-54) Applicant sees his parents when he travels to Iraq, but not otherwise. (Tr. 51-52, 61)

Applicant's travel records document his travels to Iraq in 2019, 2021, and 2022. (GE 4) Applicant left \$15,000 with his sister before he immigrated to the United State. She uses about \$200 a month from this money to support his parents. (Tr. 51) Neither of Applicant's parents are aware of his job application. (Tr. 43) In the event of his father's passing, Applicant stands to inherit his father's home (estimated to be worth in excess of \$500,000 USD), that under Iraq's controlling inheritance law promises to be split amongst his surviving family members. (Tr. 63)

Prior to July 2023, Applicant maintained almost daily contact with his youngest son. (Tr. 41-43) However, he has not spoken to him since July 2023. (Tr. 43) When he has seen him in person (last visited him in Iraq in 2022) he has given him money, which has generally run around \$500 a year. (Tr. 42-43) To the best of his knowledge, his youngest son is currently employed by an Iraqi government agency. (Tr. 40-41)

Applicant believes (although not fully certain) that his oldest son currently works for an American security company. (Tr. 44-45) He maintains monthly contact with his oldest son (last contact in March 2024) and sees him when he travels to Iraq (last trip in 2022). (GEs 3-4; Tr. 45-46) Like his parents and other children, his oldest son has never traveled to the United States. (Tr. 45) Applicant provides financial support (around \$500) to his oldest son when he sees him on his visits to Iraq. (Tr. 46)

Addressing the status of his daughter, Applicant affirmed that his daughter is employed by an Iraqi government agency. (GE 3; Tr. 47) He maintains weekly contact

with his daughter through a face book account (last contact in March 2024). (Tr. 47) She has never traveled to the United States, and as with his two sons, he typically provides her financial support in small amounts during his annual trips to Iraq (last trip in 2022). (Tr. 48)

Besides his parents, children, and ex-wife, Applicant has two brothers and two sisters who are citizens and residents of Iraq. GEs 1-4; Tr. 54-55) He maintains monthly contact with his oldest brother (age 53) and bi-weekly contact with his youngest brother (age 46), who is a dual citizen of Iraq and Sweden and resides with his parents. (Tr. 57-59) While Applicant provides no financial support to his older brother, he has provided some past financial assistance to his youngest brother in small amounts (no more than \$200) during his annual trips to Iraq. (Tr. 59-61) Neither of Applicant's brothers has any working relationships with the Iraqi government or military.

Applicant maintains annual contact with his oldest sister (age 56) and monthly contact with his youngest sister. (GE 3; Tr. 54-56) Both of his sisters are employed by Iraqi ministries. (GE 3;Tr. 54-56) Applicant has not provided any financial support to either of his sisters in Iraq. (Tr. 55-57)

### **Applicant's relationships with women of other countries**

Over the course of many years, Applicant established and maintained multiple friendships and relationships with women (both personally and through online dating sites) he encountered in three different countries: Ukraine, Kenya, and Indonesia. While in Ukraine, he developed both friendships and romantic relationships with six different women between 2006 through 2023. (GEs 1-4); Tr. 72-90)

Six of the Ukrainian women that Applicant established online and in-person friendships (SOR ¶¶ 1.g and 1.j) and romantic relationships (SOR ¶¶ 1.h-1.1) with are citizens of Ukraine and residents of either Ukraine (i.e., SOR ¶¶ 1.g and 1.i-1.k) or Germany (i.e., SOR ¶¶ 1.h and 1.l). (GE 2; Tr. 68-92) While in these friendships and relationships, Applicant typically maintained frequent contact and provided them financial support that ranged between \$50 and \$100 a month (SOR ¶¶ 1.g, 1.j, and 1.l) and periodic larger payments (SOR ¶¶ 1.i and 1.k). (GE 2; Tr. 80-81, 89-89) Each of Applicant's romantic relationships have either been terminated or transformed into friendships with occasional contacts. (Tr. 74-97)

Besides his established relationships with Ukrainian women, Applicant also established romantic relationships with women who were citizens and residents of Kenya and Indonesia. (GEs 1-4; Tr. 99-105) Female relationships established by Applicant with Kenyan citizens and residents are covered by SOR ¶¶ 1.m and 1.o. Applicant met both of these Kenyan women through o-line cupid dating sites. (GEs 1-4; Tr. 102-105) While in his relationships with these women, he provided them monthly financial support that ranged between \$50 (six to seven times a year with the Kenyan woman covered by SOR ¶ 1.m) and \$100 (five to six times a year to the Kenyan woman covered by SOR ¶ 1.o). (Tr. 101-106) Applicant shuttered his on-line websites and relationships with both women prior to March 2024. (Tr. 105-106)

Among the women from other countries that Applicant met and established online relationships with were two women who are citizens and residents of Indonesia. His first Indonesian contact was a 2021 online contact with a woman he had never previously met in person. (Tr. 109-110) Over the two-year period he maintained contact with her, he gifted her two \$100 bi-monthly checks. (Tr. 111-112) Applicant's last contact with this Indonesian citizen and resident was in 2023. (Tr. 111-112)

Applicant made online contact with another Indonesian citizen and resident in late 2022. (Tr. 115) He established an online relationship with her and considered her his girlfriend before marrying her in a Muslim religious ceremony in August 2023. (Tr. 117) Only her daughter and son (who cannot speak English) were present at the wedding ceremony. His marriage has never been approved or certified by either the Indonesian or U.S. Government. (Tr. 123) Official certification of his marriage by the Indonesian government will cost him \$1,200. (Tr. 118) His Indonesian marriage partner has never been to the United States, and Applicant last saw his friend (turned marriage partner) in-person in August 2023. Since December 2022, he has sent her monthly checks of \$100. (Tr. 117) Asked about his future plans, Applicant assured that his marriage partner has no plans to immigrate to the United States (Tr. 121)

Altogether, Applicant placed estimates of \$9,000 to \$10,000 on the money he has given to foreign women over the past 12 to 14 years. (Tr. 129) Since August 2023, he has not actively reached out to women on dating websites or through his profiles. (Tr. 130) He has limited his online contacts to friends with greetings and inquiries of any needs they might have. (Tr. 130, 139-141) Put to the test, for women he meets and likes in his world travels, he engages them. (Tr. 95-96). Conversely, for those he does not find appealing, he "cuts them off." (Tr. 96) Whether Applicant can find the will and way to permanently discontinue his longstanding practice of accessing foreign dating sites and establishing relationships with the women he meets cannot be predicted or even estimated.

### **Country Status of Iraq**

The Federal Republic of Iraq (Iraq) is a constitutional parliamentary republic. The outcome of the October 2021 parliamentary elections generally met international standards of free and fair elections. See Request for Administrative Notice-Federal Republic of Iraq (Iraq) at 2 and *2022 Iraq Human rights Report* at 1; U.S. Department of State (April 2023). The elections were observed by the European Union and domestic civil society organizations and monitored by the United Nations Assistance Mission for Iraq. (id) The 2021 elections were scheduled because of the widespread protests that began in October 2019 and led to the resignation of former prime minister Adil Abd al-Mahdi in December 2019. Parliament, in turn, confirmed Prime Minister Mustafa al-Kadhimi in May 2020.

In preparation for the 2021 national parliamentary elections, Iraq adopted a new electoral law based on individual candidacy and local districts. See Request for Administrative Notice, *Iraq, supra*; *2022 Human Rights Report, supra*. The 2021 election

law was designed to create new political opportunities for independents and members and protest movement that brought down the government formed after the 2018 election. See *Iraq and U.S. Policy*, Congressional Research Service (May 2022).

Following the adoption of the election law, the council of Representatives members nominated and confirmed Mohammed Shiaa al-Sudani as the prime minister, along with 21 of 23 of his cabinet members. See *Iraq 2022 Human Rights Report, supra*. Whether the election results and formation talks will reduce the formal influence of Iran-aligned groups who seek to revise or rescind Iraq's invitation to U.S. military advisors to remain in Iraq is unclear.

For historical perspective, in 2003, a U.S.-led coalition invaded Iraq and succeeded in removing Saddam Hussein and his Ba'athist regime from military and political power. See *the World Factbook: Iraq*, U.S. Central Intelligence Agency (Feb. 2018); *Background Note, Iraq*, at 3, U.S. Dept. of State (Feb. 2008). After two years of operations under a provisional authority, Iraq's new government assumed office in March 2006 (with the approval of the U.S. government), following free elections. (*id*)

Since March 2006, the government of Iraq has been comprised of a broad coalition of political alliances representing the Shiite, Sunni, and Kurdish blocs. See *the World Factbook: Iraq, supra*, at 2; *Background Note, Iraq, supra*, at 8. While elections have been held and concluded, none of the key constituent groups have been able to form a government, adopt an oil law, establish and maintain effective security throughout the provinces, or neutralize sectarian divisions. In this still very fragile political environment in Iraq, there are substantiated reports of human rights abuses that continue to underscore a still pervasive climate of tension and violence. See *Iraq 2022 Human Rights Report, supra*, at 2-3.

Post-COVID-19 protests intensified in May 2021, with demonstrators insisting that the government identify and prosecute suspects in a series of assassinations and kidnappings since 2020 of protest leaders, activists, and a prominent security researcher. See *Iraq and U.S. Policy, supra*. Whatever government is able to survive the competing Iraqi political blocks will continue to test the will of continued U.S. security cooperation and other bilateral ties against the security risks posed by Iraq's cited persistence of patronage politics, corruption, oil dependence, and armed non-state actors. See Request for Administrative Notice, Iraq, *supra*, at 2; *Iraq and U.S. Policy, supra*, at 1-2,

Iraq's economy continues to be dominated by the oil sector, as it has for the past half century since the completion of new pipelines into Lebanon in 1949, and into Syria in 1952. See *the World Factbook: Iraq, supra*; *Background Note, Iraq, supra*. As a result of the U.S.-led invasion in 2003, much of Iraq's oil-refining capabilities were shuttered. The rebuilding of oil infrastructure and utilities infrastructure has continued to expand since 2004 with U.S. aid and support, despite setbacks from insurgent activity.

Proposed oil revenue-sharing legislation among the three war-hardened ethno-sectarian divisions (Shia, Sunni, and Kurds) still awaits passage after four years of

stalled negotiations, and at the moment, there are no good estimates of when such legislation will be approved and implemented. See *Annual Threat Assessment of the U.S. Intelligence Community*, Office of the Director of National Intelligence (February 2023). For the foreseeable future, the national government can be expected to continue to seek the passage and implementation of a revenue sharing law to strengthen and encourage the development of this important sector.

Past budget laws passed by Iraq's national parliament requiring the Kurdistan Regional Government (KRG) to contribute certain export earnings in the country's overall exports (a law that would seem to validate the KRG's ownership claims to Kirkuk oil) have never led federal authorities to export Kirkuk-produced oil. In so doing, Iraq's federal authorities have severely limited Iraq's northern export outlet via the Kurdish pipeline to Turkey. Breaking the oil-stalemate that existed for years between the KRG and Iraq's federal government can have major positive ramifications for not only Iraq and its oil exports, but for the United States and other Western interests as well.

### **Terrorism and human rights issues**

Despite recent developments in its security enforcement efforts, Iraq remains a very dangerous, volatile, and unpredictable country. The U.S. State Department continues to strongly warn U.S. citizens against traveling to Iraq. See Request for Administrative Notice, Iraq, *supra*, at 2-5; *Iraq Travel Advisory*, U.S. Department of State (July 2023)

The U.S. State Department assessed Iraq as being a critical-threat location for crime directed at or affecting official U.S. interests. See *Country Reports on Terrorism 2021*, U.S. Dept. of State of State (Feb. 2023). After a year of stalemate and heightened intra-Shia violence following the elections of October 2021, Shia militias can be expected to continue to pose a credible threat to U.S. forces in Iraq and the region. See *id.*

Attacks against military and civilian targets throughout Iraq continue and include sites and facilities where foreign tourists frequently visit: hotels, restaurants, police stations, check points, foreign diplomatic missions, international organizations, and other locations with expatriate personnel. See Request for Administrative Notice, Iraq, *supra*; *Travel Advisory-Iraq*, *supra*. The U.S. Embassy's ability to provide consular services to U.S. citizens outside Baghdad is extremely limited under the security environment that still exists in Iraq.

In December 2015, President Obama signed into law the Visa Waiver Program Improvement and Terrorist Travel Protection Act of 2015, which amended the existing Waiver Program. See Request for Administrative Notice, *supra*, at 5-6. Under the 2015 amendment, citizens of Iran, Iraq, Sudan, and Syria are ineligible to travel or be admitted to the United States under the Visa Waiver Program. See *id.*

Iraq's human rights record remains a poor one. Based on the U.S. State Department's most recent annual human rights report, violence continued throughout



2017-2018, largely fueled by the actions of the Islamic state in Iraq (ISIS). See Request for Administrative Notice, Iraq, *supra*, at 5-6 Annual *Threat Assessment of the U.S. Intelligence Community, supra*. After liberating all territory taken by ISIS by the end of 2017, Iraqi Security Forces (ISF) have continued to pursue and restrict ISIS forces still active in Iraq.

Reports of human rights abuses also include allegations of unlawful killings by some members of the ISF (particularly by some members of the Popular Mobilization forces), torture, harsh and life-threatening conditions in detention and prison facilities, criminalization of libel and other limits on freedom of expression, widespread corruption, greatly reduced penalties for so-called honor killings, coerced or forced abortions imposed by ISIS on its victims, legal restrictions imposed on the freedom of movement of women, and trafficking in persons. See Request for Administrative Notice, Iraq, *supra*; *Iraq 2022 Human Rights Report, supra*, at 2-3.

### **Current U.S. Relations with Iraq**

The U.S. mission in Iraq remains dedicated to building a strategic partnership with Iraq and the Iraqi people. See *U.S. Relations with Iraq, supra*, at 1-3, In coordination with the Global Coalition to defeat ISIS, the United States assisted Iraq's efforts to achieve the long-sought goal of liberating all of Iraqi territory from ISIS. The Strategic Framework Agreement (SFA) between Iraq and the United States provides the basis of the United States' bilateral relationship with Iraq and covers a wide range of bilateral issues, including political relations and diplomacy, defense and security, trade and finance, energy, judicial and law enforcement issues, services, science, culture, education, and environment. (id, at 2)

U.S. bilateral assistance to Iraq is considerable and stresses economic reform, assistance to vulnerable groups, and democracy and governance. See *U.S. Relations with Iraq, supra*, at 3-4. U.S. security assistance supports the development of modern, accountable, fiscally sustainable, and professional Iraqi military resources capable of defending Iraq and its borders.

Of special importance, the United States has designated Iraq as a beneficiary developing country under the Generalized System of Preferences Program and has been proactive in the promotion of two-way trade between the United States and Iraq. See *U.S. Relations with Iraq, supra*. Iraq is recognized for its cooperative efforts with international organizations, including the United Nations, the International Monetary Fund, the World Bank, the International Organization for Migration, the International Labor Organization, and the Arab League. (id) Iraq is also a candidate for accession to the World Trade Organization. See *id and Country Reports on Terrorism 2021, supra*, at 4.

### **Country Status of Ukraine**

Ukraine is a republic with a semi-presidential political system composed of three branches of government: a unicameral legislature; an executive led by a directly elected

president who is head of state and commander in-chief; and a prime minister who is chosen through a legislative majority and as head of government leads the Cabinet of Ministers; and a judiciary. In 1999, Volodymyr Zelensky was elected president in an election considered free and fair by international and domestic observers. In 1999, the country held early parliamentary elections that observers also considered free and fair. See Request for Administrative Notice, Ukraine, at 2; *Ukraine 2022 Human Rights Report*, U.S. Dept. of State (March 2023) (“Human Rights Report”).

Russian escalation of its attack on Ukraine in February 2022 is fully covered in the Government’s request for administrative notice and is incorporated herein by reference. Condemnation from President Biden and other leaders of the Group of Seven have been forceful and clear in their pronouncements that Russian assaults on Ukraine neither reflect democratic norms nor the will of the Russian people. See Request Administrative Notice, Ukraine, *supra*.

The Russian invasion of Ukraine has created Europe’s largest refugee crisis since WW2 and remains one of the two largest displacements in the world. See *Annual Threat Assessment*, Office of the Director of National Intelligence (Feb. 2023). Russia is noted for using corruption to help develop networks patronage in countries (inclusive of Ukraine) to influence decision-making and help execute Russia’s foreign policy objectives. (*Id.*) Organized transnational cyber activities have been on the rise in Ukraine since the Russian invasion. Although the principal focus of these cyber attacks has been on health care, schools, and manufacturing, observed ransom attacks have increasingly targeted governments worldwide.

Multiple criminal cases concerning enforcement of export violations in Ukraine have been reported. Administrative Notice, Ukraine, *supra*, at 8-9. U.S. Justice Department enforcement actions reported in 2022 are considerable and are detailed in the Request for Administrative Notice, Ukraine, *supra*, at 8-9.

Human rights abuses committed by Russia’s occupying force since its invasion of Ukraine have been severe and are duly covered in the U.S. State Department’s 2022 human rights report. See Request for some Administrative Notice, Ukraine, *supra*, at 9-10; *2022 Human rights Report*, *supra*.

Some of the more serious human rights violations perpetrated by Russian forces in Ukraine include credible reports of mass and unlawful killings (inclusive of extra-judicial killings), forced disappearances, torture and other cruel and inhuman, or degrading treatment or punishment, harsh or life-threatening prison conditions, arbitrary arrest or detention, serious problems with judicial independence, restrictions on freedom of expression, serious restrictions on internet freedom, refoulement of refugees to a country despite risks they would face torture or persecution, serious acts of government corruption, lack of investigation or and accountability for gender-based violence or threats of violence targeting persons with disabilities, as well as lesbian, gay, bisexual, transgender, queer, and intersex persons. See Request for Administrative Notice, Ukraine, *supra*, at 9-10; *2022 Human Rights Report*, *supra*. Reports of child labor abuses have also surfaced in Ukraine.

## Country Status of Kenya

Kenya is a republic with three branches of government: an executive branch, led by a directly elected resident; a bicameral parliament consisting of the Senate and the National Assembly; and a judiciary. In the August general elections, the third under the 2010 constitution, citizens cast ballots for president, deputy president, and parliamentarians, as well as county governors and legislators. International and domestic observers judged the elections to be generally free and fair; although the opposition claimed irregularities in the election process. See Request for Administrative Notice, Kenya, at 3; *2022 Country Reports on Human Rights Practices, Kenya* (U.S. Dept. of State (March 2023)). (“Human Rights Report, Kenya”)

State Department travel advisories have been in force for Kenya for many years. These reports caution U.S. travelers to exercise considerable caution when traveling to Kenya. See Request for Administrative Notice, Kenya, *supra*; *Kenya Travel Advisory*, U.S. Dept. of State (Dec. 2022) Country reports on terrorism in Kenya cite numerous terrorist incidents over the course of the past four years (2018-2022). See Request for Administrative Notice, Kenya, *supra*, at 3-4; *2021 Country Reports on Terrorism, Kenya*, U.S. Dept. of State (Oct. 2021).

Internet romance and financial scams have been pervasive in Kenya. Reports illustrate how scams are initiated through dating apps, internet postings and profiles, or by unsolicited emails and letters. See Request for Administrative Notice, Kenya, *supra*, at 5; *Country Information Page-Kenya*, U.S. Dept. of State (Oct. 2021) Kenya is also known as a transit country for illicit drugs and precursor chemicals. See *The World Factbook, Kenya*, Central Intelligence Agency (June 2023). Heroin enters Kenya through Tanzania and in shipments across the Indian Ocean from southwest Asia (mostly destined for international markets, principally Europe). Reports confirm that cocaine enters Kenya primarily by transshipments through Ethiopia. (id)

Human rights issues relating to Kenya continue to be sources of security concern for the state republic of Kenya. Credible reports cite unlawful or arbitrary killings (including extra-judicial killings, forced disappearances, torture, and cases of cruel, inhuman, or degrading treatment or punishment). See Request for Administrative Notice, Kenya, *supra*, at 5; *Human Rights Report, Kenya, supra*. Incidents of harsh and life-threatening prison conditions, arbitrary arrests and detention, arbitrary interference with privacy, restrictions on free expression and media, serious government corruption, a lack of investigation of and accountability for gender-based violence; and the existence of laws criminalizing consensual same-sex sexual conduct between adults (albeit without any reported incidents of enforcement). See Request for Administrative Notice, Kenya, *supra*. *Human Rights Report, Kenya, supra*.

## Country Status of Indonesia

Indonesia is a multiparty democracy. In 2019, Joko Widodo (popularly known as Jokowi) won a second five-year term as president. Voters also elected new members of

the House of Representative Council, as well as provincial and local legislatures. See Request for Administrative Notice, Indonesia, at 2; Indonesia 2022 Human Rights Report, U.S. Dept. of State (March 2023). (“Human rights Report, Indonesia”)

State Department travel advisories for Indonesia caution U.S. visitors to exercise considerable caution in the country due to active terrorism and natural disasters. See Request for Administrative Notice, Indonesia, *supra*, at 2; Indonesia Travel Advisory, U.S. Dept. of State (July 2023)

Reported terrorist incidents include ISIS-inspired groups and lone actors who have continued to target civilians and law enforcement in Indonesia. See Request for Administrative Notice, Indonesia, *supra*, at 3: *Country Reports on Terrorism 2021, Indonesia*, U.S. Dept. of State (February 2023).

Significant human rights issues related to Indonesia include reports of unlawful killings by government security forces, harsh and life threatening prison conditions, arbitrary arrest and detention, political prisoners, serious judicial independence issues, restrictions on free expression and media, internet restrictions, substantial interference with peaceful assembly and freedom of association, serious government corruption; lack of investigation of and accountability for gender-based violence; the practice of female genital mutilation/cutting; involving violence or threats of violence against lesbian, gay, bisexual, transgender, queer, or intersex persons; and crimes involving violence or threats of violence targeting members of racial, ethnic, and provincial laws criminalizing consensual same-sex sexual conduct between adults. See Request for Administrative Notice, Indonesia, *supra*, at 3; Human Rights Report, Indonesia, *supra*.

### **Applicant’s e-QIP omissions**

Asked to complete an e-QIP in February 2022, Applicant omitted the following: (a) his three children from his first marriage (covered by SOR ¶¶ 1.c-1.d); (b) his foreign contacts (covered by SOR ¶¶ 1.e-1.n); and (c) his provided financial support to his family members residing in Iraq and the women he met in Ukraine, Kenya, and Indonesia (covered by SOR ¶¶ 1.e-1.n, save for 1.h). The questions posed in the e-QIP were straightforward and facially neither difficult nor complication to understand. Candor lapses are implicit in his negative responses to the e-QIP questions in issue.

In an ensuing personal subject interview (PSI) conducted by an investigator of the Office of Personnel Management (OPM) in March 2022, Applicant was asked about his family members residing in Iraq and the women he met through online dating sites in Ukraine, Kenya, and Indonesia, respectively. (GE 2) Without any cited prior confronting by the interviewing OPM agent, Applicant provided full details of his family members residing in Iraq and the financial support he provided them. (GE 2) Despite the need of the investigating OPM agent to repeat his questioning about individual women contacts in the foreign countries he visited, Applicant accounted for the Ukrainian, Kenyan, and Indonesian women he established friendships and relationships with through internet dating sites and the financial support he provided them without any specific confronting. (GE 2)

Based on his voluntary detailed explanations of his family ties and contacts he maintains with his family members and online and in-person friendships and relationships he established with foreign women of identified countries, and the prompt, good faith manner in which he disclosed the asked for information pertaining to his family members and multiple female relationships, no inferences of falsification are warranted under all of the facts and circumstances considered. Allegations of falsification are favorably resolved.

## **Policies**

By virtue of the jurisprudential principles recognized by the U.S. Supreme Court in *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988), “no one has a ‘right’ to a security clearance.” 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. Eligibility for access to classified information may only be granted “upon a finding that it is clearly consistent with the national interest to do so.” Exec. Or. 10865, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended.

Eligibility for a security clearance 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, these guidelines are applied 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 all available, reliable information about the person, past and present, favorable and unfavorable.

The AGs list guidelines to be considered by judges in the decision-making process covering DOHA cases. These guidelines take into account factors that could create a potential conflict of interest for the individual applicant, as well as considerations that could affect the individual’s reliability, trustworthiness, and ability to protect classified information.

These AGs include conditions that could raise a security concern and may be disqualifying (disqualifying conditions), if any, and all of the conditions that could mitigate security concerns, if any. These guidelines must be considered before deciding whether or not a security clearance should be granted, continued, or denied. Although, the guidelines do not require judges to place exclusive reliance on the enumerated disqualifying and mitigating conditions in the guidelines in arriving at a decision.

In addition to the relevant AGs, judges must take into account the pertinent considerations for assessing extenuation and mitigation set forth in ¶ 2(a) of the AGs, which are intended to assist the judges in reaching a fair and impartial, commonsense decision based on a careful consideration of the pertinent guidelines within the context of the whole person. The adjudicative process is designed to examine a sufficient period

of an applicant's life to enable predictive judgments to be made about whether the applicant is an acceptable security risk.

When evaluating an applicant's conduct, the relevant guidelines are to be considered together with the following ¶ 2(a) factors: (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 of the conduct; (8) the potential for pressure, coercion, exploitation, or duress; and (9) the likelihood of continuation or recurrence.

Viewing the issues raised and evidence as a whole, the following individual guidelines are pertinent herein:

### **Foreign Influence**

*The Concern:* 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.

### **Personal Conduct**

*The Concern:* Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, and trustworthiness, and ability to protect classified or sensitive information. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes . . . AG ¶ 15.

### **Burdens of Proof**

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 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 “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See Exec. Or. 10865 § 7. See *also* Exec. Or. 12968 (Aug. 2, 1995), § 3.1.

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 (4<sup>th</sup> 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. 95-0611 at 2 (App. Bd. May 2, 1996).

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 ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his [or her] security clearance.” ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002).

The burden of disproving a mitigating condition never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005). “[S]ecurity clearance determinations should err, if they must, on the side of denials.” *Egan*, 484 U.S. at 531; see AG ¶ 2(b).

## **Analysis**

Security concerns are raised over Applicant’s (a) having family members who are citizens of Iraq who either reside in the United States (i.e., Applicant’s wife and children); (b) holding property and other financial assets in Iraq; (c) establishing and maintaining multiple relationships with women of other countries; and (d) in maintaining his contacts with his ex-wife. Additional security concerns are raised over Applicant’s omissions of his Iraqi contacts and relationships in the e-QIP he completed in February 2022.

### **Concerns associated with Applicant’s family members in Iraq**

Applicant immigrated to the United States in 2010 after spending over four years in Ukraine while completing his graduate studies. In leaving Iraq, he left behind a host of immediate family members. Still citizens and residents of Iraq are his parents, his two sons and a daughter, his two brothers and two sisters, and his ex-wife. Central to the Government’s security concerns are his presumably close relations with his family members in Iraq.

Terrorist attacks and human rights abuses run historically deep in Iraq and continue to plague the country with few signs of improvement. Because Iraq presents

heightened security risks for persons like Applicant who have family and property interests in the country, Applicant continues to be exposed to civilian and military authorities in the country who potentially could employ improper and/or illegal means to obtain classified or sensitive proprietary information in Applicant's possession or control through his parents, children, siblings, and his ex-wife.

For Applicant, his frequent contacts and financial support to his family members reflect close familial ties and affections of longstanding duration. And, there is a rebuttable presumption that a person with immediate family members in a foreign country has ties of affection for, or obligation to, his or her immediate family members. ISCR Case No. 07-06030 at 3 (App. Bd. June 19, 2008); ISCR Case No. 05-00939 at 4 (May 15, 2018) (citing ISCR Case No. 01-03120 at 4 (App. Bd. Feb. 20, 2002))

Heightened risk assessments require consideration of an applicant's interests and family ties in the country or countries of interest. The risk of coercion, persuasion, or duress is significantly greater if the foreign country has an authoritarian government; the government ignores the rule of law (including widely accepted civil liberties); a family member is associated with or dependent upon the government; the government is engaged in a counterinsurgency; terrorists cause a substantial amount of death or property damage; or the country is known to conduct intelligence collection operations against the United States. With respect to Iraq, the country is certainly not free from risks of potential hostage taking. Although, Iraq does maintain strong bilateral relations with the United States and recognizes democratic principles of governance.

Taken together, the personal and financial relationships Applicant has with Iraq and the situations that exist in this country, place a significant burden of persuasion on Applicant to demonstrate that his relationships with any family members holding Iraqi citizenship and residence who hold both property on his behalf and property of their own subject to inheritance rights favorable to Applicant and his siblings do not pose irreconcilable security risks. Such risks that cannot be reconciled or otherwise mitigated could potentially place him in a position of having to choose between loyalty to the United States and a desire to assist a relative living in or visiting Iraq, or to take actions to protect his property interests (directly or indirectly) in Iraq.

While Applicant's residual inheritance interests in his parents' Iraqi property are inchoate ones with the potential for change, his inheritance rights alone can be enough to present risks of irreconcilable conflicts of interest. See ISCR Case No. 02-28436 at 10-12 (Feb. 2005, *aff'd* ISCR Case No. 02-28436 (App. Bd. June 2005)) Though not dispositive, inheritance rights in the property of family members in foreign countries of security interest do present factors to be considered along with other factors when assessing an applicant's comparative wealth in the United States and other countries of interest.

Because of Applicant's inheritance rights in Iraq, the Government, *inter alia*, urges security concerns over risks that Applicant and his family interests in Iraq might be subject to seizure or revision by civilian or military authorities in Iraq. His inheritance interest, when considered in connection with his close familial relationships in Iraq,



accordingly, pose some risk of revision or confiscation by the government of Iraq, enough to warrant application of two of the disqualifying conditions of the foreign influence guideline DC ¶¶ 7(a), “contact, regardless of method, with a foreign family member, business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion” and 7(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.”

Potentially applicable, too, to Applicant’s situation is ¶ 7(f), “substantial business, financial, or property interests in a foreign country, or in any foreign-operated business that could subject the individual to a heightened risk of foreign influence or exploitation or personal conflict of interest.” Applicant’s reported inheritance rights in his parents’ Iraqi property interests has potential value to him. Although, his inheritance interest remains inchoate at this time, it has residual value and stands a reasonable chance of ripening into a valuable asset to Applicant. Although, neither Applicant nor his parents or siblings have any direct or indirect control over any potential reversion exercise by the Iraqi government.

True, none of Applicant’s parents, ex-wife, children, or siblings come with any history of being subjected to any coercion or pressure. These historical antecedents limit the risk somewhat of any potential conflict situation. Still, while the absence of any past coercive measures taken by Iraqi authorities might limit their exposure to risks of coercion, compromise or influence, it does not absolve Applicant from any risks of coercive measures being taken against his parents, children, ex-wife, and siblings in the future given Iraq’s checkered history of terrorism and human rights abuses.

Significant and pervasive are Iraq’s intelligence-gathering capabilities and human rights abuses, and they need to be closely weighed along with the favorable bilateral relations that exist between Iraq and the United States. These are among the most important considerations to be considered when assessing risks associated with an applicant’s family ties and property interests in that country. See ISCR Case No. 16-02435 at 3 (May 15, 2018) (citing ISCR Case No. 15-00528 at 3 (App. Bd. March 13, 2017)

Mitigation is partially available to Applicant under the foreign influence guideline of the Directive. Based on his case-specific circumstances, mitigating conditions (MC) ¶¶ 8(a), “the nature of the relationships with foreign persons, the country in which these persons are located, or the persons or activities of these 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”; and 8(b), “there is no conflict of interest, either because the individual’s sense of loyalty or obligation to the foreign person, group, government, or country is so minimal, or the individual has such deep and longstanding relationships

and loyalties in the U.S., that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest,” partially apply to Applicant’s situation.

Still untested are Applicant’s demonstrated loyalty and devotion to the United States’ security interests. With the citizenship and resident status of Applicant’s parents, ex-wife, children, and siblings in Iraq posing heightened risks of coercion, compromise, and influence of Applicant, his inchoate inheritance rights pertaining to his parents’ Iraqi property interests when considered together, enhance the level of risk Applicant faces so long as his family members remain in Iraq.

And, although the measurables of Applicant’s inchoate Iraqi inheritance rights remain uncertain, they reflect more than what he is able to claim title to in the United States at this time. Without more evidence from Applicant on the state of his property interests in the United States, MC ¶ 8(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,” is not available to Applicant. In sum, Applicant’s connections to his parents, children, siblings, and ex-wife in Iraq, pose heightened risks to him and his family members holding Iraqi citizenship and residency, and considerable property interests in Iraq. Applicant’s lack of substantial assets in the United States and established track record of commitment to protecting U.S. security interests cannot be favorably reconciled with his close Iraqi relationships and financial interests in Iraq.

### **Concerns over Applicant’s relationships with foreign women**

Additional security concerns are raised over Applicant’s online and in-person friendships and romantic relationships he established with foreign women he met on online dating websites and in some cases where he developed in-person friendships and relationships (all covered by SOR ¶¶ 1.g-1.p). While he has shuttered his foreign dating sites and converted most of his romantic relationships into friendships, he continues to maintain friendship contacts with several of these foreign women and retains an active romantic relationship with the Indonesian woman he married in a religious ceremony in 2023.

Applicant’s friendships and relationships with women who are citizens and residents of countries posing heightened risks to U.S. security interests create continuing security concerns under Guideline B. His friendships and relationships with foreign women reflect ones grounded in mutual affection and financial interests. DC ¶¶ 7(a) and 7(b) are fully applicable. Potentially applicable mitigating conditions are not available to Applicant in resolving the allegations covered by SOR ¶¶ 1.g-1-p.

### **Personal conduct concerns**

Security concerns are also directed at Applicant’s falsifications of the e-QIPs he completed in February 2022. In his executed e-QIP, he failed to disclose his three children, his two brothers and his two sisters, who are citizens and residents of Iraq. In

the same e-QIP, he failed to disclose the women he met online and in-person who were citizens and residents of other foreign countries.

Prompt disclosure of his family interests in Iraq and other developed foreign contacts and relationships was material to the duty imposed on Applicant to facilitate the Government's efficient use of its resources to fulfill its background investigation responsibilities. Trust and candor are core criteria for establishing eligibility to hold a security clearance. The questions posed in the e-QIP were straightforward and not complicated for anyone with a working knowledge of English.

While Applicant qualified the falsification allegations in the SOR (claiming his omissions to be mistakes), his e-QIP omissions support drawn inferences of material falsification. In turn, his collective responses to the foreign contact-related questions in the e-QIP he completed warrant the application of DC ¶ 16(a), "deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine national security eligibility or trustworthiness, or award fiduciary responsibilities."

In an ensuing PSI conducted by an OPM investigator in March 2022, Applicant fully and voluntarily disclosed (without any prompting or confronting by the interviewing agent) all of the details of his family members residing in Iraq and the financial support he provided them. Without any confrontation, he also accounted for the Ukrainian, Kenyan, and Indonesian women he established friendships and relationships with through internet dating sites and the financial support he provided them. Applicant's prompt and voluntary corrections when asked in his PSI warrant the application of MC ¶ 17(a), "the individual made prompt, good faith efforts to correct the omissions, concealment, or falsification before being confronted with the facts," to Applicant's situation.

Based on his voluntary detailed explanations of his family ties and contacts he maintains with his family members and online and personal relationships he established with women of identified other countries, and the prompt, good faith manner in which he disclosed the asked for information pertaining to his family members and multiple female friendships and relationships, the falsification allegations covered by Guideline E of the SOR are favorably resolved.

### **Whole-person assessment**

Whole-person assessment of Applicant's foreign influence risks to ascertain whether they are fully compatible with eligibility requirements for holding a security clearance takes account of the citizenship and residence status of Applicant's parents, his children, his siblings. Of presented security concern are his parents, children, siblings, and ex-wife who are citizens and resident of Iraq.

Posing additional security concern are the multiple women he met from other countries with whom he maintained continuing online and in-person relationships over

periods of years. Raised also are security concerns associated with Applicant's omissions of his children who are citizens and residents of Iraq and the women he met and maintained contact with over identified periods of years.

Based on the evidence presented, the details of Applicant's family relationships, contacts, and finances and contacts, the financial support he provided to his immediate family members and foreign contacts (and in one instance a religious marriage to an Indonesian woman) pose substantial indicators of heightened risks that cannot be reconciled with Applicant's demonstrated U.S. commitments, interests, and contributions. Raised security concerns over Applicant's maintained friendships and relationships with multiple foreign women remain security concerns. Allegations of falsification are favorably resolved based on Applicant's prompt and good faith corrections.

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. I conclude foreign influence concerns are not mitigated. Personal conduct security concerns are mitigated. Eligibility for access to classified information is denied.

### **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:

GUIDELINE B (FOREIGN INFLUENCE):	AGAINST APPLICANT
Subparagraphs 1.a-1.q:	Against Applicant
GUIDELINE E (PERSONAL CONDUCT):	FOR APPLICANT
Subparagraphs 2.a-2.c:	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 eligibility for a security clearance. Eligibility for access to classified information is denied.

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Roger C. Wesley  
Administrative Judge