



**DEFENSE LEGAL SERVICES AGENCY
DEFENSE OFFICE OF HEARINGS AND APPEALS**



In the matter of:)
)
) ISCR Case No. 25-00122
)
Applicant for Security Clearance)

Appearances

For Government: Cassie L. Ford, Esq., Department Counsel
For Applicant: *Pro Se*

06/12/2026

Decision

HALE, Charles C., Administrative Judge:

Applicant mitigated the security concerns under Guideline B, foreign influence, Guideline C, foreign preference, and Guideline L, outside activities. Applicant's eligibility for a security clearance is granted.

Statement of the Case

Applicant submitted a security clearance application (SCA) on July 18, 2023. On July 25, 2025, the Department of Defense (DoD) sent him a Statement of Reasons (SOR) alleging security concerns under Guideline B, foreign influence, Guideline C, foreign preference, and Guideline L, outside activities. The DoD acted under Executive Order (Exec. Or.) 10865, Safeguarding Classified Information within Industry (February 20, 1960), as amended; DoD Directive 5220.6, Defense Industrial Personnel Security Clearance Review Program (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) promulgated in Security Executive Agent Directive 4, National Security Adjudicative Guidelines (December 10, 2016).

Applicant answered the SOR on September 8, 2025, and requested a hearing before an administrative judge. Department Counsel was ready to proceed on December 2, 2025, and the case was assigned to me on February 2, 2026. On February 5, 2026, the Defense Office of Hearings and Appeals (DOHA) notified Applicant that the hearing was scheduled for March 19, 2026. I convened the hearing as scheduled. Government Exhibits (GE) 1 through 4 were admitted in evidence without objection. Applicant testified

and while the record remained open until April 2, 2026, offered Applicant Exhibits (AE) A through N, which were admitted without objection. DOHA received the transcript (Tr.) on April 2, 2026.

Procedural Ruling

Department Counsel requested that I take administrative notice of certain facts relating to the People's Republic of China (PRC). Applicant did not object and the request was approved. The request and the attached documents were not admitted into evidence but were included in the record as a Hearing Exhibit. The relevant facts administratively noticed are set out in the Findings of Fact, below.

Findings of Fact

In Applicant's answer to the SOR, he admitted the Guideline C and L allegations, with explanations. Under Guideline B he admitted allegations SOR ¶¶ 1.a, 1.b, 1.d, 1.f, and 1.g, with explanations, and denied allegations SOR ¶¶ 1.c and 1.e, with explanations. Those admissions and explanations are incorporated into the findings of fact. After a thorough and careful review of the evidence, I make the following additional findings of fact.

Applicant is 47 years old. He was born in Spain. He received his bachelor's and master's degree from universities in Spain. He received a PhD from a university in the United States. He entered the United States in 2002 and became a naturalized U.S. citizen in 2014. He married in 2008 and has two children ages 11 and 14. He and his family live in the United States. He is a professor at a leading U.S. university, which is generally recognized as one the top technology universities in the world. Applicant's contract with his university allows him to spend 20% of his time doing external consulting activities. He disclosed his work with the alleged companies (SOR ¶¶ 1.a, 1.b, 1.f, and 1.g) and outside boards (SOR ¶¶ 1.c, 1.d, and 1.e) on his SCA and more recent actions in response to Government interrogatories. He is seeking his first security clearance. (GE 1 at 15, 30-33; GE 2 at 19, 23.)

The United States government has recognized Applicant with one of its highest honors bestowed on science and engineering professionals in the early stages of their independent research careers. (AE A.) His citation recognized him:

for outstanding innovation that has resulted in a series of significant contributions across a broad spectrum of semiconductor-based electronic technologies, including work that has advanced the state-of-the-art in [redacted], [redacted], and the [redacted]. (AE A.)

The notice stated the "Department of Defense" would be in touch with him shortly regarding preparations for his recognition activities. (AE A.)

As a professor Applicant regularly travels overseas. He maintains his Spanish passport. He estimated he traveled to Europe at least three times a year. He stated he goes to Spain for the holidays to drop his children off. He estimated he saw his parents, who reside in Spain, on average twice a year. (GE 2; Tr. 23.) Given his status as a leading professor in his field, he has travelled extensively throughout the world and recently took a sabbatical to work with a leading university in a U.S. allied country. (GE 1 at 34, 36-55; GE 2 at 8.) He stated he has traveled to China two or three times, going to major cities “always for scientific conferences, always attending the best-known conference in my field, which rotates between the US, Europe, and Asia.” He was last in China in 2019. Given the nature of his field and his expertise, he travels to Taiwan regularly. (GE 1; Tr. 54-55.)

Applicant’s brother lives in the United States and works for a major U.S. government contractor. His in-laws are citizens of the United States. Neither of his parents, who live in Spain, have affiliation with the Spanish government. (Tr. 55-56.)

SOR ¶ 1.a: Applicant admitted that from about January 2012 to the present, he co-owned a technology company with a Chinese national, a former graduate student of his. (GE 1 at 32-33.) The company was founded in the United States and has offices in multiple states in the U.S. Applicant, along with his former student and many other people, were part of the company from the beginning. He estimated that he and his student worked together for approximately two to three hours per week when the company started. This was prior to the COVID pandemic, roughly ten years ago. He informed the university of his activities. (GE 2 at 11-12; Tr. 25-27.)

Applicant testified his student was a Chinese national, who was one of his PhD students. His student was in his research group for five or six years and had written impactful research papers, which resulted in several awards for his work. His student had been in the United States for many years and may have received his U.S. citizenship. When his student finished his PhD in 2012 or 2013, they decided to start a company to commercialize some of the innovations the student had pioneered during his PhD work at the U.S. university. (GE 1 at 32-33; Tr. 24-27.)

Applicant served as the CEO of the company for a couple of years, but it became too busy, and he stepped down. His former student became the CEO of the company and served for approximately ten years. He stated his student had a very significant portion of the equity in the company but in early 2025 the student quit his job with the company and had lost most of his equity in the company. He testified that there is no collaboration of any kind between his student and the company. Applicant offered a March 2025 internal company email that showed he was being named as representative for the common shareholders by the current CEO and that his student had resigned from the company in January 2025. (Tr. 24-25, 63; AE B.)

Regarding the status of the relationship with his former student he stated:

I don't remember whether we overlapped as board members. But yes, [his former student] was CEO of the company for eight, nine, ten years. And during his time as CEO, he was a board member. Three years ago, or so, we identified a new CEO for the company, and [his former student] became the [company position] of the company. And during that time, he was also [on] the board for a couple of years, but then there were some disagreements between [his former student] and the rest of the board. As I mentioned, he decided to quit all his connections with the company. I think it was January 2025. And he has moved on, and he's not connected with the company in any way. (Tr. 27; AE B.)

Applicant stated that when his former student left the company, his student chose not to exercise his stock options. He estimated his student now has just a 2% equity in the company. (Tr. 29.) The Administrative Notice (AN) noted the PRC seeks to compete with the United States as the leading economic power in the world by:

[A] strategy of centralized, state-directed, and nationally resourced approach to dominating global markets and strategic supply chains, limiting foreign competitors, and making other nations dependent on China. PRC leaders are applying the same strategy to bolster China's position and become more globally dominant in critical supply chains, both in upstream inputs it can provide more cheaply than others and in downstream production at wider scale. (AN at 12.)

The PRC presents a sophisticated, persistent cyber-enabled espionage and attack threat to military and critical infrastructure systems through its efforts to develop, acquire, or gain access to information and advanced technologies. Detected PRC cyberspace operations have targeted telecommunications firms, managed service providers, and software developers. Key U.S. targets include proprietary commercial and military technology companies and research institutions associated with defense, energy, and other sectors. (AN at 5.)

Because of the company's product, Applicant traveled to Taiwan for meetings with companies there. The trip was prior to the COVID pandemic, roughly ten years ago. His work for this company has never required him to travel to China, and they have only had one international client, which was seven years ago, and this company is located in a country allied with the U.S. Applicant is still a member of the board of directors, but his role has decreased. He reviews the management work in terms of advancing the mission of the company, provides feedback to the management, helps with fundraising, and advocates for the company. (Tr. 25-27; GE 1 at 30.)

SOR ¶¶ 1.b, 2.a, 3.a: Applicant admitted that from about January 2012 to the present, he served as a member of the scientific advisory board for a Spanish company funded by the European Union and the government of Spain, which had a stated goal of

advancing Europe's strategic autonomy in certain technologies that rely on advanced materials. (GE 1 at 30; GE 3 at 8.) He testified his research group at the U.S. university had been working on the material that Company G had been trying to commercialize for many years. Company G works on a relatively new material called [redacted]. This is the same material cited in his Presidential award. (AE A.) He explained his U.S. university research group was one of the pioneers in the world in terms of using [redacted] for engineering applications. So, the CEO of Company G contacted him more than ten years ago to ask whether he would be able to be a member of the Advisory Board, which he accepted. He informed the university of his activities. (GE 2 at 13-14; GE 3; Tr. 30.)

Applicant explained that he accepted the position because he was excited about this material and wanted to learn more about applications of this material and learn more about how companies like Company G can grow. When he was approached, Company G was 100% focused in Spain but through his interactions with Company G and its CEO, he is trying to get the company to move to the United States. The CEO now lives in the U.S., and Company G is growing its "footprint in the US." He estimated he had been working with them for at least ten years now. (Tr. 30-31, 59, 64.)

Applicant showed that his consulting fees were about \$750 a month, or about 1.6% of his family's annual income. His relationship with European Company G ended in 2024. The European Company G received funding consistent with the Spanish government's support for small companies and the European Union's grant program. He did not serve on that project. The product was for commercial use and not for a government use. (Tr. 31-33; GE 3 at 8; AE C-E.)

SOR ¶¶ 1.c, 2.a, 3.a: Applicant denied that from about October 1999 to the present, he served as a member of the advisory committee at an institute for the government of Spain. (GE 1 at 31.) He explained it was a research laboratory in the university where he did his undergraduate studies starting in the late 1990s. After his undergraduate studies he moved to the United States. He stated that four years ago or five years ago he was invited to join the scientific board, and he accepted because he was interested in learning more about the work going on there. His undergraduate research advisor was the person who extended the invitation, and this person had stepped down two or three years ago for personal reasons. He said the board has only met once. His most recent communication was in September 2024. He could not recall who was on the board because it had not met in five or six years. (Tr. 36-41, 60, 64.) Applicant summarized the relationship as follows:

Okay, what is accurate is the following. Five or six years ago, my undergraduate mentor, who was at that time the director, asked me whether I would be able to join the advisory board. I said yes.

He organized one official meeting of the advisory board. I don't remember ever receiving an official notification stating that I was a member of the advisory board. It was all informal. But as I said, I joined that meeting, and I tried to help.

Two years ago, my advisor stepped down because of personal issues, and a new person became the director. I believe that that new person was trying to make things a little bit more official than in the past. And he probably sent letters to all the members of the advisory board to officially thank them for their service. And that's the letter that I shared with you before, but nothing has happened since then. (Tr. 40.)

Applicant stated:

For the record, if necessary, I'm happy to officially step down from that position. In my personal view, I'm not doing anything with them right now. If it would make -- if it would help the case, I'm happy to officially step down. (Tr. 37.)

Applicant resigned from his advisory board position on April 1, 2026. (AE F.)

SOR ¶¶ 1.d, 2.a, 3.a: Applicant admitted that from about March 2023 to the present, he served as a member of the advisory board which belongs to a ministry of the government of Spain. (GE 1 at 31.) He stated he thought his involvement with this board was more official than the board position set forth in SOR ¶ 1.c. He stated with this board he was an official member of their advisory board. The board met once a year, for the last three years, in Spain during the summer for a couple of days, to learn the work happening at the institute and to provide their perspective on things related to a scientific field. The purpose of the board was the study of certain technology for the Spanish government, and the research laboratory was funded by the Spanish government. The board does not discuss anything related to U.S. technology; it is focused on the work that is happening in Spain. He advises how to better work with local universities and get students interested in certain scientific fields without providing technical advice. (Tr. 41-43, 60, 65.)

Applicant explained his relationship and role as follows:

I go there once a year for roughly one day, one day and a half. They give presentations to summarize the work going on at the institute. And then I provide advice on whether I think the topics are interesting or not, whether they should buy this piece of equipment or that piece of equipment, et cetera. (Tr. 43.)

Applicant's travel expenses were covered by the board, but he did not receive any form of salary. He resigned from this unpaid advisory board position on April 1, 2026. (Tr. 43; AE G.)

SOR ¶¶ 1.e, 2.a, 3.a: Applicant denied that from about June 2023 to the present, he served as a member of an advisory committee, which was financed by the Spanish government and the European Union. He acknowledged it was a government organization but stated he did not "have any connection" to it. (GE 1 at 31-23; Tr. 44-48, 61, 65; AE H-I.)

Applicant stated he was not a part of this committee. He explained that as a professor at a leading U.S. technology university, he oversaw the coordination of the work at the university in the scientific field of interest to the committee. In this capacity he thought it would be interesting to try to explore potential collaborations with Spain because they had made a big effort in [scientific field] at that time. He spoke with the Spanish government to learn more about the work that Spain was doing in this scientific field. He was asked then whether he would be interested in being an advisor to their organization. (Tr. 44.) He stated,

I told them that I would potentially consider it, but I didn't accept or anything, and they didn't commit. That's everything that ever happened. They never got back to me. They never made me an offer. I never accepted anything related to being an advisor to the government. It was just one conversation. They casually asked me, would you be interested in helping us? And I said, "I don't know." And at that point, they said, "okay, we'll follow up." And they never followed up. (Tr. 44-45.)

The person who made the offer to Applicant was Spain's lead in this scientific area. They had met in Washington D.C. at a reception at the Spanish embassy where U.S. State and Commerce Department officials were also in attendance. This person has retired. (GE 1 at 31-32; Tr. 45-46.) He spoke with the person in October 2025 to explore if there were opportunities for the U.S. and Spanish governments to work together in this scientific field. (Tr. 47.) He also spoke with another member of the board in October 2025 who was also retiring and this person informed him the "organization didn't have much power anymore." (Tr. 47.) He stated he spoke with the new person overseeing this scientific field in November 2025. (Tr. 48.)

SOR ¶¶ 1.f, 2.a, 3.a: Applicant admitted he served as a member of the scientific advisory board for Company L, a Spanish company financed by the Spanish government and the European Union. He informed the university of his activities. (GE 2 at 20; GE 4 at 2.)

Applicant stated:

In one of my trips to Spain, I met with an investor, a Spanish investor who happened to be in this company, [Company L]. He asked me whether I would be able to become an advisor to this company. And again, I wanted to learn more about what is happening in Europe and how they are doing things in Europe. So, I accepted to be an advisor to the company. And they gave me -- in exchange of my advisory role, they gave me 0.5 percent equity in the company over four years. I would need to work with the company four years to get 0.5 percent of the company. So, it's a very tiny fraction of a very tiny company. The company may have, I don't know, less than 20 people. (Tr. 48-49.)

Applicant signed the agreement with the company in March 2025. His equity “is approximately 0.5 percent, is evenly distributed or vested over three years monthly.” The number of shares he was to receive was 90. He offered evidence the company was independent of the Spanish government, and any financing was to help startup companies accelerate their commercialization. The purpose of this company is to advise on designs in commercialized communications. The company is working with a U.S. company and a U.S. allied nation company. The board meets quarterly. (Tr. 48-50, 65-68; AE J-L.)

SOR ¶ 1.g: Applicant admitted that from about March 2025 to the present, he co-owned a company with a Chinese national. This was another former PhD student whom he was helping to start a company in the U.S. based on the student’s PhD research. (GE 2 at 9.) His former student lives on the opposite coast of the United States from him. In August 2025, his student, who served as the company CEO, notified Applicant that Applicant’s role and share in the company would be reduced, stating:

I’ve continuously realized and discussed with you that we hold fundamentally different perspectives on startup dynamics, valuation philosophy, and the expectations of a co-founder. These differences have not converged, and I don’t see they will align well in the near term — which has started to hinder the company’s growth and cohesion. Therefore, as the CEO of the company, and after carefully evaluating the company’s current state and feedback from our internal and external stakeholders, I’ve decided to formally restructure your role and equity stake...(AE M.)

Applicant’s student had decided to formally restructure Applicant’s role and equity stake. Applicant was told he would transition from Co-founder, Board Director, and Strategic Advisor to Strategic Advisor and that his equity, excluding any investment-based equity and the employee option pool, will be adjusted from 30% to 5%, subject to standard vesting conditions. Applicant did not initiate this reduction in his role; it was done by his former student. The money for his reduced equity was transferred to him last fall. He has not had dealings with the company in several months because it is going “in directions different from my expertise.” His last contact with his student was in December 2025 when they had lunch in the student’s location. (Tr. 50-54, 61, 68-69; GE 4; AE M-N.)

Applicant considers himself a U.S. citizen only. The Government did not present any evidence concerning Spain, through administrative notice or otherwise. I find, based upon the record evidence, that Spain does not create a heightened risk of foreign coercion.

Policies

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 careful weighing of a number of variables known as the "whole-person concept." The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision.

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that "[a]ny doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security." In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record.

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 that an 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.

Section 7 of EO 10865 provides that decisions shall be "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." See also EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

Analysis

Guideline B, Foreign Influence

AG ¶ 6 explains 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 a security concern and may be disqualifying in this case:

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

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

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 Applicant is 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. There is no evidence in the record of any of these conditions regarding Spain but there is for China.

Guideline B is not limited to countries hostile to the United States. "The United States has a compelling interest in protecting and safeguarding classified information from any person, organization, or country that is not authorized to have access to it, regardless of whether that person, organization, or country has interests inimical to those of the United States." Furthermore, friendly nations can have profound disagreements with the United States over matters they view as important to their vital interests or national security. Finally, we know friendly nations have engaged in espionage against the United States, especially in the economic, scientific, and technical fields.

Applicant's academic work and business dealings raise disqualifying conditions under AG ¶¶ 7(a) and 7(b).

The following mitigating conditions under AG ¶ 8 are potentially relevant:

(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, 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;

(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;

(e) the individual has promptly complied with existing agency requirements regarding the reporting of contacts, requests, or threats from persons, groups, or organizations from a foreign country; 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.

Applicant is no longer affiliated with the foreign groups or persons that prompted the concern under this guideline and therefore it is unlikely that Applicant would be placed in a position of having to choose between the interests of these foreign groups and those of the United States. His former student, alleged in SOR ¶ 1.a, is no longer part of the company board and there is no ongoing business relationship. Applicant's former student alleged in SOR ¶ 1.g removed him from the board of the U.S. company and he now has a limited financial interest in this U.S. company. AG ¶ 8(a) applies.

Applicant has met his burden to establish his "deep and longstanding relationships and loyalties in the U.S." He is a leading scientist in his field at one of the top universities in the U.S. and the world. He received his PhD from a U.S. university. He entered the United States in 2002 and became a naturalized U.S. citizen in 2014. He has been recognized by the U.S. government for his work. His ties to his former student (SOR ¶ 1.a) are severed. He has stepped down from the boards in question in SOR ¶¶ 1.c and 1.d and established he had limited contact with the board alleged in SOR ¶ 1.e and that he had severed any appearance of affiliation with this board. His business ventures in SOR ¶¶ 1.c, 1.d, and 1.g reflect he has a minimal-to-no role. He owns a home, has substantial assets here as evidenced by the businesses he has been involved with, and has raised his family here. The evidence supports that Applicant has longstanding ties to the United States and would resolve any conflict of interest in favor of the United States. AG ¶ 8(b) applies.

Applicant credibly denies any loyalty to China. Looking at the totality of his business relationships with his former students, they are diluted by the other shareholders; his disassociation with these U.S. companies; or his or the student's removal from leadership positions within the respective companies. He disclosed these foreign contacts as part of the SCA process. Unlike ISCR Case No. 22-02603 (App. Bd. Feb. 9, 2026), where an applicant had family in a high security risk country where pressure could be brought to bear, these are U.S. companies and Applicant's ties to his students are limited by other shareholders and his roles in the companies.

AG ¶ 8(c) applies. Applicant's "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," is applicable. Applicant has cut off all contact with his former students and eliminated his board positions. Given Applicant's status in his scientific field he will always have foreign contacts, but these contacts have been limited and consistent with his expertise in the field where he teaches at the U.S. university.

AG ¶ 8(e) and 8(f) apply. Applicant complied with his university's reporting requirements. He reported his associations on his SCA and updated that information in response to Government interrogatories. The evidence shows he has complied with existing requirements regarding the reporting of contacts, requests, or threats from persons, groups, or organizations from a foreign country. Applicant is allowed to work outside the university and has shown the value or routine nature of the foreign business, financial, or property interests that he has with each company is such that they are unlikely to result in a conflict and could not be used effectively to influence, manipulate, or pressure him.

Guideline C, Foreign Preference

AG ¶ 9 explains the security concern about "foreign preference" as follows:

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 indicates conditions that could raise a security concern and may be disqualifying in this case:

(d) participation in foreign activities, including but not limited to:

(1) assuming or attempting to assume any type of employment, position, or political office in a foreign government or military organization; and

(2) otherwise acting to serve the interests of a foreign person, group, organization, or government in any way that conflicts with U.S. national security interests.

AG ¶ 10(d) applies.

AG ¶ 11 lists conditions that could mitigate foreign influence security concerns, including:

(a) the foreign citizenship is not in conflict with U.S. national security interests;

(c) the individual has expressed a willingness to renounce the foreign citizenship that is in conflict with U.S. national security interests; and

(f) the foreign preference, if detected, involves a foreign country, entity, or association that poses a low national security risk.

Applicant stepped down from the positions at issue or, in the case of SOR ¶ 1.g, was removed from his role. He is passionate about his scientific field and is a global leader in it and thus will always be in demand to speak and advise but he considers himself a U.S. citizen only. Spain poses a low national security risk. All the above mitigating conditions apply.

Guideline L: Outside Activities

AG ¶ 36 explains the security concern about “outside activities” as follows:

Involvement in certain types of outside employment or activities is of security concern if it poses a conflict of interest with an individual’s security responsibilities and could create an increased risk of unauthorized disclosure of classified or sensitive information.

AG ¶ 37 indicates conditions that could raise a security concern and may be disqualifying in this case:

(a) any employment or service, whether compensated or volunteer, with:

(1) the government of a foreign country;

(2) any foreign national, organization, or other entity;

(3) a representative of any foreign interest; and

(4) any foreign, domestic, or international organization or person engaged in analysis, discussion, or publication of material on intelligence, defense, foreign affairs, or protected technology; and

(b) failure to report or fully disclose an outside activity when this is required.

AG ¶ 37(a) applies.

AG ¶ 38 lists conditions that could mitigate outside activities security concerns, including:

(a) evaluation of the outside employment or activity by the appropriate security or counterintelligence office indicates that it does not pose a conflict with an individual's security responsibilities or with the national security interests of the United States; and

(b) the individual terminated the employment or discontinued the activity upon being notified that it was in conflict with his or her security responsibilities.

Applicant acted consistent with his university's reporting requirements for his outside employment and positions on the board. His involvement with his companies has decreased, and he is no longer involved in the day-to-day operations of these companies. He stepped down from the boards in question. AG ¶ 38(b) applies and outside activities 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 the circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(d):

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

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 in light of all the facts and circumstances surrounding this case. The factors tending to support granting Applicant's clearance are more significant than the factors weighing towards denying his clearance. Applicant is an extraordinary businessman and leader in his scientific field. His recognition by the U.S. government is impressive. He has expanded commercial opportunities and businesses in the U.S and the world. He followed his university's procedures ensuring they were aware of his outside activities, which the university allowed pursuant to his contract. His potential for even greater accomplishments is unlimited.

Overall, the record evidence leaves me without questions or doubts as to Applicant's eligibility and suitability for a security clearance. For all these reasons, I conclude the security concerns arising under Guideline B, foreign influence, Guideline C, foreign preference, and Guideline L, outside activities, were mitigated.

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:	FOR APPLICANT
Subparagraphs 1.a - 1.g:	For Applicant
Paragraph 2, Guideline C:	FOR APPLICANT
Subparagraph 2.a:	For Applicant
Paragraph 3, Guideline L:	FOR APPLICANT
Subparagraph 3.a:	For Applicant

Conclusion

I conclude that it is clearly consistent with the national security interests of the United States to grant Applicant eligibility for access to classified information. Clearance is granted.

Charles C. Hale
Administrative Judge