



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



In the matter of:)
)
) ISCR No. 06-23655
)
)
 Applicant for Security Clearance)

Appearances

For Government: James F. Duffy, Esquire, Department Counsel
For Applicant: *Pro Se*

June 30, 2008

Decision

DAM, Shari, Administrative Judge:

Based upon a review of the case file, pleadings, exhibits, and testimony, eligibility for access to classified information is granted.

HISTORY OF CASE

On November 4, 2004, Applicant submitted a Security Clearance Application (SF 86). On November 24, 2005, he submitted an Electronic Questionnaire for Investigations Processing (e-QIP). On January 15, 2008, the Defense Office of Hearings and Appeals (DOHA) issued a Statement of Reasons (SOR) to Applicant detailing the security concerns under Guideline C (Foreign Preference), Guideline B (Foreign Influence) and Guideline E (Personal Conduct). The action was taken under Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive), and the revised adjudicative guidelines (AG) promulgated by the President

on December 29, 2005, and effective within the Department of Defense for SORs issued after September 1, 2006.

Applicant answered the SOR in writing on February 8, 2008, and requested a hearing before an administrative judge. DOHA assigned the case to me on April 22, 2008, and issued a Notice of Hearing the same day. I convened the hearing as scheduled on May 14, 2008. The Government offered Exhibits (GX) 1 through 9, which were received into the record without objection. Applicant testified and submitted Exhibits (AE) A and B that were admitted into the record without objection. DOHA received the transcript of the hearing (Tr.) on May 27, 2008.

PROCEDURAL RULINGS

Administrative Notice

Department Counsel requested administrative notice of certain facts relating to Jordan. (Tr. 19-20). The request and the attached documents are included in the record as Administrative Hearing Exhibits (Exh.) I through VII. Applicant did not object to consideration of those Exhibits. Hence, the facts administratively noticed are limited to matters of general knowledge and matters not subject to reasonable dispute. The facts administratively noticed are set out in the Findings of Fact, below.

FINDINGS OF FACT

In his Answer to the SOR, dated February 8, 2008, Applicant admitted the factual allegations in ¶¶ 1.c, 2.b and 2.c of the SOR, and denied ¶¶ 1.a, 1.b, 2.a, 2.d, 3.a and 3.b, and provided additional explanations. His admissions are incorporated herein as findings of fact. After a complete and thorough review of the evidence of record, I make the following findings of fact.

Applicant is 49 years old. He was born in Jordan and attended grammar and high school there. He came to the United States in August 1977 on a student visa to attend college. In July 1980, he married his first wife, a U.S. citizen. He graduated in the spring of 1982 with a Bachelor of Science in Electrical Engineering and returned to Jordan in January 1983 without his wife. In May 1983, he and his first wife were divorced. Upon returning to Jordan, the government drafted him into its army where he served from January 1983 to January 1985. He worked as an electrical engineer and sometimes served as a liaison to U.S. citizens assigned to work in Jordan. (Tr. 64). After completing the required two years of conscription, he received an honorable discharge and returned to the United States. In 1985, he married his current wife, who was born in Lebanon and became a naturalized U.S. citizen in June 1983. They have five children, all born in the United States. In February 1990, he became a U.S. citizen.

After moving back to the United States in 1985, Applicant worked for various private corporations and defense contractors. In May 2003, he began an engineering position with a federal contractor and completed a SF-86 in November 2004. (GE 1).

About a year later, in October 2005, he changed jobs and started working as a senior engineer for his current employer, a defense contractor. In that position he supervises about ten people. (Tr. 35). He completed a second security clearance application (e-QIP) in November 2005. (GE 5).

Both of Applicant's parents were born in Palestine, but later became resident citizens of Jordan. His father died in February 2000 in Jordan. He was a tailor and owned his own business in Jordan. (Tr. 70). His mother subsequently became a naturalized U.S. citizen and resident in September 2000. She died in December 2007 while visiting Jordan. Neither parent worked for the Jordanian government. (Tr. 71).

Applicant is one of five children, all born in Jordan. One of his two sisters is deceased and the other sister is a naturalized U.S. citizen, residing in the United States. One of his brothers is a naturalized U.S. citizen and resides in the United States. His other brother is a resident citizen of Jordan and works as a private physician in a government hospital. (Tr. 72) For the last 20 years, Applicant spoke to his brother once or twice a year. (Tr. 74). He spoke to him more frequently before his sister died in July 2003. After his mother became ill while visiting Jordan in late 2007, he also had more contact with him. (Tr. 75). Since her death in December 2007, he has communicated with him about estate matters. (Tr. 76). Other than his brother, he does not have contact with anyone else in Jordan. (Tr. 86).

Applicant's mother-in-law and father-in-law were born in Palestine. His mother-in-law is deceased and his father-in-law is a naturalized U.S. citizen, residing in the United States.

Applicant is an heir to his parents' estate, along with three siblings. The estate contains a piece of commercial real estate from his father's business, estimated to be worth \$500,000. (Tr. 79). He does not know when the probate of the estate will be completed, and is not responsible for taxes or expenses related to the building. (Tr. 79). He spoke to his brother, residing in Jordan, about the possibility of selling his interest in the estate to that brother for \$20,000. He does not want his inheritance or ownership of the property to affect his employment. He stated, "I don't want – if there's anything that is affecting my life outside the United States, I don't want to have anything to do with it. . . . This is my life here. I don't need it basically, so I'm going to let it go." (Tr. 77). He does not own any other property or assets in Jordan. (Tr. 83, 84). He owns a home in the United States, worth about \$150,000. He never voted in a Jordanian election since obtaining his U.S. citizenship. He votes in the United States and recently voted in the primary. (Tr. 60).

Applicant had a Jordanian passport that was issued in April 1985 and expired in April 1990. He renewed it in January 1990, one month before becoming a U.S. citizen, and it expired in January 1995. He renewed the Jordanian passport again in September 1999, although he was a U.S. citizen. Around the time of the renewal, he and his family were in Jordan and decided to travel to a nearby country. He learned that "because we were traveling on U.S. passports, we would have all been charged a fee to re-enter

Jordan.” [Sic]. (GE 6 at 5). After paying the \$350 fee, he was informed by the Jordanian officials that it would be less costly for him and his family to travel on one Jordanian family passport. He subsequently renewed the passport. He did not know that holding a foreign passport could jeopardize his employment. (Tr. 58-59). That passport expired in September 2004 and he no longer possesses it. (GE 6 at 6).

Applicant received his first U.S. passport in May 1990 and it expired in May 2000. (GE 6 at 16). His current U.S. passport was issued in May 2000 and it expires in May 2010. (GE 6).

Applicant traveled to Jordan several times after becoming a U.S. citizen in 1990. He used his U.S. passport for the trips he made in 1990, 1992, 1994, 1996, 1999, and 2003. He used his Jordanian passport in February 2000 to attend his father’s funeral. (Answer). He did not use his U.S. passport because of the emergency nature of the trip, and he had checked a U.S. Government internet website advising travelers not to use a U.S. passport within nine months of its expiration date. (His passport was due to expire in May 2000). (Answer; Tr. 41-43).

In an October 2007 interview, Applicant stated that “I do not intend to renew my Jordanian Passport or obtain a new one. I do not intend to obtain any non-U.S. passport. I do not intend to use any Jordanian identification cards or travel documents. I intend to only use my U.S. passport and/or U.S. identification on all future trips.” (GE 6 at 9).

In November 2004, Applicant submitted a SF 86, and in November 2005, he completed an e-QIP. In both applications, he disclosed that he had a Jordanian passport, issued in September 1999 and expired in September 2004. He also disclosed his previous trips to Jordan, including a trip home for his father’s funeral in 2000. After submitting his first application, he met with an investigator in June 2005 for an interview. “At the time, I mentioned that I took a visit to Jordan in 2000 as I took the passports with me to the interview. I don’t recall if the SA asked for them and/or made a copy of my foreign passports or not. I was trying not to hide or give any false information about all my visits to Jordan.”¹ (Answer at 4). DOHA subsequently sent him a set of Interrogatories that he answered in January 2007, and another set of Interrogatories that he answered in February 2007. (GE 3 and 4).

The January 2008 SOR alleged that Applicant falsified his responses to one question on the January 2007 Interrogatory and one question on the February 2007 Interrogatory. Both questions pertain to his possession and use of a Jordanian passport. Applicant denied that he intentionally falsified information on either document. (Answer).

¹ Applicant brought three Jordanian passports to the security clearance interview in June 2005. They were issued in April 1985, January 1990 and September 1999. Copies of those documents are included in the record and marked as GE 6, GE 7 and GE 8, respectively. The passport issued in September 1999 contains a stamp, dated February 20, 2000, indicating that he traveled to Jordan on it at that time. (GE 8).

SOR ¶ 3.a alleged that Applicant falsified his answer to Question 4 on the January 2007 Interrogatory that asked, “Do you currently have a passport from another country other than the United States?” In response, Applicant stated, “Haven’t used passport since 7/2/90. Been using U.S.A. passport since I became a citizen.” That answer was incorrect because he used his Jordanian passport once in 2000 after receiving U.S. citizenship. In his Answer, Applicant admitted that he answered incorrectly. In the October 2007 interview, he stated that he had forgotten that he used the passport for his 2000 trip. (GE 6 at 8). While testifying, he explained he misread the questions and was confused by the sequencing. (Tr. 98-104). He asserted that he made an honest mistake. (Tr. 107).

SOR ¶ 3.b alleged that Applicant falsified his answer to Question 1 on the February 2007 Interrogatory that asked: “1. On your security clearance questionnaire dated 11/4/04, you indicated that you were issued a Jordanian passport on/about 9/13/99 which was to expire on about 9/13/04. Likewise, you indicated that you obtained this passport in order to visit Jordan (you subsequently traveled to Jordan in February 2000 for your father’s funeral). In your interrogatory response dated 1/10/07, you denied possessing a foreign passport since your naturalization on 7/2/90.”

Applicant interpreted said question to inquire whether he used his Jordanian passport for any trips, other than the 2000 trip, and he essentially answered no. Based on my reading of the question and Applicant’s explanation, he answered it correctly. This allegation is found in his favor.

In response to the falsification allegations, Applicant denied that he intentionally falsified information to the Government. He said:

“there was may some honest mistakes here and there, and I have no intention whatsoever to hide anything from my past, because there’s nothing in my past, that, you know, I should hide . . . So for these issues that were brought up, it’s either maybe the way that I explained myself. Maybe I didn’t do a good job there. I need to watch myself, more details, and absolutely possibility there’s nothing that I’m trying to hide or lie.” [Sic] (Tr. 108).

Applicant credibly asserted his pride of U.S. citizenship. “Except for that I was born and raised in Jordan and I decided by choice to live in the USA, I believe that’s a good indication that I don’t want to live in Jordan. You know, I want to associate myself here, you know. My kids are born here. This is our country. This is it for us, you know.” [Sic]. (Tr. 61).

Applicant submitted five letters of recommendation from his colleagues, who have known him for the past two years. All of them comment favorably on his professionalism and integrity. One of Applicant’s co-workers stated that he has found Applicant “to be very professional in his communications as a team leader. His ethical

standards and integrity was reflected in his objectives and the principle he set for himself and his peers.” (AE B at 5).

Jordan

Jordan is a small, Middle Eastern country governed by a constitutional monarchy. Jordan has a pro-Western foreign policy, and has had close relations with the United States for more than forty years. Torture, arbitrary arrest, prolonged detention, denial of due process, and restrictions on freedom of speech are Jordanian human rights problems. Despite aggressive governmental action against terrorists, the threat of terrorism in Jordan remains high. Terrorists in Jordan target U.S. interests to exploit and undermine U.S. national security interests. Terrorist groups conduct intelligence activities as effectively as state intelligence services.

POLICIES

When evaluating an Applicant’s suitability for a security clearance, the administrative judge must consider the revised adjudicative guidelines (AG). In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are useful 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 over-arching adjudicative goal is a fair, impartial and commonsense decision. According to AG ¶ 2(c), 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 access to classified information will be resolved in favor of national security.” In reaching this decision, I have drawn only those conclusions that are reasonable, logical and based on the evidence contained in the record. Likewise, I have avoided drawing inferences grounded on mere speculation or conjecture.

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

A person who seeks access to classified information enters into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it grants access to classified information. Decisions include, by necessity, consideration of the possible risk the Applicant may deliberately or inadvertently fail to 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 information.

Section 7 of Executive Order 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* Executive Order 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

ANALYSIS

Guideline C, Foreign Preference

AG ¶ 9 expresses the Government’s security concern about foreign preference:

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 be prone to provide information or make decisions that are harmful to the interests of the United States.

Under AG ¶ 10, two conditions could raise a security concern and may be disqualifying:

(a) exercise of any right, privilege or obligation of foreign citizenship after becoming a U.S. citizen or through the foreign citizenship of a family member. This includes but is not limited to:

- (1) possession of a current foreign passport;
- (2) military service or a willingness to bear arms for a foreign country; and

* * *

(d) any statement or action that shows allegiance to a country other than the United States: for example, declaration of intent to renounce United States citizenship; renunciation of United States citizenship.

When Applicant renewed his Jordanian passport in September 1999, after becoming a U.S. citizen in 1990, he met the conditions in AG ¶¶ 10(a)(1) and 10(d). He

also served two years in the Jordanian army, raising another disqualification under AG ¶ 10(a)(2).

After the Government produced substantial evidence of those two disqualifying conditions, the burden shifted to Applicant to produce evidence and prove a mitigating condition. AG ¶ 11 lists two conditions that mitigate the security concern: AG ¶ 11(e) “the passport has been destroyed, surrendered to the cognizant security authority, or otherwise invalidated;” and, AG ¶ 11(c) “exercise of the rights, privileges, or obligations of foreign citizenship occurred before the individual became a U.S. citizen or when the individual was a minor. The Jordanian passport, which was issued in September 1999, expired in September 2004 and is no longer valid. Applicant was not a U.S. citizen when he was conscripted into the Jordanian army in 1983.

Guideline B, Foreign Influence

The security concern relating to the Government’s concern about foreign influence is set out in AG ¶ 6:

Foreign contacts and interests may be a security concern if the individual has divided loyalties or foreign financial interests, may be manipulated or induced to help a foreign person, group, organization, or government in a way that is not in U.S. interests, or is vulnerable to pressure or coercion by any foreign interest. Adjudication under this Guideline can and should consider the identity of the foreign country in which the foreign contact or financial interest is located, including, but not limited to such considerations as whether the foreign country is known to target United States citizens to obtain protected information and/or is associated with a risk of terrorism.

AG ¶ 7 describes three conditions that could raise a security concern and may be disqualifying in this case:

(a) contact 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;”²

(b) connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual’s obligation to

² The mere possession of close family ties with a person in a foreign country is not, as a matter of law, disqualifying under Guideline B. However, if only one relative lives in a foreign country and an applicant has contacts with that relative, this factor alone is sufficient to create the potential for foreign influence and could potentially result in the compromise of classified information. See ISCR Case No. 03-02382 at 5 (App. Bd. Feb. 15, 2006); ISCR Case No. 99-0424 (App. Bd. Feb. 8, 2001).

protect sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information; and

(e) substantial business, financial, or property interest in a foreign country, or in any foreign-owned or foreign-operated business, which could subject the individual to heightened risk or foreign influence or exploitation.

Applicant has some telephonic contact with his brother, who is a resident citizen of Jordan and employed by a Jordanian-government owned hospital. Jordan is a pro-Western country, ruled by a constitutional monarchy. It has had a close relationship with the United States for more than 40 years. Nonetheless, it also continues to have human rights issues and has been victimized by terrorist attacks. This fact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure or coercion, and a potential conflict of interest. AG ¶¶ 7(a) and (b) have been raised by the evidence.

Recently, Applicant and his three siblings became heirs to their parents' estate, worth approximately \$500,000. His potential interest is \$125,000, a substantial amount of money. That interest triggers the application of AG¶ 7(e).

Four Foreign Influence Mitigating Conditions under AG ¶ 8 are potentially applicable to the disqualifying conditions:

(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; 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's brother is a civilian physician working for a government-owned hospital. In that position, it is improbable that the brother would have any interest in acquiring protected information. Only his physical presence in Jordan creates a

potential that the brother's interest could be threatened to the point that Applicant would confront a choice between the brother's interests and those of the United States. Based on Jordan's long-term friendship with the United States and Applicant's historic distant relationship with his brother, I find it is unlikely that Applicant will be placed in a position of having to choose between the interests of the Jordanian government and those of the United States. AG ¶ 8(a) has some application.

Applicant produced substantial evidence establishing the application of AG ¶ 8(b). Based on his strong connections and feelings for the United States, he can be expected to resolve any conflict of interest in favor of the United States. He has lived in the United States as a naturalized citizen since 1990. Prior to that time he attended college here for six years and earned his degree, before he returned to Jordan for two years. His family, including his wife and two siblings are naturalized U.S. citizens, residing in the United States. He has five children who were born in the United States. His father-in-law is a naturalized U.S. citizen and resides here. He owns a home in the United States. He has worked in the United States since 1985 and currently has a very good job. There is no evidence that he has connections or contact with any people in Jordan other than his brother.

AG ¶¶ 8(c) has very limited application because Applicant's communication with his brother appears to have increased in frequency since his mother's illness and death, and the estate matters have arisen. Prior to the time his mother's illness in December 2007, he spoke to his brother once or twice a year.

Applicant asserted that he is prepared to sell his share of his estate to his brother in Jordan for \$20,000, because he does not want to jeopardize his employment here. Given that he is willing to forego a large share of his inheritance, it is unlikely that his interest in the property could be used to influence or pressure him. AG ¶ 8(f) has some application.

Guideline E, Personal Conduct

The Government's security concern pertaining to personal conduct is set out in AG ¶ 15:

Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness and ability to protect classified information. Of special interest is any failure to provide truthful and candid answers during the security clearance process or any other failure to cooperate with the security clearance process.

One Personal Conduct Disqualifying Condition is particularly relevant and potentially disqualifying in this case. Guideline ¶ 16(a) provides that the "deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct

investigations, determine employment qualifications, award benefits or status, determine security clearance eligibility or trustworthiness, or award fiduciary responsibilities” may raise a security concern. Applicant incorrectly answered one question on the January 2007 Interrogatories. He denied that he intentionally falsified his answers or attempted to deceive the Government.

When a falsification allegation is controverted or denied, the Government has the burden of proving it. Proof of an omission, standing alone, does not establish or prove an applicant's state of mind when the omission occurred. An administrative judge must consider the record evidence as a whole to determine whether there is direct or circumstantial evidence concerning an applicant's state of mind at the time the omission occurred. ISCR Case No. 03-09483 at 4 (App. Bd. Nov. 17, 2004) (explaining holding in ISCR Case No. 02-23133 at 5 (App. Bd. Jun. 9, 2004).

SOR ¶ 3.a alleges that Applicant falsified the January 2007 Interrogatory because he did not disclose the information about using his Jordanian passport in 2000 to attend his father's funeral. Applicant admitted the omission and acknowledged his mistake in his Answer to the SOR. During his testimony, he emphasized his confusion over the wording of the questions, and thought he was answering correctly. After listening to him and observing his demeanor, I believe that he may not have recalled the 2000 trip initially and became very anxious and confused by the substance and sequencing of the questions.

Prior to the January 2007 Interrogatories, Applicant truthfully disclosed the possession of the Jordanian passport and his 2000 trip on both security applications. He brought three Jordanian passports to his 2005 interview with the government investigator, in order to disclose all information about his travel to Jordan. The passport issued in September 1999 documented the 2000 trip to Jordan. Applicant disclosed this information before being confronted by the Government and early in the investigative process. Those forthright disclosures, along with the fact that English is not his native language and his repeated assertions that he did not intend to falsify any documents, lead me to conclude that the omission on the 2007 interrogatories was negligent, but not intentional. The Government could have not have been able to formulate the interrogatory questions, but for Applicant's production of the passport in June 2005. Hence, the evidence does not establish deliberate falsification. Accordingly, Guideline E is found in his favor and a discussion of mitigating conditions is not warranted.

“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 (APF) listed at AG ¶ 2(a): They are as follows:

- (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) 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.”

Because foreign influence does not involve misconduct, voluntariness of participation, rehabilitation and behavior changes, etc., the eighth APF, “the potential for pressure, coercion, exploitation, or duress,” is the most relevant of the nine APFs to this adjudication.³ Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall common sense judgment based upon careful consideration of the guidelines and the whole person concept.

The Appeal Board requires the whole person analysis address “evidence of an applicant's personal loyalties; the nature and extent of an applicant's family's ties to the U.S. relative to his [or her] ties to a foreign country; his or her ties social ties within the U.S.; and many others raised by the facts of a given case.” ISCR Case No. 04-00540 at 7 (App. Bd. Jan. 5, 2007).

Substantial mitigating evidence weighs in favor of granting Applicant a security clearance. He is a mature person, who came to the United States to further his education in 1977. He returned to Jordan in 1983 and was involuntarily conscripted into its army. Since 1985, he has lived in the United States, and has been a naturalized citizen for more than 17 years. He earned his degree at a U.S. university. He has worked in the United States since 1985 and established a successful career. His spouse is a naturalized citizen, residing with him in the U.S. His five children were born in the United States. He has a strong sense of patriotism toward the United States. His ties to the United States are much stronger than his ties to one brother living in Jordan with whom he communicates infrequently. His Jordanian passport expired four years ago and he has no intention of renewing it. There is no evidence he has ever taken any action that could cause potential harm to the United States. His co-workers assess him as loyal and honest.

Five circumstances weigh against Applicant in the whole person analysis. First, there is a significant risk of terrorism and various human rights abuses in Jordan. More importantly for security purposes, terrorists are hostile to the United States and actively seek classified information. Terrorists, and even friendly governments, could attempt to use Applicant's brother to obtain such information. Second, he had numerous connections to Jordan before he permanently immigrated to the United States in 1985.

³ See ISCR Case No. 02-24566 at 3 (App. Bd. July 17, 2006) (stating that an analysis under the eighth APF apparently without discussion of the other APFs was sustainable); ISCR Case No. 03-10954 at 5 (App. Bd. Mar. 8, 2006) (sole APF mentioned is eighth APF); ISCR Case No. 03-17620 at 4 (App. Bd. Apr. 17, 2006) (remanding grant of clearance because Judge did not assess “the realistic potential for exploitation”), *but see* ISCR Case No. 04-00540 at 6 (App. Bd. Jan. 5, 2007) (rejecting contention that eighth APF is exclusive circumstance in whole person analysis in foreign influence cases).

Following his birth, he spent his formative years there, along with his family. He was conscripted into its army. Third, his brother is a resident citizen of Jordan, with whom he has some contact. Fourth, he has a financial interest in his parent's estate there. Fifth, since becoming a citizen in July 1990, he made seven trips to Jordan, the last being in 2003.

After weighing the disqualifying and mitigating conditions, and all facts and circumstances in the context of the whole person, I conclude Applicant mitigated the security concerns pertaining to foreign preference, foreign influence and personal conduct.⁴ 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 Applicant mitigated the security concerns arising from his foreign influence, foreign preference and personal conduct.

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 C:	FOR APPLICANT
Subparagraphs 1.a through 1.c	For Applicant
Paragraph 2, Guideline B:	FOR APPLICANT
Subparagraphs 2.a through 2.d:	For Applicant
Paragraph 3, Guideline E:	FOR APPLICANT
Subparagraphs 3.a and 3.b:	For Applicant

Conclusion

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

SHARI DAM
Administrative Judge

⁴I conclude that the whole person analysis weighs heavily toward approval of his security clearance. Assuming a higher authority reviewing this decision determines the mitigating conditions articulated under AG ¶ 8 do not apply and severs any consideration of them, I conclude the whole person analysis standing alone is sufficient to support approval of a security clearance in this case.