

KEYWORD: Foreign Influence, Foreign Preference; Personal Conduct

DIGEST: Applicant is a 25-year-old database administrator employed by a federal contractor. His mother-in-law and father-in-law are citizens and residents of Nigeria. All of his family lives in the U.S. He obtained and traveled on a Nigerian passport in 2004, even though he was a U. S. citizen. He did not completely list his relatives and associates on his security clearance application, and did not understand an interviewer's question, thereby giving incomplete answers. These actions were negligent but not deliberate. He cut his Nigerian passport in two and stated his intent to renounce his Nigerian citizenship. He successfully mitigated security concerns about foreign influence, foreign preference, and personal conduct. Clearance is granted.

CASENO: 06-22192.h1

DATE: 07/23/2007

DATE: July 23, 2007

_____)	
In re:)	
)	
-----)	ISCR Case No. 06-22192
SSN: -----)	
)	
Applicant for Security Clearance)	
_____)	

**DECISION OF ADMINISTRATIVE JUDGE
CHRISTOPHER GRAHAM**

APPEARANCES

FOR GOVERNMENT

Caroline H. Jeffreys, Esq., Department Counsel

FOR APPLICANT

Pro Se

SYNOPSIS

Applicant is a 25-year-old database administrator employed by a federal contractor. His mother-in-law and father-in-law are citizens and residents of Nigeria. All of his family lives in the U.S. He obtained and traveled on a Nigerian passport in 2004, even though he was a U. S. citizen. He did not completely list his relatives and associates on his security clearance application, and did not understand an interviewer's question, thereby giving incomplete answers. These actions were negligent but not deliberate. He cut his Nigerian passport in two and stated his intent to renounce his Nigerian citizenship. He successfully mitigated security concerns about foreign influence, foreign preference, and personal conduct. Clearance is granted.

STATEMENT OF THE CASE

On October 17, 2005, Applicant submitted a Security Clearance Application (SF 86).¹ The Defense Office of Hearings and Appeals (DOHA) declined to grant or continue a security clearance for Applicant. As required by Executive Order 10865, *Safeguarding Classified Information Within Industry*, dated February 20, 1960, as amended, and Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Directive), dated January 2, 1992, as amended, DOHA issued a Statement of Reasons (SOR) on January 30, 2007, detailing the basis for its decision – security concerns raised under Guideline B (Foreign Influence) and Guideline C (Foreign Preference) of the Directive. The President issued revised adjudicative guidelines (Guidelines) on December 30, 2005. DoD implemented them on September 1, 2006. Pending official amendment/reissue of DoD Directive 5220.6, the Guidelines are to be used in all cases when the SOR is dated on or after September 1, 2006. Because the SOR was issued after September 1, 2006, DoD policy requires that this case proceed under the revised guidelines.

Applicant answered the SOR in writing on March 16, 2007, and elected to have a hearing before an administrative judge. DOHA assigned the case to me on April 16, 2007, and issued a Notice of Hearing on April 26, 2007. I convened a hearing on June 5, 2007, to consider whether it is clearly consistent with the national interest to grant or continue Applicant's security clearance. The government moved to amend the SOR per its motion filed on April 13, 2007, adding a subparagraph 3. The Applicant answered the amended SOR on May 22, 2007. I sustained the motion and the SOR was amended to include allegations under Guideline E (Personal Conduct) of the Directive. The government offered two exhibits, marked as Exhibits 1-2. I took administrative notice of five administrative exhibits, marked 1-5. Applicant offered no exhibits. All exhibits were admitted without objection. DOHA received the transcript (Tr.) on June 14, 2007.

FINDINGS OF FACT

Applicant admitted the allegations contained in SOR subparagraphs 1. and 2. He denied the allegations in subparagraph 3. The admissions are incorporated herein as findings of fact. After a complete and thorough review of the evidence in the record, and upon due consideration of same, I make the following additional findings of fact:

¹Government Exhibit 1 (Security Clearance Application (SF 86), dated October 17, 2005).

Applicant is a 25-year-old database administrator employed by a federal contractor.² He was married in 2005, and has no children. He has a bachelor's degree in computer science. He has no prior military service. This is his first application for a security clearances.³

Applicant was born in the United States in 1981, and a year later, his family moved to Nigeria. He returned to the United States in 1995, for his high school and college education. On December 3, 2004, even though he was a citizen of the United States, he applied for and was issued a Nigerian passport, because it was cheaper to travel to Nigeria if he used a Nigerian passport. When he was interviewed by an agent of the Defense Security Service (DSS), in March 2006, he still possessed the Nigerian passport set to expire December 2, 2009. In December 2004, he used his Nigerian passport to travel to attend his brother's wedding.⁴

Applicant's wife is a citizen of Nigeria currently residing in the United States as a registered alien. He and his wife were married in October 2005, but kept their marriage secret from both families until after March of 2006. His parents did not want him to marry, thinking that his wife might be trying to gain U.S. citizenship by marrying Applicant. At the time, her parents did not know Applicant and his family and did not like Applicant. All has been forgiven. He is sponsoring his wife to stay in the United States when she graduates from college.⁵

While living in Nigeria, his mother owned a shop and his father worked as a manager for an insurance company. All of his brothers and sisters were born in the United States. When his parents moved back to United States in the 1990s, his mother became a U.S. citizen. His father is not. He is here on a permanent residence visa. While living in Nigeria, Applicant returned once to visit the U.S. He came with his mother on a vacation trip. All of his brothers and sisters live in the United States. His wife's parents and brother live in Nigeria. Her younger brother recently came here to attend college. His father-in-law works for the Nigerian government in the customs office. His wife speaks to her parents two or three times a month. She also exchanges e-mails with them.

Applicant made an incomplete answer on a questionnaire for national security positions, executed by him on October 17, 2005, in response to "**Section 15. Citizenship of Your Relatives and Associates.**" He failed to disclose a close and continuing relationship with a Nigerian citizen, whom he married on October 27, 2005. The question lists 19 categories as a guide to answering the question. He knew he and his wife were about to get married and yet did not list her name as a close associate. They were both concealing their impending marriage from their parents.⁶

On March 14, 2006, he gave a confused answer to a DSS investigator, when he stated that "I've only been in Nigeria once," whereas in fact, he lived in Nigeria from 1982 to 1995. He was confused about the question about living in Nigeria, and thought she was referring to the past ten

²Tr. at 10-11.

³*Id.* at 11.

⁴SOR.

⁵Tr. at 25-27.

⁶Government Exhibit 1, *supra*, note 1, at 18-23.

years, and he did travel to Nigeria once with his mother on a vacation.⁷ He did not understand it was an open-ended question. He did not ask for clarification from the facility security officer (FSO) about the questions. At the close of the hearing, he stated his intent to renounce his Nigerian citizenship, by cutting his passport in two.⁸

Nigeria

Nigeria is a federal republic in western Africa composed of 36 states and a capital territory. It has a population of approximately 137 million⁹ and is the most populous nation in Africa, accounting for 20% of West Africa's people.¹⁰ Since gaining independence from Britain in 1960, Nigeria has experienced periods of political instability and turmoil, as well as economic crisis.¹¹ Nigerian political life has been scarred by conflict along both ethnic and geographic lines and dominated by military coups and long military-imposed transition programs rather than civilian rule.¹² The military has ruled Nigeria for approximately 28 of its 43 years since independence. In May 1999, Nigeria return to civilian rule.¹³

The Nigerian Government's human rights record is poor, and the government continues to commit serious human rights abuses.¹⁴ Government officials at all levels have committed serious abuses.¹⁵ Areas of Nigeria are marked by serious instability and outbreaks of armed conflicts between religious, political, and ethnic factions.¹⁶ Ongoing Religious and ethnic conflicts exist in Nigeria between Muslim and Christian groups and between other ethnic groups.¹⁷ The lack of law and order in Nigeria poses considerable risk to travelers, including the risk of becoming victims of armed robbery or kidnapping.¹⁸ Violent crime, committed by ordinary criminals, as well as by persons

⁷*Id.* at 31-36.

⁸Tr. at 42.

⁹Administrative Notice Exhibit 1, U.S. Department of State, Bureau of African Affairs, *Background Note: Nigeria*, dated September 2006, at 1.

¹⁰*Id.*; Administrative Notice Exhibit 5, Congressional Research Service, CRS Report for Congress, *Nigeria in Political Transition*, dated July 28, 2006, at 1.

¹¹Administrative Notice Exhibit 5, *supra*, note 7, at 1-7; Administrative Notice Exhibit 2, *Consular Information Sheet, Nigeria*, dated January 13, 2006, at 1.

¹²Administrative Notice Exhibit 1, *supra*, note 6, at 2-7; Administrative Notice Exhibit 5, *supra*, note 7, at 1-5.

¹³*Id.*, Administrative Notice Exhibit 5.

¹⁴Administrative Notice Exhibit 4, U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, *Country Reports on Human Rights Practices-2006: Nigeria*, dated March 2007, at 1.

¹⁵*Id.*

¹⁶Administrative Notice Exhibit 3, U.S. Department of State, *Travel Warning: Nigeria*, dated January 19, 2007.

¹⁷*Id.* at 1.

¹⁸*Id.* at 1-2.

in police and military uniforms can occur throughout the country.¹⁹ The U.S. State Department has warned of the dangers of travel to Nigeria and a further deterioration of the security situation in the Niger Delta region.²⁰ Kidnaping for ransom of persons associated with petroleum section, including US citizens, remains common and denied your Niger Delta area.²¹ The Al Qaeda leadership has expressed an interest in overthrowing the government of Nigeria.²²

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" (Guidelines). 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. Guideline ¶ 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. Guideline ¶ 2(c).

Specifically, an administrative judge should consider the nine adjudicative process factors listed at Guideline ¶ 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." Guideline ¶ 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.

¹⁹*Id.* at 1.

²⁰*Id.* at 1; Administrative Notice Exhibit 2, *supra*, note 8, at 1.

²¹*Id.*

²²*Id.*

In the decision-making process, facts must be established by “substantial evidence.”²³ 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).²⁴

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. Nothing in this Decision should be construed to suggest that I have based this decision, in whole or in part, on any express or implied determination as to Applicant’s allegiance, loyalty, or patriotism. Executive Order 10865, § 7.

CONCLUSIONS

Guideline B—Foreign Influence

Guidelines ¶ 6. The Concern. 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.

²³“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).

²⁴“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).

Guidelines ¶ 7. Conditions that could raise a security concern and may be disqualifying include:

(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;

(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;

Guidelines ¶ 8. Conditions that could mitigate security concerns include:

(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

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 no frequent contacts or a close relationship with anyone living in Nigeria. His wife, however, does. Her parents could create a heightened risk of foreign pressure or attempted exploitation from Nigerian agents or terrorists. He has very little contact with them, and her brother is now in the U.S. going to college. These are minimal connections that tend to eliminate the potential conflict of interest because there is no relationship sufficiently close to raise a security concern.

As previously indicated, the burden of disproving a mitigating condition never shifts to the Government. Nigeria has generally had good relations with the U.S. and is ruled by a military-backed civilian government with a poor record of human rights. With this history it is still not easy to find in Applicant's favor. His wife's parents may be at risk, although the fact that her father works for the Nigerian government could lessen the risk substantially. Accordingly, Applicant is unable to successfully mitigate the security concern using the Guidelines ¶ 8 (a) standard.

Under the mitigating condition of Guidelines ¶ 8 (b) there is a no conflict of interest because Applicant has no deep and longstanding relationships and loyalties to any family in Nigeria. His wife speaks to her parents frequently, two or three times a month. His wife has substantial contact with her immediate family members in Nigeria. They both traveled to Nigeria for his brother's wedding. His wife is planning a trip to Nigeria in December 2007. All of these factors raise a concern of compromising his ability to keep classified information confidential.

Appellant, however, did establish the mitigating conditions of Guideline ¶¶ 8(a) or 8(c) as none of his family live in Nigeria. He established that “it is unlikely [he] will be placed in a position of having to choose between the interests of [his in-laws] and the interests of the U.S.” His lack of contacts with them will not force him to choose between the United States and Nigeria. He met his burden of showing there is “little likelihood that [his relationship with Nigerian citizens] could create a risk for foreign influence or exploitation.”

Guideline ¶ 8(b) applies because Appellant has developed a sufficient relationship and loyalty to the U.S., and he can be expected to resolve any conflict of interest in favor of the U.S. interest. He has lived in the United States since 1995. He became a U.S. citizen at birth. His parents live in the U.S. and his mother is a U.S. citizen. He received his college education in U.S. colleges and universities. He stated his intent to renounce his Nigerian citizenship, and cut his passport into two pieces. Therefore, this mitigating condition is applicable.

Whole Person Analysis

In assessing whether an applicant is a security risk because of his or his relatives or associates in a foreign country, it is necessary to consider all relevant factors. Guidelines ¶ 2 specifically require each administrative judge to consider all the facts and circumstances, including the “whole person” concept, when evaluating each individual case. To ignore such evidence would establish a virtual *per se* rule against granting clearances to any person with ties to persons in a foreign country, which is contrary to the clear terms of the Directive. “Although the position of an applicant’s foreign family members is significant and may preclude the favorable application of [former guidelines] Foreign Influence Mitigating Conditions E2.A2.1.3.1., the totality of an applicant’s conduct and circumstances (including the realistic potential for exploitation) may still warrant a favorable application of the relevant general factors.”²⁵

One of the “whole person” factors which must be considered is “the potential for pressure, coercion, exploitation, or duress.”²⁶ In that regard, an important factor for consideration is the character of any foreign power in question, including the government and entities controlled by the government, within the relevant foreign country. The relationship between a foreign government and the U.S. is relevant in determining whether a foreign government or an entity it controls is likely to attempt to exploit a resident or citizen to against the United States through the applicant. The nature of the foreign government might also relate to the question of whether the foreign government or an entity it controls would risk jeopardizing its relationship with the United States by exploiting or threatening its private citizens in order to force a U.S. citizen to betray this country. A hostile relationship may make it more likely that Nigeria would attempt to exploit a U.S. citizen through his relatives or associates.²⁷

Even though Nigeria has a civilian government at present, there has been a history of military coups and military governments. If Nigeria would attempt to exploit Applicant’s relatives to obtain

²⁵ISCR Case No. 03-17620 at 4 (App. Bd. Apr. 17, 2006) (footnotes omitted); *accord* ISCR Case No. 03-23259 at 3 (App. Bd. May 10, 2006).

²⁶Guidelines ¶ 2.

²⁷ISCR Case No. 03-21423 at 7-10.

classified information, I believe Applicant would properly notify the U.S. authorities. The potential for pressure, coercion, exploitation, or duress, is still a prime concern. However, other matters, such as evidence of an applicant's personal loyalties, the nature and extent of an applicant's family ties to the U.S. relative to his 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 can properly be factored in to a judge's evaluation of an applicant's worthiness of a security clearance.²⁸

Applicant has no immediate family in Nigeria, but his wife's parents live there. The Appeal Board suggests that 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 ties to a foreign country; his or his ties social ties within the U.S.; and many others raised by the facts of a given case."²⁹ In the present case, there is a fair amount of information about positive attributes to Applicant's life as a U.S. citizen that could weigh in favor of granting him a security clearance, in response to the disqualification under Guideline B. I considered his age (25), his education which includes a bachelor's degree, his employment record, his reasons for travel to Nigeria, and his financial stability make him a better candidate for a security clearance than he would be without these positive attributes. And, his lack of close contacts with his extended family members who live in Nigeria and are subject to the potential terrorist activity and government pressure does not outweigh his positive attributes.

To conclude, Applicant has met his ultimate burden of persuasion to obtain a favorable clearance decision. In reaching my decision, I have considered the record evidence as a whole, the whole-person concept, the clearly-consistent standard, and the appropriate factors and guidelines in the Directive. I conclude that he has mitigated the Guideline B concerns, and it is clearly consistent with the national interest to grant or continue Applicant's security clearance.

Guideline C—Foreign Preference

Guidelines ¶ 9. The Concern. 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.

Guidelines ¶ 10. Conditions that could raise a security concern and may be disqualifying include:

(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;

Guidelines ¶ 11. Conditions that could mitigate security concerns include:

(a) dual citizenship is based solely on parents' citizenship or birth in a foreign country;

²⁸See ISCR Case No. 04-11414 at 4 (App. Bd. March 5, 2007).

²⁹ISCR Case No. 04-00540 at 7 (App. Bd. Jan. 5, 2007).

- (b) the individual has expressed a willingness to renounce dual citizenship;
- (e) the passport has been destroyed, surrendered to the cognizant security authority, or otherwise invalidated.

The government established its case under Guidelines ¶ 10 (a) (2), because Applicant held a valid Nigerian passport, had exercised dual citizenship by using the passport to travel to Nigeria in 2004, was refusing to surrender it at the time the SOR was issued. At the hearing, after learning that keeping his Nigerian passport would make a security clearance problematic, he then expressed a willingness to and did renounce his Nigerian citizenship and cut his Nigerian passport into two pieces.

The mitigating conditions under Guidelines ¶ 11 (a) (b) and (e) are applicable to successfully mitigate the security concerns. Applicant's dual citizenship is based on his parents citizenship and his birth in Nigeria. I conclude Guideline C for Applicant.

Guideline E—Personal Conduct

Guidelines ¶ 15. The Concern. 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.

Guidelines ¶ 16. Conditions that could raise a security concern and may be disqualifying include:

- (a) 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; and

- (b) deliberately providing false or misleading information concerning relevant facts to an employer, investigator, security official, competent medical authority, or other official government representative.

Guidelines ¶ 17. Conditions that could mitigate security concerns include:

- (c) the offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment.

Applicant did not list all of his relatives and associates, even though there is a list of 19 categories on page 18 of the questionnaire for national security positions. The omitted person was his fiancée'. They were about to get married, but both sets of parents were opposed. They decided to go ahead and get married but not tell their parents. Applicant was afraid to disclose the relationship for fear the "plot" would be discovered. In stating he had been to Nigeria only once, his confusion is understandable, as he did travel to Nigeria once after returning to the U.S. in 1995, with his mother for a vacation. Applicant had no background in national security clearances and it can

be confusing when dealing with a strange, new subject. I find that his errors were negligent but not done with the intent to deliberately mislead the government. Mitigating condition (PC MC) Guidelines ¶ 17 (c) applies in that two years have passed, it is infrequent behavior on Applicant's part, is not likely to recur, and does not cast doubt on his overall trustworthiness or reliability. I conclude Guideline E for Applicant.

FORMAL FINDINGS

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

Paragraph 1. Guideline B:	FOR APPLICANT
Subparagraph 1.a:	For Applicant
Subparagraph 1.b:	For Applicant
Subparagraph 1.c:	For Applicant
Subparagraph 1.d:	For Applicant

Paragraph 2. Guideline C:	FOR APPLICANT
Subparagraph 2.a:	For Applicant
Subparagraph 2.b:	For Applicant
Subparagraph 2.c:	For Applicant
Subparagraph 2.d:	For Applicant

Paragraph 3. Guideline E:	FOR APPLICANT
Subparagraph 3.a:	For Applicant
Subparagraph 3.b:	For Applicant

DECISION

In light of all of the circumstances in this case, it is clearly consistent with the national interest to grant or continue a security clearance for Applicant. Clearance is granted

Christopher Graham
Administrative Judge