DEFENSE LEGAL SERVICES AGENCY
DEFENSE OFFICE OF HEARINGS AND APPEALS

In the matter of:	)	
	)	
	)	ISCR Case No. 25-01299
	)	
Applicant for Security Clearance	)	

Appearances

For Government: William Miller, Esq., Department Counsel
For Applicant: *Pro se*

08/25/2026

Decision

BORGSTROM, Eric H., Administrative Judge:

Applicant did not mitigate the foreign influence security concerns. Eligibility for access to classified information is denied.

Statement of the Case

On December 2, 2025, the Defense Counterintelligence and Security Agency (DCSA) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline B (foreign influence). The DCSA acted under Executive Order (EO) 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 adjudicative guidelines (AG) implemented on June 8, 2017.

In Applicant's December 15, 2025 response to the SOR (Answer), he admitted, with explanations, all six allegations. He did not attach any documentary evidence, and he requested a hearing before a Defense Office of Hearings and Appeals (DOHA) administrative judge. (Answer)

On January 16, 2026, the Government was ready to proceed to a hearing. I was assigned this case on March 26, 2026. On April 1, 2026, DOHA issued a notice scheduling the hearing for May 7, 2026. The hearing proceeded as scheduled.

The Government proffered two evidentiary exhibits, which I admitted as Government Exhibits (GE) 1 and 2, without objection. The Government also proffered materials for administrative notice pertaining to the security concerns associated with the Islamic Republic of Pakistan (Pakistan), which I admitted as Administrative Notice (AN) I, without objection. Applicant testified and submitted three evidentiary exhibits, which I admitted as Applicant Exhibits (AE) A through C. At parties' request, the record remained open until June 5, 2026, to provide both parties with an opportunity to supplement the evidentiary record. DOHA received the hearing transcript (Tr.) on May 14, 2026.

After the hearing, the Government timely submitted administrative notice materials associated with the United Arab Emirates (UAE), which I admitted as AN II, without objection. Applicant timely submitted six exhibits, which I admitted as AE D through I, without objection. The record closed on June 6, 2026.

Findings of Fact

Applicant is 57 years old. He was born in Pakistan. He earned a bachelor's degree in mechanical engineering from a Pakistani university in 1992. His education was funded by his voluntary commitment to serve in the Pakistani Army (PA). Upon his graduation from college, he was commissioned as a captain in the PA. His commission and duties required a criminal background check, but he did not participate in a clearance investigation or maintain access to classified information. He served on active duty from 1993 to 2007, and he retired at the rank of major (SOR ¶ 1.a.). His duties involved the maintenance and procurement of military vehicles and equipment. He denied any direct involvement in combat. Upon his military retirement, he began receiving a monthly stipend (currently approximately $332) (SOR ¶ 1.b.), and he received ownership of an apartment. He is required to maintain an individual Pakistani bank account, without co-ownership with his wife, to receive his retirement stipend. (GE 1 at 11, 17; Tr. 25-26, 34-40, 83-85)

Applicant, his wife, and children emigrated to the United States in December 2005.[1] From November 2010 to April 2015, he was employed full time as a system design engineer for a private company. He purchased his current residence in October 2013. From April 2015 to May 2018, he was employed as an engineering manager for private company. From May 2018 to January 2025, he was employed as a manager for a private company. He became a naturalized U.S. citizen in May 2021. On his March 2025 security clearance application (SCA), Applicant reported that he maintained his Pakistani citizenship "[d]ue to ancestral assets and also, I have my close family relatives." Since January 2025, he has been employed as a security systems engineer for a federal contractor. (GE 1 at 7, 9, 12-15; Tr. 26, 33-34, 68)

Spouse. In April 1999, Applicant married his wife, a Pakistani citizen by birth, in Pakistan. She earned her medical degree in Pakistan prior to their immigration to the United States in December 2005. She became a naturalized U.S. citizen in February

[1] The record evidence does not reconcile Applicant's military retirement date (December 2007) and his U.S. entry date (December 2005).

2020. She obtained the necessary credentials to be qualified as a physician in the United States. She earned a master's degree in nutrition, while in the United States, and she currently works in the United States as a clinical nutritionist. She resides with Applicant. (GE 1 at 20; GE 2 at 7; Tr. 26-27)

Children. All three of Applicant's children – ages 24, 22, and 21 – were born in Pakistan and are Pakistani citizens by birth. They became naturalized U.S. citizens with their mother in February 2020. All three children reside in the United States, and the youngest child lives with Applicant and his wife. None of Applicant's children have returned to Pakistan or have visited the UAE since their departure from Pakistan in 2005. He has daily contact with his children. (GE 1 at 28-31, 85; GE 2 at 7-8, 11; Tr. 32)

Brother (SOR ¶ 1.e.). Applicant's brother is a citizen of Pakistan, and he resides in Pakistan. He served in the PA for approximately 25 years and retired as a major. Applicant described his brother's military duties as providing mechanical and electrical services. His brother receives a military pension. Applicant's brother has been employed by a contractor for the PA for about five or six years; however, Applicant is uncertain of the name of the company or his brother's role. He believed that his brother was involved in the procurement of equipment from the People's Republic of China (PRC) for the PA. On his SCA, Applicant reported that he had weekly telephonic and electronic (emails and texts) contact with his brother. At the hearing, he testified that he had minimal to no contact with his brother. He explained that in 2025 they had more frequent contact because Applicant and his siblings were in the process of selling the ancestral home. "We needed money and that property was [vacant]." Notwithstanding the infrequency of contact, during his security interview, Applicant described his relationship with his brother as "somewhat close." At hearing, he testified that their relationship was "close." (GE 1 at 25-26, 32-33; GE 2; AE C; Tr. 32, 51-57, 65, 77, 78, 85)

Applicant's brother is married to a citizen of Pakistan, and they have two children. His brother's wife is a professor at a university controlled by the Pakistan Ministry of Science and Technology. Applicant testified that he had not spoken to his brother's wife in over a year. (GE 1 at 38; Tr. 59, 78)

Sisters. Applicant's two sisters are dual citizens of Pakistan and the United States. They both are employed and reside in the United States. Applicant described his relationship with his elder sister as "very close," and he has contact with her approximately biweekly. He described his relationship with his younger sister as "somewhat close," and he has contact with his younger sister approximately monthly. (GE 1 at 22-25; GE 2 at 7-10; Tr. 32-33)

Father-in-law (SOR ¶ 1.f.). Applicant's parents and mother-in-law are deceased. His father-in-law (FIL) is a citizen of Pakistan and resides in Pakistan. After serving for approximately 23 years in the PA infantry, he retired as a lieutenant colonel. On his SCA, Applicant reported that he had monthly telephonic contact with his FIL. At the hearing, he testified that he has contact approximately twice a year with his FIL. Notwithstanding the infrequency of contact, both during his security interview and at hearing, Applicant described his relationship with his FIL as “close.” (GE 1 at 21-22, 26-27, 33-35; GE 2 at 7; AE C; Tr. 57-58, 65, 72)

Bank Accounts (SOR ¶ 1.c.). Applicant maintains two bank accounts in Pakistan. As discussed above, one account is an individual account for receipt of his military retirement stipend. The second account is a joint account, held with his wife, into which the proceeds were deposited after the sale of his apartment in Pakistan (given upon his military retirement) and of the ancestral home. Applicant provided documentary evidence that these two accounts have a combined value of $9,000 USD, based on the approximate currency rate of 280 rupees to $1 USD. Applicant testified that he can only access the funds at these two bank accounts by visiting Pakistan, withdrawing the funds from his account(s), and then going to a different bank to wire the funds back to one of his U.S. bank accounts. (GE 1 at 39-47, 67, 71, 86; AE B; AE C)

UAE apartments (SOR ¶ 1.d.). Applicant and his wife purchased two apartments in the UAE in 2024. At the time, he estimated their combined value at approximately $330,000 USD. As of the hearing, he estimated the combined value at $408,000 USD. He explained that he had purchased these properties for vacation and holidays and potential rental income. Both properties remained under construction, and construction had been delayed due to the current conflict between the United States and Iran. He testified that he did not have any mortgages on these properties but that he makes monthly payments towards their purchase. He also uses funds from the two Pakistani bank accounts towards those payments. (GE 1 at 41-42; Tr. 47-49, 72-74)

Extended Family Members. Applicant’s wife has a brother and sister. Her sister is a dual citizen of the United Kingdom and Pakistan, and she resides in the UAE. She is married and has two adult children. Applicant’s wife has contact with her sister every other day. Applicant’s wife has a brother who is a dual citizen of Canada and Pakistan, and he resides in the UAE. He works in the information technology (IT) field at a “government job” in the UAE. He is married and has a child. Applicant has not had contact with his brother-in-law in two years, and there is no record evidence as to the frequency of Applicant’s wife’s contacts with her brother. (GE 1 at 34-37; Tr. 27-31, 80-81)

Ancestral Property and Pakistani Citizenship. Applicant and his siblings still have ownership interests in one ancestral property. This undeveloped land was purchased and bequeathed by their father. Applicant has maintained his Pakistani citizenship to maintain his property interest, his Pakistani bank account, and for ease of travel with his brother and FIL. In his November 2025 response to DOD interrogatories, he explained, “I am maintaining foreign citizenship to protect financial interests (retirement), in addition to ancestral property, and ease of travel to visit close relatives.” He estimated that his share of the undeveloped property was approximately $20,000 to $30,000 USD. His family members’ intent is to sell the property as soon as practicable. Although Applicant does not maintain a Pakistani passport, he does maintain a National Identity Card for Overseas Pakistanis (NICOP). He used the NICOP to avoid the need for a visa and to protect or facilitate the transfer of his property in Pakistan. He uses the NICOP when he wires funds withdrawn from his Pakistani bank accounts to his U.S. bank accounts. In addition, the taxes imposed on non-citizens may differ from those who maintain their Pakistani citizenship. (GE 2 at 5, 14; Tr. 62-65, 68-69, 88-89)

Foreign Travel. Applicant's brother and FIL visited Applicant and his family in the United States over six years ago. Applicant has frequently traveled to Pakistan and the UAE to visit family members, to facilitate the sale of his apartment and ancestral home, and to withdraw funds from his Pakistani bank accounts. He traveled to Pakistan once in 2018, once in 2019, once in 2022, once in 2023, thrice in 2024, and once in March 2025. He traveled to the UAE twice in June 2024. He traveled alone on these trips; however, his wife has traveled separately to visit her father. (GE 1 at 45-56; Tr. 60, 71, 79-80)

U.S. Financial Interests. Applicant estimated that he has approximately $200,000 in equity in his primary residence in the U.S. He has approximately $50,000 in equity in a vacation home in the U.S. As of March 2026, he has $50,000 saved in a 401(k) account. (AE D; Tr. 71, 74-75)

Applicant credibly testified that he has not maintained contact with any of his military colleagues. He does not provide any financial support to any foreign family members. He has not participated in any U.S. elections since his naturalization. He reported his capital gains for his Pakistani bank accounts on his 2024 U.S. income tax returns. (GE 1 at 17; AE A; Tr. 39; 79-80)

In his post-hearing statement, Applicant emphasized that his relationships with his brother and FIL "serve[] no greater purpose than just being family, checking up on one another, wishing each other on Eid holiday and birthdays." He denied any deep and longstanding relationship with the PA. He also explained that he does not obtain "complete ownership" of the two apartments in the UAE until the apartments are fully paid, which he anticipated as 2029 and 2030. As of the statement, he estimated that he and his wife owned approximately 60% of one UAE apartment and 50% of the other, which he quantified as approximately $200,000 combined. (AE I)

Whole Person

Applicant's supervisor submitted a character-reference letter on behalf of his clearance eligibility. He considers Applicant his "most senior and trusted security systems engineer." He described Applicant as "exceptionally detail-oriented," accountable, professional, ethical, dependable, and honest. He noted that Applicant adheres to security procedures when handling sensitive information. (AE H)

At his prior employment, Applicant earned an award for excellence in 2020, for Salesperson of the Year in 2021, and for five years of outstanding and dedicated service in 2023. (AE E-G)

Administrative Notice

Pakistan

I have taken administrative notice of the following facts concerning the Islamic Republic of Pakistan (Pakistan), excerpted from the materials proffered by Department Counsel:

Pakistan is a federal parliamentary republic. International election observers assessed the February 2024 elections as having undue restrictions on freedoms of expression, association, and peaceful assembly. Pakistan and the People's Republic of China (PRC) maintain close economic ties through the China-Pakistan Economic Corridor. (AN I, Att. 1, 4)

The U.S. Department of State maintains a Level 3 travel advisory, recommending travelers reconsider travel to Pakistan generally due to terrorism. For certain provinces in Pakistan, the level is upgraded to Level 4 – Do Not Travel, due to extremist groups and terrorist attacks against civilians, religious minorities, government offices, and security forces. Terrorist attacks increased by more than 50 percent between 2022 and 2023. In February 2025, the U.S. Mission in Pakistan issued a security alert for Islamabad due to militants' threats against a particular mosque. In May 2025, the U.S. Mission issued another security alert due to military strikes by India into Pakistan and drone explosions in Pakistan. (AN I, Att. 6-8, 11-14)

In August 2024, the National Counterintelligence and Security Center issued its annual report on threats from foreign intelligence entities (FIE). The report included FIE activities on behalf of Pakistan from September 2014 and October 2019 to procure export-restricted items; in May 2022, for illegally exporting computer equipment; in April 2023, for export fraud; in January 2025, for selling hacking and fraud-enabling tools; in March 2025, for conspiracy to violate U.S. export laws to (for activities 2003 to March 2019) to illegally procure export-restricted items associated with Pakistan's nuclear and unmanned aerial vehicle (UAV) programs. (AN I, Att. 15-20)

Significant human rights issues persist concerning Pakistan, including credit reports of unlawful or arbitrary killings, including extrajudicial killings; enforced disappearance; torture and cases of cruel, inhuman, or degrading treatment or punishment by the government or its agents; harsh and life-threatening prison conditions; arbitrary detention; political prisoners; and serious government corruption. The government has rarely taken credible steps to curb human rights abuses. Violence by militant organizations and other nonstate actors, such as terrorist groups, have contributed to a culture of lawlessness. (AN I, Att. 21)

United Arab Emirates

I have taken administrative notice of the following facts concerning the UAE, excerpted from the materials proffered by Department Counsel:

The UAE is a federation of seven semiautonomous emirates. The rulers of these seven emirates constitute the Federal Supreme Council, the nation's highest legislative and executive body. The emirates are under patriarchal rule with political allegiance defined by loyalty to tribal leaders, leaders of the individual Emirates, and leaders of the federation. (AN II)

The U.S. Department of State has issued a Level 3 travel advisory for the UAE due to the threat of armed conflict. Following the onset of hostilities between the United and Iran in February 2026, there has been an ongoing threat of drone and missile attacks from Iran. The Iranian regime has publicly stated its intention to target locations in the UAE associated with the United States. There is some risk of terrorist violence, including attacks and other activity in the UAE. The UAE has actively engaged in counterterrorism efforts that align with U.S. policies. In 2024, there were no reported foreign terrorist organization (FTO)-related attacks. Two attacks were reported in 2022. (AN II)

In 2024 and 2025, several individuals were convicted of conspiring to circumvent or conspiring to violate U.S. export restrictions regarding sensitive avionics, communication technology, aircraft parts, and other dual-use technology. These individuals were based in or shipping sensitive equipment through the UAE for customers in Russia and Iran. (AN II)

Significant human rights issues concerning the UAE include credible reports of disappearances, arbitrary arrest or detention, and serious restrictions on freedom of expression and media freedom. (AN II)

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 to be used in evaluating an applicant's eligibility for access to classified information.

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, administrative judges apply the guidelines in conjunction with the factors listed in the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(a), the entire process is a conscientious scrutiny of a number of variables known as the "whole-person concept." The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision.

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

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

A person who seeks access to sensitive 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 sensitive information. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard sensitive information. Such decisions entail a certain degree of legally permissible extrapolation of potential, rather than actual, risk of compromise of sensitive information.

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

Analysis

Guideline B: Foreign Influence

The security concern under this guideline is set out in AG ¶ 6 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.

Three disqualifying conditions under this guideline (AG ¶ 7) relevant to 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; 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 United States has a compelling interest in protecting and safeguarding sensitive 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. To establish AG ¶ 7(a), the Government must demonstrate a "heightened risk" of exploitation due to Applicant's contacts with his brother and FIL. The administrative notice materials for Pakistan detail the prevalence of terrorist activities over the past several years and recent military strikes by India. The materials also note violations of U.S. export controls by foreign-intelligence entities on behalf of Pakistan and significant human rights abuses by Pakistani authorities and third parties in Pakistan. AG ¶¶ 7(a) and 7(b) apply.

Applicant maintains two bank accounts in Pakistan, receives a military retirement stipend from Pakistan, and has an approximately $200,000 ownership interest in two apartments in the UAE. The Government established the "heightened risk" and potential conflict of interest regarding Applicant's property interests in Pakistan and the UAE, based on the aforementioned security concerns involving Pakistan, the current conflict between the United States and Iran, and significant human rights issues associated with the UAE. AG ¶ 7(f) applies.

The Government did not establish a potential conflict of interest based upon Applicant's military service (SOR ¶ 1.a.), beyond the military pension already alleged under SOR ¶ 1.b. He credibly testified that he does not maintain contact with any of his former military associates. Therefore, I find SOR ¶ 1.a for Applicant.

The following mitigating conditions under this guideline (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 United States;
>
> (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; 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.

As discussed above, the Government established the requisite "heightened risk" and potential conflict of interest regarding Applicant's contacts with his Pakistani family members. Under Guideline B, the mitigation analysis must consider whether these foreign contacts reside or are present in a country where the government or third parties (i.e., terrorist organizations) are active, capable, and hostile to the interests of the United States. "An applicant with family members living in a country hostile to the U.S. has a very heavy burden to show that they are not a means through which the applicant can be subjected to coercion or exploitation." ISCR Case No. 11-12659 at 3 (May 30, 2013). Here, the presence in active and capable terrorist organizations in Pakistan hostile to U.S. interests requires Applicant to overcomes a "very heavy burden" in mitigation.

Applicant's brother and FIL each served in the PA for over 20 years, are retired officers, and receive military pensions. They both reside in Pakistan. Applicant's brother works as a contractor for the PA and is involved in the procurement of military equipment or supplies. His brother's wife is a professor at a government-controlled university.[2] Coupled with security concerns regarding Pakistan and terrorist activities in Pakistan, Applicant has not established that he will not be placed in a position of conflict. AG ¶ 8(a) does not apply.

Applicant, his wife, and their three children have established their lives her in the United States, and Applicant has thrived in his career. Applicant and his wife purchased a home and a vacation property and 401(k) account. That said, Applicant repeatedly

[2] Although Applicant's contacts with his brother's wife and his wife's contacts with her siblings in the UAE are not alleged under Guideline B, non-alleged contacts may be considered when evaluating evidence in mitigation.

testified that he remains "close" with his brother and FIL. He also testified to his wife's contacts with her siblings in the UAE. *See*, *e.g.*, ISCR Case No. 00-0484 at 5 (App. Bd. Feb. 1, 2002) (There is a rebuttal presumption that contacts with one's immediate family members are not casual). *See* ISCR Case No. 02-04786 at 4 (App. Bd. June 27, 2003) ("[F]amily relationships can be complex in nature, involving more than just the one-on-one relationship between two family members." Nothing related to Applicant's contacts and relationships with his brother and FIL is improper; however, his understandably close relationships with these foreign family members are not so minimal that he can be expected to resolve any conflict in favor of the U.S. interest. AG ¶¶ 8(b) and 8(c) do not apply.

Applicant's foreign assets – his ancestral land ($20,000 - $30,000), bank accounts ($9,000), and two apartments ($200,000) – nearly equal his U.S. assets -- his residence ($200,000 in equity), vacation home ($50,000 in equity), and 401(k) account ($50,000). Furthermore, he continues to receive a monthly military retirement stipend (nearly $4,000 annually) and to make payments on the two apartments in the UAE – thus increasing his ownership interests in those foreign properties. Applicant has repeatedly traveled to Pakistan to visit relatives and to withdraw funds from his Pakistani accounts, with some funds ultimately going towards his two apartments. These property and financial interests remain a potential conflict of interest. AG ¶ 8(f) does not apply.

There is no evidence connecting Applicant's relatives to any of the terrorist activities in either Pakistan or the UAE; however, their presence in these countries raises concerns as to their safety and vulnerability. By his own admission, the construction of the two apartments in the UAE was delayed due to the ongoing conflict between the United States and Iran. Notwithstanding Applicant's connections and professional success in the United States, conflicts of interests remain. None of the foreign influence mitigating conditions apply.

Whole-Person Concept

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

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

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept. I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case. I have incorporated my comments under Guideline B and the factors in AG ¶ 2(d) in this whole-person analysis.

Applicant has thrived professionally while in the United States and is highly regarded by his supervisor at the federal contractor. He has accumulated some assets in the United States but also has accumulated and continues to increase his assets overseas. His immediate family members and two siblings reside in the United States; however, he maintains close relationships with his brother and FIL in Pakistan. Nothing is improper about these relationships or property interests; however, they, in the aggregate constitute an unmitigated foreign influence security concern. Eligibility for access to classified information is denied. This decision should not be construed as a determination that Applicant cannot obtain a security clearance in the future.

Formal Findings

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

Paragraph 1, Guideline B:	AGAINST APPLICANT
Subparagraph 1.a.:	For Applicant
Subparagraphs 1.b.-1.f.:	Against Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, I conclude that it is not clearly consistent with the national interest to grant Applicant's eligibility for access to classified information.

Eric H. Borgstrom
Administrative Judge