



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



In the matter of:	)	
	)	
	)	ISCR Case No. 24-00031
	)	
	)	
Applicant for Security Clearance	)	

**Appearances**

For Government:  
Cynthia Ruckno, Esquire, Department Counsel

For Applicant:  
*Pro se*

06/28/2024

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**Decision**

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GLENDON, John Bayard, Administrative Judge:

Applicant mitigated the security concerns set forth in the SOR under the Adjudicative Guidelines (AG) for Foreign Influence and Foreign Preference. National security eligibility for access to classified or sensitive information is granted.

**Statement of the Case**

Applicant submitted a Questionnaire for National Security Positions (SF86) on October 2, 2022 (e-QIP). On February 2, 2024, the Defense Counterintelligence and Security Agency Consolidated Adjudication Services (DCSA CAS) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Adjudicative Guidelines B (Foreign Influence) and C (Foreign Preference). The DCSA CAS acted under Executive Order 10865, *Safeguarding Classified Information Within Industry* (February 20, 1960), as amended; Department of Defense (DoD) Directive 5220.6, *Defense Industrial*

*Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the guidelines effective within the DoD after June 8, 2017.

Applicant answered the SOR in writing (Answer) on February 6, 2024, and attached two photographs. She requested a hearing before an administrative judge of the Defense Office of Hearings and Appeals (DOHA). Department Counsel was ready to proceed on April 23, 2024. The case was assigned to me on May 7, 2024. DOHA issued a Notice of Microsoft Teams Video Teleconference Hearing on May 14, 2024, scheduling the case to be heard via video teleconference on June 13, 2024.

I convened the hearing as scheduled. Department Counsel offered three documents marked as Government Exhibits (GE) 1 through 3, which I admitted without objection. She also offered a Request for Administrative Notice (AN) regarding the Republic of Turkey (Turkey), which is discussed below. Applicant raised no objection to this request. Applicant offered four character-reference letters, which I marked as Applicant's Exhibits (AE) A through D and admitted without objection. DOHA received the transcript of the hearing (Tr.) on June 21, 2024. (Tr. at 12-16, 18.)

### **Procedural Ruling**

Department Counsel requested in its AN that I take administrative notice of certain facts relating to Turkey. She provided a six-page summary of those facts, supported by eight U.S. Government documents pertaining to Turkey. The documents elaborate upon and provide context for the factual summary set forth in the AN. I take administrative notice of certain facts included in the Government documents attached to AN. These facts are limited to matters of general knowledge, not subject to reasonable dispute. They are set forth in the Findings of Fact, below. (Tr. at 15-16; AN.)

The SOR makes reference to two other countries, referred to herein as Country B and Country C. The Government has not asked that I take administrative notice of the country conditions in either country. I agree with the Government's position as to those countries and make no findings with respect to either one.

### **Findings of Fact**

Applicant is 62 years old. She has a bachelor's degree and a master's degree. Her master's degree was in public policy and administration. In 1986 Applicant married an Israeli citizen. They divorced four years later. She has no children. (Tr. at 19-22, 29; GE 1 at 5, 9-17, 27-28.)

After receiving her master's degree, Applicant developed an expertise in public policy issues working in important policy and planning positions as a civil servant in a large U.S. city. She next worked in Country A consulting on policy reforms. She then went to work for the U.S. Department of State (State Department) as a government contractor and was based in Country B. She worked there for the State Department for many years

holding Public Trust and Secret clearances. In that position she worked closely with representatives of several close U.S. allies. Applicant was one of a limited number of subject-matter experts working on this joint project. A few years ago, she lost her contract due to a lack of funding and her security clearance lapsed. Three years later, the State Department sought to rehire her as a contractor in a similar, important role. She submitted her current SF86 for this position. (Tr. at 22-27, 57; GE 1 at 19-22, 139-140; GE 2 at 137.)

After she lost her State Department contractor position, Applicant began living with her domestic partner (Partner), who is a citizen of a U.S. ally (Country C) and is a retired senior officer of Country C's army. They have had a personal relationship since 2013. Prior to his retirement from the military, he worked with Applicant in Country B representing Country C's interests. Partner relocated to Turkey for employment reasons following his retirement from the Army, having been hired to work on a project in Turkey. When Applicant's State Department contract ended, she relocated to Turkey to be with Partner full time. They presently reside in a home they purchased jointly in a resort town there. Applicant is listed on the property deed as the sole owner for estate planning purposes. As of the date of the hearing, Partner is only with Applicant in Turkey on weekends because he has returned to Country B to work on an important short-term project. He currently has been granted a low level security clearance by Country C equivalent to a U.S. Secret clearance. (Tr. at 20, 30-37, 50; GE 3 at 2-3.)

### **Paragraph 1 - Guideline B, Foreign Influence**

The SOR sets forth the following seven allegations under Guideline B:

1.a. and 1.b. Partner is a citizen of the Country C and a resident of Turkey. The SOR alleges that he is employed by the Government of Country C as a consultant working in Country D. Applicant testified that Partner's work in Country D began in about 2022 and has recently ended. As noted, he is presently working as a consultant in Country B. (Tr. at 36, 38; GE 3 at 3.)

1.c., 1.d., and 1.e. Applicant and Partner own a residence in Turkey that has a value of about \$375,000 and a second residence in Turkey worth about \$286,000. The SOR alleges that Applicant maintains three bank accounts in Turkey with total deposits of about \$6,000 to \$11,000.

1.f. and 1.g. Applicant has married friends who are citizens and residents of Country B and a third friend who is a citizen of Country C and a resident of Turkey.

In the Answer, Applicant admitted each Guideline B allegation and provided updated and mitigating information. The record evidence developed at the hearing regarding each allegation is the following.

SOR ¶¶ 1.a and 1.b. Applicant met Partner in 2012 when they were colleagues working in Country B. They became a committed couple in 2013. As noted, Partner retired from Country C's military in 2016 and left his post in Country B. He relocated to Turkey for his retirement. Instead of retiring, he became a consultant for an international consulting company working in Country D. He ceased this consulting work in about 2023. None of Partner's family have any involvement in the government of Country C. (Answer; Tr. at 44.)

SOR ¶¶ 1.c, 1.d, and 1.e. For estate planning purposes, Applicant is the sole legal owner of the couple's residence and their second home in Turkey, which she and Partner purchased as an investment and rental property. Most of Applicant's assets are in the United States. She owns a home in the U.S. and has substantial U.S. savings, investments, and retirements accounts. As of the date of the hearing, Applicant testified that her bank accounts in Turkey have a total amount of about \$5,000 on deposit. If she lost her ownership of the Turkish properties and/or her bank accounts, it would not have a material impact on her financial health or retirement. (Answer at 4-5; Tr. at 20, 48.)

SOR ¶¶ 1.f and 1.g. No one at the hearing addressed the allegations of Applicant's three foreign friends. It was only natural that Applicant would make friends Country B after living there for years working as a consultant for the State Department. In her Answer, Applicant explained that the couple at one point owned and operated a small shop inside a State Department property there. They are now retired. Her third friend, who is a citizen of Country C, has sold his property in Turkey and moved back to Country C. Applicant noted that she disclosed these relationships in the SF86 and during her security clearance background interview. She described her relationship with the three foreign nationals as merely has "social." She has infrequently in contact with them. (Answer at 5-6.)

### **Mitigation Evidence**

Applicant owns a home in the United States, which is managed by a real estate company. She has no immediate plans to sell the home. Her family resides in the United States. She is in constant contact with them using FaceTime, email, and the texting service WhatsApp. She is a U.S. taxpayer and is registered to vote, which she does remotely from wherever she is living and working abroad. Applicant returns to the U.S. regularly to see her family. Due to the nature of her work and her expertise in certain issues that are important to the State Department, she has not spent much time in the United States in recent years, except for visits and vacations. (Tr. at 20, 29-30, 39-41; GE 1 at 22-26.)

Applicant and Partner have always maintained a separation of what they share with each other that might be sensitive. They each had their special areas of work responsibilities in Country B. Applicant commented that almost none of her work is classified, so there has never been a security risk arising out of their relationship. However, she recognizes her situation working in Country B on behalf of the State

Department requires discretion. She testified that “everything that I do . . . and I have done is done with the sensitivity of the office and of the job.” (Tr. at 43-44, 55.)

## **Paragraph 2 – Guideline C, Foreign Preference**

SOR ¶ 2.a This subparagraph incorrectly alleges that Applicant acquired “legal permanent residency” in Turkey and has maintained her residency in Turkey for several years. In fact, Applicant acquired a temporary residency permit from the Turkish Government, which expires every two years and requires an application for renewal. The permit only gives her the right to reside in Turkey as long as it is valid. As noted above, she co-owns with Partner the home in which they reside in Turkey. Her temporary resident status in Turkey permits her to purchase mobile phone and Internet service and health insurance. Applicant has no intentions to acquire any foreign citizenship. Department Counsel does not dispute that Applicant’s residency permit is temporary, not permanent. (Answer at 7; Tr. at 21, 45-46.)

## **Character Evidence**

One of Applicant’s character witnesses is the former civilian director of an important State Department office. She described Applicant’s role as a strategic planner with an important role acting on behalf of the State Department. The reference described Applicant as “the undisputed expert” in her field. She wrote that they have waited for Applicant to renew her security clearance so that she could resume her former role in Country B. She commented that their time ran out, and they forced to hire someone else who already had a clearance. They want to rehire Applicant as a State Department consultant to work on related matters. She wrote further that Applicant is deserving to have her clearance reinstated. She believes in Applicant’s “honesty and integrity.” (AE A.)

A second character reference wrote that he worked with Applicant for over nine years in Country B. He made the following statement about Applicant: “At all times, [Applicant] distinguished herself and exhibited utmost integrity and loyalty to the interests of the United States.” (AE B at 2.)

Applicant’s former direct supervisor for several years wrote, “I worked closely with [Applicant] virtually every day as part of the [U.S Government’s] efforts [in Country B.]” He commented further, “[Applicant’s] work is some of the finest I have ever seen, and her reliability, discretion, and ability to maintain confidentiality in support of USG goals and interests are beyond reproach.” (AE C.)

Lastly, a retired senior officer of the U.S. Army who worked with Applicant for over a year in Country B wrote that Applicant’s character was “unimpeachable” and her ability to handle sensitive information was “not in question.” As the holder of a Top Secret clearance for over 30 years, the reference concluded that she was confident that Applicant was “willing and capable of handling classified information appropriately and

should be allowed a security clearance to continue working on behalf of the U.S. government.” (AE D.)

## **Turkey**

Applicant has significant contacts with Turkey. Accordingly, it is appropriate to look at the current conditions in that country. Turkey is a critical partner of the United States and a key member of the North Atlantic Treaty Organization (NATO). Given its location between Eastern Europe and the Middle East, Turkey is a source and transit country for foreign terrorist fighters. As a result, Turkey has a problem with terrorist activities and fighters seeking to join ISIS and other terrorist groups and to undermine Western interests. The U.S. State Department has issued a low-level travel advisory for U.S. citizens travelling in Turkey due to the terrorist activities in the country. Also, Turkey has significant human rights issues. (AN at 1-5.)

## **Policies**

When evaluating an applicant’s suitability for national security eligibility, the administrative judge must consider the adjudicative guidelines. In addition to brief introductory explanations for each guideline, the adjudicative guidelines (AG) list potentially disqualifying conditions and mitigating conditions, which are to be used in evaluating an applicant’s national security eligibility.

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 AG ¶ 2 describing the adjudicative process. The administrative judge’s overarching adjudicative goal is a fair, impartial, and commonsense decision. The entire process is a conscientious scrutiny of applicable guidelines in the context of a number of variables known as the whole-person concept. The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision.

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires, “Any 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. I have not drawn inferences based on mere speculation or conjecture.

Directive ¶ E3.1.14 requires the Government to present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, “The applicant is responsible for presenting witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by the applicant or proven by Department Counsel, and has the ultimate burden of persuasion as to obtaining a favorable clearance decision.”

A person who seeks 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 national security eligibility. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to protect or safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified or sensitive information. Finally, as emphasized in Section 7 of Executive Order 10865, "Any determination under this order adverse to an applicant shall be a determination in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." See *also* Executive Order 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information.)

## Analysis

### Paragraph 1 - Guideline B, Foreign Influence

The security concern relating to the guideline for Foreign Influence is set out in AG ¶ 6:

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

Guideline B sets forth nine conditions in AG ¶ 7 that could raise security concerns and may be disqualifying. The following four conditions are potentially applicable to the facts in this case:

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

(b) connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual's obligation to protect classified or sensitive information or technology and the individual's

desire to help a foreign person, group, or country by providing that information or technology;

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

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

The conditions set forth in AG ¶¶ 7(a), (b) and (f) apply to the facts of this case. Applicant's connections to Turkey through her relationship with Partner and the properties they own in Turkey raise a heightened risk of foreign influence, exploitation, or conflict of interest. I conclude that AG ¶ 7(e) is not applicable because the fact that Applicant shares living quarters with Partner, a citizen of a close U.S. ally, does not create a heightened risk of foreign inducement, manipulation, pressure, or coercion.

The applicability of three potentially disqualifying conditions shifts the burden to Applicant to mitigate any security concerns. I considered all of the mitigating conditions under AG ¶ 8 and conclude that the following four conditions have possible application to the facts of this case:

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

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

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

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



AG ¶ 8(a) fully applies. The nature of the relationship between Applicant and Partner and the employment history and current position of Partner are such that it is unlikely that Applicant will be placed in a position of having to choose between the interests of Partner and the government of Country C and the interests of the United States. The same is true with respect to their residency in Turkey. Applicant has for many years lived and worked in foreign countries as a State Department contractor. Partner has had the same experiences working on behalf of the government and military of Country C. They are both professionals who understand that their personal relationship cannot stand in the way of their obligations to protect the interests of their respective countries or otherwise be exploited. Moreover, the interests of Country C and the United States are closely aligned in the setting in which Applicant operates, as are the interests of two countries in most matters.

Similarly, AG ¶ 8(b) also fully applies. There is no conflict of interest because Applicant has such deep and longstanding relationships and loyalties in the United States that she can be expected to resolve any conflict of interest in favor of the U.S. interest. The highly favorable opinions offered by Applicant's four character references provides convincing support for Applicant on this issue.

AG ¶ 8(c) is fully established with respect to the two friends of Applicant from Country B and the other foreign national identified in SOR ¶¶ 1.f and 1.g. Applicant's contacts and communications with all three individuals are so casual and infrequent that there is little likelihood that those relationships could create a risk for foreign influence or exploitation. Also, AG ¶¶ 8(a) and 8 (b) are fully established with respect to Applicant's relationships with these three foreign nationals.

AG ¶ 8(f) also applies with respect to Applicant's ownership of two properties in Turkey and her three Turkish bank accounts, which hold a modest amount of funds. The total value of Applicant's assets in Turkey represents a relatively small percentage of Applicant's U.S. assets. As a result, the value of Applicant's two foreign properties is such that they are unlikely to result in a conflict and could not be used effectively to influence, manipulate, or pressure Applicant. Applicant mitigated the foreign influence security concerns.

## **Paragraph 2 - Guideline C, Foreign Preference**

The security concerns relating to the guideline for personal conduct are set out in AG ¶ 9, which states:

When an individual acts in such a way as to indicate a preference for a foreign country over the United States, then he or she may provide information or make decisions that are harmful to the interests of the United States. Foreign involvement raises concerns about an individual's judgment, reliability, and trustworthiness when it is in conflict with U.S. national interests or when the individual acts to conceal it. *By itself*; the fact

that a U.S. citizen is also a citizen of another country is not disqualifying without an objective showing of such conflict or attempt at concealment. The same is true for a U.S. citizen's exercise of any right or privilege of foreign citizenship and any action to acquire or obtain recognition of a foreign citizenship.

AG ¶ 10 describes the following conditions that may raise security concerns and potentially be disqualifying in this case.

(a) applying for and/or acquiring citizenship in any other country;

The Government did not meet its burden to prove that Applicant has shown a preference for Turkey so as to create a conflict of interest. All of the potentially disqualifying conditions make reference to foreign citizenship as a prerequisite to the application of each condition. AG ¶ 10(a) is illustrative of this point. Applicant has only applied for and received a residency permit that requires renewal every two years to enable her to continue to reside in Turkey. Further, her permit is temporary, not permanent, as alleged. Applicant clearly and credibly explained that she has no interest or reason to acquire Turkish citizenship in the future. Her choice to live with Partner in Turkey does not raise any security concerns under the Foreign Preference guideline. Security concerns under Guideline C have not been established by the record in this case. Accordingly, it is unnecessary to address application of mitigating conditions under this guideline.

### **Whole-Person Concept**

Under the whole-person concept, the administrative judge must evaluate an applicant's potential for national security eligibility 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 national security 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 potential disqualifying and mitigating conditions in light of all pertinent facts and circumstances surrounding this case. I have given significant weight to the many years of service Applicant has given the U.S. Government in her work as a State Department consultant and representative in Country B. I have also given weight to the highly favorable statements of Applicant's four character references regarding her character and professionalism, which support my impression of her at the hearing that she is a dedicated U.S. citizen working on behalf of the U.S. Government. Overall, the record evidence leaves me without questions or doubts as to Applicant's suitability for national security eligibility.

### **Formal Findings**

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

Paragraph 1, Guideline B:	FOR APPLICANT
Subparagraphs 1.a through 1.g:	For Applicant
Paragraph 2, Guideline C:	FOR APPLICANT
Subparagraph 2.a:	For Applicant

### **Conclusion**

In light of all of the circumstances presented by the record in this case, it is clearly consistent with the national interest to grant Applicant national security eligibility for a security clearance. Eligibility for access to classified information is granted.

JOHN BAYARD GLENDON  
Administrative Judge