

DATE: October 31, 2007

In re:)	
)	
-----)	
SSN: -----)	ISCR Case No. 06-21167
)	
Applicant for Security Clearance)	

**DECISION OF ADMINISTRATIVE JUDGE
SHARI DAM**

APPEARANCES

FOR GOVERNMENT

Caroline H. Jeffreys, Esq., Department Counsel

FOR APPLICANT

Pro Se

SYNOPSIS

Applicant was born and educated in Iraq, and later moved to Kuwait. In 1991, he and his immediate family immigrated to the United States to escape persecution from Saddam Hussein who invaded Kuwait. They became U.S. citizens in 2003, the same year he began his current position with a federal contractor. From 2006 to 2007, he worked in Iraq as a translator and civil engineer for the U.S. Army. Two siblings live in Iraq where they are under constant threat of persecution because of their religion. He paid or resolved the delinquent debts alleged in the Statement of Reasons. He mitigated security concerns pertaining to financial considerations, but not those pertaining to foreign influence. Clearance is denied.

STATEMENT OF THE CASE

On January 10, 2006, Applicant submitted a Security Clearance Application (SF 86).¹ On March 30, 2007, the Defense Office of Hearings and Appeals (DOHA) issued a Statement of Reasons (SOR) to him,² pursuant to Executive Order 10865, *Safeguarding Classified Information Within Industry*, dated February 20, 1960, as amended and modified, and Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Directive), dated January 2, 1992, as amended and revised.³ The SOR alleges security concerns under Guidelines B (Foreign Influence) and F (Financial Considerations). The SOR detailed reasons why DOHA could not make the preliminary affirmative finding under the Directive that it is clearly consistent with the national interest to grant or continue a security clearance for him, and recommended referral to an administrative judge to determine whether a clearance should be granted, continued, denied, or revoked.

In an answer notarized on May 28, 2007, Applicant responded to the SOR allegations, and elected to have his case decided without a hearing.⁴ However, Department Counsel requested a hearing. On June 29, 2007, the case was assigned to another administrative judge, and reassigned to me on August 23, 2007. On August 24, 2007, DOHA issued a Notice of Hearing, scheduling the hearing for September 11, 2007. At the hearing, Department Counsel introduced Government Exhibits (GX) 1 through 6 into evidence. Applicant introduced Applicant Exhibits (AX) A through J into evidence. At the conclusion of the hearing, I left the record open until September 21, 2007, to give Applicant time to submit additional documents. On September 18, 2007, Applicant submitted two exhibits that I marked as AX K and L. DOHA received the hearing transcript (Tr.) on September 20, 2007. On September 28, 2007, Applicant submitted three additional exhibits that I marked as AX M, N and O. Department Counsel did not object to any of the submissions.

¹ GX 1 (Electronic Standard Form (SF) 86, Security Clearance Application).

² Statement of Reasons (SOR), dated March 30, 2007, is the source for the facts in the remainder of this paragraph unless stated otherwise.

³ On August 30, 2006, the Under Secretary of Defense (Intelligence) published a memorandum directing application of revised Adjudicative Guidelines to all adjudications and other determinations made under the Directive and Department of Defense (DoD) Regulation 5200.2-R, *Personnel Security Program* (Regulation), dated January 1987, as amended, in which the SOR was issued on or after September 1, 2006. Applicant's case is resolved under the revised Adjudicative Guidelines.

⁴ Applicant's response to SOR, notarized on May 28, 2007, received at DOHA on June 6, 2007.

PROCEDURAL RULINGS

Department Counsel requested administrative notice of the facts in GX 7.⁵ Department Counsel also provided supporting documents to show the basis for the facts in GX 7. (GX I to IV and VI to XI—listed in GX 7). Applicant had no objection to the introduction of the documents.

Administrative or official notice is the appropriate type of notice used for administrative proceedings. *See* ISCR Case No. 05-11292 at 4 n.1 (App. Bd. Apr. 12, 2007); ISCR Case No. 02-24875 at 2 (App. Bd. Oct. 12, 2006) (citing ISCR Case No. 02-18668 at 3 (App. Bd. Feb. 10, 2004)); *McLeod v. Immigration and Naturalization Service*, 802 F.2d 89, 93 n.4 (3d Cir. 1986)). The most common basis for administrative notice at ISCR proceedings is to notice facts that are either well known or from government reports. *See* Stein, ADMINISTRATIVE LAW, Section 25.01 (Bender & Co. 2006) (listing fifteen types of facts for administrative notice). I took administrative notice of various facts derived from GX 7 as indicated under subheading “Iraq” of this decision.

FINDINGS OF FACT

Applicant admitted the underlying facts in the SOR with clarification of certain facts.⁶ 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 65 years old.⁷ He was born in Iraq and attended college there. In 1971, he received a Bachelor of Science in Civil Engineering. He married an Iraqi woman in 1972. They have four children, all of whom were born in Iraq. In 1983, he moved to Kuwait because Saddam Hussein came into power and began persecuting Christians. After Iraq invaded Kuwait, Applicant lost his job and moved his family to the United States in 1991. (Tr. 30). He, along with his wife and four children, became U.S. citizens in December 2003.

After arriving in the United States in 1991, Applicant started a printing company. He was unable to support his family with the business and decided to look for a job. In 1996, he began working as a construction superintendent and earning about \$40,000 annually. That salary was insufficient to adequately support a family of six, some of whom were attending college. He worked in

⁵ I marked the pleading “Administrative Notice” as GX 7, post hearing for purposes of clarity.

⁶ Response, *supra* n. 4.

⁷ GX. 1, *supra* n. 1, is the source for the facts in this paragraph, unless otherwise stated.

the construction field for the next several years, during which time he experienced periods of unemployment. In 2003, he obtained his current position with a federal contractor. From February 2006 until June 2007, he worked as a bilingual/bicultural advisor and engineering consultant to the U.S. Army in the Green Zone in Iraq. (Tr. 37; 57). He held an interim top secret clearance while there. Before assuming that position, he had not returned to Iraq since leaving in 1991.

Applicant's parents, now deceased, were resident citizens of Iraq. They had four daughters and one son. One of his sisters is deceased. One of his sisters lives in Australia. Two sisters remain citizen residents of Iraq and are married to Iraqi citizens with whom they have children. One of those sisters is currently visiting her son and family in the United States. He has visited his sister weekly since she arrived in the United States. Otherwise, he normally speaks to his sisters and family members about six to seven times a year, around the holidays. (Tr. 60-61). He did not see any of his relatives while he was stationed in Iraq from 2006 to 2007. None of his Iraqi family knows where he works or what type of work he does. (Tr. 62). All of his family members are Christians and subject to persecution by the radical Islamic factions in Iraq. (Tr. 66). One of his brother-in-laws recently left his home because of the threat of violence. (Tr. 63). Both of Applicant's wife's parents are deceased. They were Iraqi citizens. (GX 1 at 5).

Applicant submitted four exhibits attesting to his capabilities and contribution to the U.S. Armed Forces' efforts in rebuilding Iraq. In May 2006, a major in the U.S. Army wrote that Applicant "is continually trying to make Iraq a better and safer place. He is a critical asset to the success of the Iraq mission and has performed in an outstanding manner whenever called on." (AX G). Another major wrote that Applicant was an invaluable member of the project, who enhanced the battalion's abilities in working on a site project. (AX H). In a May 2007 evaluation, his commander rated him as exceeding all requirements and referred to his work as "exceptional." (AX I). Applicant received a commendation from the captain of his team for outstanding work during his assistance to the Coalition Forces from April 2006 to April 2007. (AX F).

Applicant's name is on the title to one of his sisters' home in Iraq. She and her family live there, but she was unable to legally purchase it because of a residency law implemented by Saddam Hussein. Applicant does not believe he would ever inherit it or receive any money in the event it was sold. He hopes his sister will be able to take sole title of it under the new Iraqi government. He has never visited the home. (Tr. 36; GX 3 at 5).

Applicant credibly and sincerely asserted his pride at being a U.S. citizen at his hearing and in his response to the SOR. "I am now a US Citizen. I am

willing to renounce the Iraqi Citizenship. I am very proud to be a US Citizen.” (GX 2 at 6).

In addition to raising security concerns regarding foreign influence, the Government alleged in Paragraph 2 (¶¶ 2. a through 2.g) of the SOR that Applicant owed seven delinquent debts, totaling \$20,662. According to credit reports, the debts began accruing in 2002 and spanned into January 2006. (GX 4, 5 and 6). Applicant admitted that the debts were his, but asserted some of them were paid. The status of the debts is as follows:

SOR ¶	Debt	Status
2.a	\$542	Paid 5/2007 – AX O; Tr. 40
2.b	\$1,297	Paid 4/2007 – AX C & D; Tr. 41-42
2.c	\$2,282	Paid 4/2007 – AX C & D
2.d	\$11,201	Paid 8/2007 – AX A & B ⁸
2.e	\$2,320 (same as 2.g)	Negotiated settlement in July 2006–AX E; Tr. 46-47 status unknown
2.f	\$1,729	Paying monthly – AX N: ⁹ Tr. 47
2.g	\$2,320 (same as 2.e)	AX E ¹⁰

Some of Applicant’s delinquent debt arose during the years while he was either unemployed or under-employed and did not have sufficient income to manage his bills. He believes other debts may have become due while he was recently out of state or in Iraq and his wife did not pay them promptly. (Tr. 83-38). He paid four of the above debts. Two of the remaining debts are duplicates for which he documented a previously proposed settlement offer. He is paying the medical debt at \$200 per month per his repayment plan.

In his current position, Applicant earns \$164,000 annually, leaving him approximately \$8,000 net per month, which is enough money to support his family and pay his bills. He has been on leave from his position for the past two months, taking some time off for personal reasons. He intended to return to work in October 2007. (Tr. 68-70). Although he has never worked with classified information, his employer would like him to obtain a permanent security clearance. (Tr. 38).

Iraq

In 2003, the United States led a coalition to remove Saddam Hussein from power in Iraq. After free elections, Iraq’s new government took office.

⁸ This debt is noted on GX 6 at 8.

⁹ This is a medical bill for Applicant’s son that he initially disputed due to malpractice claims.

¹⁰ See GX 6 at 9 for confirmation that these two allegations concern the same account.

Despite the elections and new government, Iraq remains engulfed in violence, perpetrated by Al Qaeda terrorists and other insurgents. Numerous attacks and kidnappings have targeted the U.S. Armed Forces, contractors and other civilians, as well as Iraqis. Despite aggressive governmental action against terrorists, the threat of terrorism in Iraq remains high. Terrorist groups conduct intelligence activities as effectively as state intelligence services.

POLICIES

In an evaluation of an applicant's security suitability, an administrative judge must consider the "Adjudicative Guidelines for Determining Eligibility For Access to Classified Information" (AG). In addition to brief introductory explanations for each guideline, the adjudicative guidelines are divided into Disqualifying Conditions (DC) and Mitigating Conditions (MC), which are used to determine an applicant's eligibility for access to classified information.

These guidelines are not inflexible ironclad rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with the factors listed in the adjudicative process. AG ¶ 2. An administrative judge's over-arching adjudicative goal is a fair, impartial and common sense decision. Because the entire process is a conscientious scrutiny of a number of variables known as the "whole person concept," an administrative judge considers all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision. AG ¶ 2(c).

Specifically, an administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(a): "(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."

Since the protection of the national security is the paramount consideration, the final decision in each case is arrived at by applying the standard that "[a]ny doubt concerning personnel being considered for access to classified information will be resolved in favor of national security." AG ¶ 2(b). 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.

In the decision-making process, facts must be established by “substantial evidence.”¹¹ The Government initially has the burden of producing evidence to establish a case, which demonstrates, in accordance with the Directive, that it is not clearly consistent with the national interest to grant or continue an applicant’s access to classified information. Once the Government has produced substantial evidence of a disqualifying condition, the burden shifts to Applicant to present “witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by applicant or proven by Department Counsel, and [Applicant] has the ultimate burden of persuasion as to obtaining a favorable clearance decision.” Directive ¶ E3.1.15. The burden of disproving a mitigating condition never shifts to the Government. *See* ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).¹²

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 under this Directive include, by necessity, consideration of the possible risk an 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.

The scope of an administrative judge’s decision is limited. Executive Order 10865, § 7 states that “Any determination under this order adverse to an applicant shall be a determination in terms of the national interest, and shall in no sense be a determination as to the loyalty of the applicant concerned.”

CONCLUSIONS

Upon consideration of all the facts in evidence, and after application of all appropriate legal precepts, factors, and conditions, including those described

¹¹ “Substantial evidence [is] such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of all the contrary evidence in the record.” ISCR Case No. 04-11463 at 2 (App. Bd. Aug. 4, 2006) (citing Directive ¶ E3.1.32.1). “This is something less than the weight of the evidence, and the possibility of drawing two inconsistent conclusions from the evidence does not prevent [a Judge’s] finding from being supported by substantial evidence.” *Consolo v. Federal Maritime Comm’n*, 383 U.S. 607, 620 (1966). “Substantial evidence” is “more than a scintilla but less than a preponderance.” *See v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994).

¹² “The Administrative Judge [considers] the record evidence as a whole, both favorable and unfavorable, evaluate[s] Applicant’s past and current circumstances in light of pertinent provisions of the Directive, and decide[s] whether Applicant ha[s] met his burden of persuasion under Directive ¶ E3.1.15.” ISCR Case No. 04-10340 at 2 (App. Bd. July 6, 2006).

briefly above, I conclude the following with respect to the allegations set forth in the SOR:

Guideline B (Foreign Influence)

AG ¶ 6 explains that security concerns may arise from foreign contacts and interests “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 [AG B] 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 indicates conditions that could raise a security concern and may be disqualifying in this case, including:

- (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; 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 sensitive information or technology and the individual’s desire to help a foreign person, group, or country by providing that information.

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).

Applicant has consistent contacts with his two sisters, who are resident citizens of Iraq. His sisters and their families are Christian and encounter periodic persecution by Islamic extremists. This close relationship with the two families creates a heightened risk of foreign pressure or attempted exploitation because terrorists in the Middle East seek intelligence and are hostile to United States’ interests.

The Government produced substantial evidence of these two disqualifying conditions, and the burden shifted to Applicant to produce evidence and prove mitigation. Three Foreign Influence Mitigating Conditions under AG ¶ 8 are potentially applicable to these 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; and
- (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.

AG ¶¶ 8(a) and 8(c) do not apply because Applicant's relationships with his sisters are of sufficient magnitude to negate these two mitigating conditions. His contacts with family members in Iraq are consistent, and he has been routinely visiting his sister, who is in the United States. There is a risk that he could be placed in a position of having to choose between his sisters and the interests of the United States, given the nature and extent of religious persecution his family encounters in Iraq.

Applicant established a limited application of AG ¶ 8(b). He has a sense of pride and loyalty to the United States. He has lived in the United States with his immediate family since 1991. They became U.S. citizens in 2003. He did not return to Iraq until 2006 when he worked for the U.S. Army. He has worked here for the past 16 years and educated his children in the United States. In contrast, his Iraqi interests have become more minimal over the years. Although his name is on the title to his sister's property, he asserts no ownership nor has he visited it. His contacts with his two sisters in Iraq are primarily to discuss family issues several times a year. While he was in Iraq from 2006 to 2007, he did not have any contact with his family. There is some likelihood that he can be expected to resolve any conflict of interest in favor of the U.S.

Financial Considerations

AG ¶ 18 articulates the Government's concern regarding financial problems: "Failure or inability to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness, and ability to protect classified information. An individual who is financially overextended is at risk of having to engage in illegal acts to generate funds."

Two Financial Considerations Disqualifying Conditions could raise a trustworthiness concern and may be disqualifying in this case: "inability or unwillingness to satisfy debts" and "a history of not meeting financial obligations." AG ¶ 19(a) and (c). Applicant admitted that he had insufficient funds to meet his debts for a period of time. According to credit reports, he has a history of failing to meet those obligations up to 2006.

After the Government produced substantial evidence of these two disqualifying conditions, the burden shifted to Applicant to produce evidence of mitigation. Three Financial Considerations Mitigating Conditions under AG ¶ 20 are potentially applicable:

(b) the conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, or a death, divorce or separation), and the individual acted responsibly under the circumstances;

(c) the person has received or is receiving counseling for the problem and there are clear indications that the problem is being resolved or is under control; and

(d) the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts.

Based on my evaluation of the record evidence as a whole, I conclude all three mitigating conditions apply. Some of Applicant's financial troubles arose during earlier periods of unemployment and under-employment. More recently, his wife failed to pay some of their bills. Both facts establish the first prong of AG ¶ 20(b). As there is no evidence regarding the financial steps he took to manage his debts during those times, the application of the mitigation condition is limited.

Applicant has paid four of the seven debts. He is on a payment plan for a medical bill he previously disputed, arising from his assertion of medical malpractice. He represented that he previously negotiated a settlement of

another debt, although there is no evidence that he made a final payment on it. Because the adjudicative guidelines do not require one to have paid-off every debt in full, his good-faith efforts over the past few years, coupled with his current salary, are sufficient to establish that the matters are being resolved and under control, as required by AG ¶ 20 (c) and (d).

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“Whole Person” Analysis

“Under the whole person concept, the Administrative Judge must not consider and weigh incidents in an applicant’s life separately, in a piecemeal manner. Rather, the Judge must evaluate an applicant’s security eligibility by considering the totality of an applicant’s conduct and circumstances.”¹³ The directive lists nine adjudicative process factors (APF), which are used for “whole person” analysis and are applicable to financial considerations. However, as 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.¹⁴ In addition to the eighth APF, other “[a]vailable, reliable information about the person, past and present, favorable and unfavorable, should be considered in reaching a determination.” AG ¶ 2(a). Ultimately, the clearance decision is “an overall common sense determination.”

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 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).

Considerable mitigating evidence weighs towards granting Applicant’s security clearance. Applicant is a mature person. He has lived in the United States for 16 years, and he has been a naturalized citizen for four years. Applicant’s spouse and children have been living in the United States for the same number of years and are naturalized citizens. He did not return to Iraq for 15 years, until his job supporting U.S. forces took him back. While working there from 2006 to 2007, he did not contact any of his family members. There is no evidence he has ever taken any action that could cause potential harm to the

¹³ ISCR Case No. 03-04147 at 3 (App. Bd. Nov. 4, 2005) (quoting ISCR Case No. 02-01093 at 4 (App. Bd. Dec. 11, 2003)); ISCR Case No. 05-02833 at 2 (App. Bd. Mar. 19, 2007) (citing *Raffone v. Adams*, 468 F.2d 860 (2nd Cir. 1972) (taken together, separate events may have a significance that is missing when each event is viewed in isolation).

¹⁴ 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).

United States. He takes his loyalty to the United States very seriously, and he has worked diligently for a defense contractor for several years in an important capacity for the U.S. Army. His supervisors assess him as loyal, trustworthy, conscientious, and responsible. He is a good family member, employee and U.S. citizen. No witnesses recommended denial of his security clearance. There is not any derogatory criminal information about him in the record. His ties to the United States appear to be stronger than his ties to his sisters and their families in Iraq. He has taken steps to resolve his financial problems and is committed to managing his debts.

However, three circumstances weigh heavily against Applicant in the whole person analysis pertinent to Foreign Influence. First, there is a significant risk of terrorism and human rights abuses in Iraq. More importantly for security purposes, terrorists are hostile to the United States and actively seek classified information. Terrorists, or other forces operating in Iraq, may attempt to use his sisters or their families who live there to obtain such information. Second, he had significant connections to Iraq before he immigrated to the United States in 1991. He was born in Iraq and spent his formative years there. He obtained his education from an Iraqi university and worked there as a civil engineer for a period of time. Third, and most significant, his family is under the constant threat of religious persecution, as noted by his testimony that his brother-in-law recently was forced to leave his home.

“Because of the extreme sensitivity of security matters, there is a strong presumption against granting a security clearance. Whenever any doubt is raised . . . it is deemed best to err on the side of the government’s compelling interest in security by denying or revoking [a] clearance.” *Dorfmont v. Brown*, 913 F.2d 1399, 1401 (9th Cir. 1990). After weighing the disqualifying and mitigating conditions, all facts and circumstances, in the context of the whole person, I conclude that Applicant mitigated the security concerns pertaining to financial considerations, but not those related to foreign influence. The evidence leaves me with some doubts as to Applicant’s security eligibility and suitability.

I take this position based on the law, as set forth in *Department of Navy v. Egan*, 484 U.S. 518 (1988), my “careful consideration of the whole person factors”¹⁵ and supporting evidence, my application of the pertinent factors under the Adjudicative Process, and my interpretation of my responsibilities under the Guidelines. For the reasons stated, I conclude that Applicant is not eligible for access to classified information.

¹⁵See ISCR Case No. 04-06242 at 2 (App. Bd. June 28, 2006).

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
Subparagraphs 1.a to 1.d:	Against Applicant

Paragraph 2, Guideline F:	FOR APPLICANT
Subparagraphs 2.a to 2.g:	For Applicant

DECISION

In light of all circumstances presented by the record in this case, it is not clearly consistent with the national interest to grant or continue eligibility for a security clearance for Applicant. Clearance is denied.

SHARI DAM
Administrative Judge