



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



In the matter of:

Applicant for Security Clearance

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ISCR Case No. 13-00175

Appearances

For Government: Chris Morin, Esquire, Department Counsel

For Applicant: *Pro se*

01/09/2014

Decision

WESLEY, Roger C., Administrative Judge:

Based upon a review of the pleadings and exhibits, I conclude that Applicant did not mitigate security concerns regarding foreign influence and financial considerations. Eligibility for access to classified information is denied.

History of Case

On April 17, 2013, the Department of Defense (DOD) pursuant to Executive Order 10865 and Department of Defense Directive 5220.6 (Directive), dated January 2, 1992, issued a Statement of Reasons (SOR) to Applicant, which detailed reasons why DOD adjudicators could not make the affirmative finding under the Directive that it is clearly consistent with the national interest to grant or continue a security clearance for Applicant, and recommended referral to an administrative judge to determine whether his clearance should be granted, continued, denied or revoked.

Applicant responded to the SOR on July 30, 2013, and elected to have his case decided on the basis of the written record. Applicant received the File of Relevant Material (FORM) on October 10, 2013. He timely provided additional materials in response to the FORM. In his supplemental response, he furnished a cover letter; a

certificate of achievement; three endorsements letters; an updated personal financial statement; a bank statement reflecting creditor payments; two creditor statements; and an updated credit report. These submissions were admitted as Items 10-17. The case was assigned to me on November 4, 2013.

Besides the identified items in the FORM, the Government requested administrative notice of facts covered by nine source documents. Included are the following documents: (I) *Country Reports on Terrorism 2012, Chapter 5-Safe Havens-Strategies, Tactics, and Tools for Disrupting or Eliminating Safe Havens*, U.S. Department of State (May 2013); (II) *Worldwide Threat Assessment of the U.S. Intelligence Community for the House Permanent Select Committee on Intelligence*, Director of National Intelligence (March 2013); (III) *Country Reports on Terrorism 2012, Chapter 2 - Country Reports South and Central Asia Overview*, U.S. Department of State (May 2013); (IV) *Statement before the Armed Services Committee on Afghanistan and Iraq*, Chairman of the Joint Chiefs of Staff Admiral Mike Mullen (September 2011); (V) *United States Declares Haqqani Network a Terrorist Organization*, U.S. Department of State (September 2012); (VI) *Press Briefing by Senior Administration Officials on the Killing of Osama bin Laden*, the White House Office of the Press Secretary (May 2011); (VII) *Travel Warning, Pakistan*, U.S. Department of State (August 2013); (VIII) *Country Specific Information: Pakistan*, U.S. Department of State (August 2012); and (IX) *Country Reports on Human Rights Practices for 2012: Pakistan*, U.S. Department of State (April 2013).

Administrative or official notice is the appropriate type of notice used for administrative proceedings. See ISCR Case No. 05-11292 (App. Bd. April 12, 2007). Administrative notice is appropriate for noticing facts or government reports that are well known. See *Stein*, Administrative Law, Sec. 25.01 (Bender & Co. 2006). For good cause shown, administrative notice was granted with respect to the above-named background reports addressing the geopolitical situation in Pakistan. Administrative notice was extended to the documents themselves, consistent with the provisions of Rule 201 of Fed. R. Evid. This notice did not foreclose Applicant from challenging the accuracy and reliability of the information contained in the reports addressing Pakistan's current state.

Summary of Pleadings

Under Guideline B, Applicant is alleged to have a mother, brother, two sisters, and a mother-in-law who are citizens and residents of Pakistan. Allegedly, he traveled to Pakistan at least four times in the last few years.

Under Guideline F, Applicant is alleged to have accumulated five delinquent debts and a judgment that exceed \$16,000. Allegedly, these debts remain unpaid and were either charged off, are in collection, or have been reduced to judgment.

In his response to the SOR, he admitted each of the allegations. He claimed that none of his family members have ever been affiliated with the Pakistan government. He

claimed his mother-in-law passed away in September 2012. And he claimed he traveled to Pakistan on four occasions in the previous 11 years to visit his mother.

Addressing his finances, Applicant claimed he has almost paid off one of the listed creditors in the SOR (creditor 1.f), is paying on his creditor 1.c and 1.d debts, and is committed to paying off his remaining debts. Currently, he is not making any payments on the listed creditor 1.a, 1.b, and 1.e debts.

Findings of Fact

Applicant is a 39-year-old contract linguist for a defense contractor who seeks a security clearance. The allegations covered in the SOR and admitted by Applicant are adopted as relevant and material findings. Additional findings follow.

Applicant's background

Applicant was born and raised in Pakistan to parents with Pakistani citizenship and residency. By virtue of his birth to Pakistani parents, Applicant was eligible for Pakistani citizenship himself. Through his parents he became a Pakistani citizen and attended Pakistani primary and secondary schools. (Items 5-7) He earned a Bachelor's degree in political science in Pakistan (in 1986) and claims no military service in either Pakistan or the United States. (Items 5-7)

Applicant immigrated to the United States from Pakistan in August 1989 and became a naturalized U.S. citizen in May 1997. (Items 5-7) He has a U.S. passport, which expires in 2018. (Item 5) When he became a naturalized U.S. citizen, his Pakistani passport was canceled and his Pakistani citizenship was renounced. (Item 7) He married his first spouse in April 1993 and divorced her in March 2002. (Item 5) He has no children from this marriage. (Item 5) In April 2002, he married his current spouse in Pakistan and has two children from this marriage, both of whom are U.S. citizens by birth. (Items 5-7) His current wife was born in Pakistan, holds Pakistani citizenship, and is a U.S. permanent resident. (Items 5-7)

Applicant's father, previously a citizen and resident of Pakistan, passed away in 1990. (Item 6) But Applicant still has immediate family members who are citizens and residents of Pakistan: his mother, a brother, and two sisters. His mother-in-law, who previously was a citizen and resident of Pakistan, passed away in September 2012. (Item 4) His mother is 80 years of age and cannot travel to the United States to see him. She resides with his brother and has no affiliations or relationships with the Pakistani government or military. (Item 4) His brother works as an auto electrician and takes care of their mother. He has never worked for the Pakistani government. (Item 4)

Applicant's two sisters who reside in Pakistan are married and live with their families. (Item 4) They are homemakers whose husbands work in the private sector. Besides having immediate family members who are citizens and residents of Pakistan,

Applicant has two brothers who are U.S. citizens and residents and one sister who is a resident of Scotland. (Items 5 and 6)

Since becoming a U.S. citizen in 1997, Applicant has traveled to Pakistan on eight occasions to visit his family and friends. (Item 6) He did not identify any contacts with Pakistani government or military officials. (Items 4-7) His visits ranged between 30 days and 18 months. (Item 6) Applicant maintains monthly to quarterly contact with his family members residing in Pakistan. (Item 4)

Political and Economic Development of Pakistan

Pakistan is a parliamentary federal republic located in Southeast Asia, with a population of nearly 170 million. See *Country Specific Information: Pakistan, supra*, at 1. Pakistan's government is comprised of an executive (the president), a prime minister (the functioning head of government), a bicameral parliament, and a judiciary. The judiciary includes a supreme court, provincial high courts, and a federal Islamic (or Sharia) court. (*id.*)

Historical background

Pakistan achieved its independence from Great Britain in August 1947. Still disputed is the independent state of Kashmir. See *Country Specific Information: Pakistan, supra*, at 3-7. Concerned over incursions of Pakistan tribesmen, the Maharajah of Kashmir sought assistance from India (*id.*). He signed accession papers with India in October 1947 that permitted Indian accession of Kashmir. Pakistan refused to recognize Kashmir's accession, and the legal status of Kashmir remains in dispute to this day. See *id.* While direct military hostilities between India and Pakistan across the line of control (LOC) have ceased, militant insurgent groups from the Indian side of the LOC have active bases and supporters operating from the Pakistani side and pose considerable threats to American visitors of the region. (*id.*)

The United States and Pakistan established diplomatic relations in 1947, following Great Britain's declaration in June 1947 that it would bestow full dominion status of two successor states: India and Pakistan. See *Country Specific Information: Pakistan, supra*, at 1-7. Pakistan (comprised of West Pakistan and its provinces of Punjab, Sindh, Balochistan, and the Northwest Frontier province and East Pakistan with its Bengal province) became independent on August 14, 1947. (*id.*)

Pakistan's independence proved fragile and rife with political and economic instability following the death of the country's first head of state (Muhammad Ali Jinnah) in 1948 and the ensuing assassination of its first prime minister (Liaquat Ali Khan) in 1951. In October 1958, President Iskander Mirza (with military support) suspended his country's constitution (adopted just two years before), imposed martial law, and canceled the scheduled elections. President Mirza's action resulted in a military coup, his arrest, and the establishment of a military dictatorship under the rule of General Mohammad Ayub Khan.

Political and economic turmoil followed and new governments were installed over the next 20 years: some as the result of general elections (such as the Pakistan People's Party or PPP which swept Zulfikar Ali Bhutto into power). It was under Ali Bhutto's civilian leadership that Pakistan emerged as a nuclear power in the 1970s. India's nuclear test in 1974 injected further uncertainty and concern into Pakistan's relationship with India, and is generally credited as the principal impetus behind President Ali Bhutto's decision to make Pakistan a nuclear state. See *Country Specific Information: Pakistan, supra*, at 1-8.

Political tensions and economic unrest in Pakistan also produced military interventions before the close of the 20th century. See *Country Specific Information: Pakistan, supra*, at 1-8. Disputed national elections that marred Bhutto's declared victory in 1977 spurred anti-government unrest and ultimately prompted a military takeover of the Bhutto government in July 1977 and installation of Army chief of staff, Muhammad Zia ul-Haq) as the chief martial law administrator. When Zia assumed power, his military government arrested Bhutto, tried him on conspiracy charges and hanged him in April 1979. (*id.*)

With Zia's untimely death in August 1988, the political parties of Benazir Bhutto and Muhammad Mawaz Sharif competed for the formation of coalition governments to lead Pakistan. See *Country Specific Information: Pakistan, supra*, at 1-8. Each party's efforts were marked with ethnic conflict, fragmentation within their coalitions, corruption and nepotism, which stoked political tensions, created gridlock, and contributed to the deterioration of law and order.

Following the ouster of Prime Minister Sharif in October 1999, Pakistan's military, led by President Pervez Musharraf, declared a state of emergency and issued the provisional constitutional order that suspended the federal and provincial parliaments, placed the constitution in abeyance, and designated Musharraf as chief executive. Musharraf's presidency was extended for five years by referendum in 2004. See *Country Specific Information: Pakistan, supra*, at 1. After the terrorist attacks on U.S. soil in September 11, 2001, Pakistan pledged and provided its support to the U.S. in its coalition efforts to confront Al Qaida terrorists and Taliban fugitives. However, since the successful raid on the Pakistan compound of Osama bin Laden in May 2011, U.S. relations with Pakistan have deteriorated and become more difficult to manage. (*id.*)

Political unrest, human rights, and travel warnings

Anti-American sentiment is widespread among a coalition of Islamic parties in Pakistan's parliament. See *Country Specific Information: Pakistan, supra*, at 1-7. This coalition controls approximately 20 per cent of the national assembly (long noted for their adamant expression of anti-American sentiment against the United States. (*Id.*, at at 1-8) These groups have called for "jihad" against U.S. interests, which they view as a threat to Pakistan sovereignty.

Pakistan has extensive terrorist networks operating within its borders. Members of the Taliban are known to be in the Federally Administered Tribal Areas (FATA) of Pakistan, the Khyber Pakhtunkhwa, and in the Balochistan Province, which borders Iran and Afghanistan. Taliban senior leaders continue to enjoy safe haven status in Pakistan, which allows them to provide structural guidance to the insurgents without fear for their safety. See *Administrative Notice; Country Reports on Terrorism 2012, Chapter 5-Safe Havens-Strategies, Tactics, and Tools for Disrupting or Eliminating Safe Havens, supra*, at 4. The leader of the Taliban, Mullah Omar, has operated openly in Pakistan. See *Statement of Chairman of the Joint Chiefs of Staff, Admiral Mike Mullen, supra*, at 4.

Despite increased efforts by Pakistani security forces, Taliban, al-Qaida terrorists, Afghan militants, foreign insurgents, and Pakistani extremist groups continue to find safe haven in portions of Pakistan's FATA, Khyber Paktunkwa, and Baluchistan, and have operated in those areas to organize, train, and plan attacks against the United States and its allies in Afghanistan. See *Administrative Notice, supra; Country Reports on Terrorism 2012, Chapter 2 - Country Reports South and Central Asia Overview, supra*, at 1-4. Foreign and Pakistan-based extremist groups that operate in these regions and continue to target Americans and other western interests, as well as high-level Pakistan government officials, include the Haqqani Network, the Quetta Sura, and Lashkar-e-Tayiba (LT). See *Country Reports on Terrorism 2012, Chapter 5-Safe Havens-Strategies, Tactics, and Tools for Disrupting or Eliminating Safe Havens, supra*, at 4. LT has the long-term potential to evolve into a permanent, and even HAMAS/Hizballah-like presence in Pakistan and continues to operate with relative impunity and raise funds openly in Pakistan through its political and charitable wing, Jamaat ud Dawa. See *Administrative Notice; Worldwide Threat Assessment of the U.S. Intelligence Community for the House Permanent Select Committee on Intelligence, supra*, at 17.

The Haqqani Network, an extremist organization operating as a strategic arm of Pakistan's Inter-Services Intelligence Agency, also operates within Pakistan. See *Statement of Chairman of the Joint Chiefs of Staff Admiral Mike Mullen, supra*. This group has staged attacks on Afghan and U.S. troops in Afghanistan (as well as civilians), including the September 13, 2011 attack on the U.S. embassy in Kabul, Afghanistan. (*Id.*) On September 7, 2012, the United States formally declared the Haqqani Network a Foreign Terrorist Network. See *U.S. Declares Haqqani Network a Terrorist Organization, supra*, at 1.

On May 1, 2011, U.S. special forces personnel raided a large al-Qaida compound located in Pakistan and shot and killed al-Quaida leader Osama bin Laden. See *Press Briefing by Senior Administration Officials on the Killing of Osama bin Laden, supra*, at 1. In announcing bin Laden's death, senior administration officials characterized him as a "sworn enemy of the United States and a danger to all humanity; a man who called for the murder of any American anywhere on Earth," who designated the United States as al-Quaida's "primary target," and who was responsible for killing thousands of innocent men and women not only on 9/11, but in the 1998 East Africa embassy bombings, the attack of the U.S. Cole, and many other acts of brutality. " (*id.*, at 1-2) That bin Laden was found in a residential neighborhood of Pakistan is illustrative of the heightened

security concern over Pakistan's use as a safe haven for terrorists, militants, and insurgents. (*id.*, at 3)

The U.S. Department of State continues to warn U.S. citizens against non-essential travel to Pakistan (especially in the border regions) out of concern for terrorist threats in the country. (*Travel Warning, Pakistan, supra*, at 1-2) In 2012, Pakistan experienced hundreds of bomb blasts, suicide attacks, and sectarian violence resulting in the deaths of more than 2,000 civilians and 680 law enforcement personnel. See *Country Reports on Terrorism 2012, Chapter 2 - Country Reports South and Central Asia Overview, supra*, at 9.

Attacks targeting civilians and security personnel occur almost daily across all provinces. (*Travel Warning, Pakistan, supra*) These included attacks against U.S. citizens and other U.S. interests, U.S. Government vehicle convoys, U.S. personnel, and against Pakistani government authorities. (*Travel Warning, Pakistan, supra*). Terrorists have demonstrated their willingness and capability to attack targets where Americans are known to congregate or visit. (*id.*) Fatal bomb attacks have occurred in Islamabad, Peshawar, Quetta, Lahore, and other Pakistan cities on a regular basis. (*id.*, at 3) Records document, too, that several American citizens in Pakistan have been kidnaped. (*id.*)

Country reports on Pakistan reveal a poor Pakistani human rights record. Reported human rights problems include extrajudicial killings, torture, rape by security forces, lack of judicial independence, arbitrary arrest and detention, wide-spread corruption, disappearance and imprisonment of political opponents, and trafficking in women and children. See *2012 Human Rights Report: Pakistan, supra*, at 1-31. Additional problems include poor prison conditions, arbitrary arrest, widespread government corruption, rape, honor crimes, and widespread trafficking in persons. (*id.*) Military and terrorist operations in all four provinces and in FATA resulted in large numbers of deaths and injuries. (*id.*, at 13)

The Pakistan government maintains several domestic intelligence services that monitored politicians, political activists, suspected terrorists, and the media. (*2012 Human Rights Report: Pakistan, supra*, at 14) Credible reports document that Pakistani authorities routinely used wiretaps and intercepted and opened mail without the requisite court approval, as well as monitoring mobile phones and electronic correspondence. (*id.*)

Applicant's finances

Applicant incurred a number of delinquent debts since 2009. His reported debts are comprised of the following: an auto loan debt with creditor 1.a (\$1,350); credit card debts with creditors 1.b, 1.c, and 1.d (\$4,298, \$717, and \$469, respectively); an auto loan debt with creditor 1.e (\$9,837); and a judgment debt with creditor 1.f (\$764). He attributed his financial problems to losing his job three years ago. Because Applicant is the only income earner in his household, his loss of work placed additional strains on his family's budget. (Item 7)

However, since 2005, Applicant has maintained full-time jobs for all but about nine months (i.e., October 2011 through June 2012). During this period of sustained full-time employment, he experienced only one reported work reduction (in 2010).

Applicant presented no evidence of credit counseling or debt consolidation initiatives. (Item 7) He provided no evidence either of individual payment plans approved by any of the creditors listed in the SOR. He reported net monthly income of \$5,937, monthly expenses of \$4,500, and monthly debt payments of \$400. (Item 13) And he reported a net monthly remainder of \$1,037. (Item 13)

Endorsements

Applicant's Army supervisors and colleagues describe him as an extraordinary interpreter who was attached to their company during mission deployments in 2011 and 2012. (Item 12). His commanding officer stressed his team dedication. He characterized Applicant as an invaluable asset to their intelligence-gathering efforts and credited his English and Pashtu skills with making him the most valuable interpreter in their forward operating base. (Item 12). In recognition of his interpreter contributions while deployed in 2011, his commanding officer awarded Applicant a certificate of achievement. (Item 11)

Non-commissioned Army officers (NCOs) who deployed with Applicant in overseas missions were similarly laudatory in their descriptions of Applicant as an interpreter with valuable intrinsic knowledge of cultural customs and colloquialisms which provided mission essential insight and understanding to his translations. (Item 12) These NCOs credited Applicant with being an integral part of their team and a vital asset overall.

Policies

The AGs for Determining Eligibility for Access to Classified Information (effective September 2006) list Guidelines to be considered by administrative judges in the decision-making process covering DOHA cases. These Guidelines require the administrative judge to consider all of the "Conditions that could raise a security concern and may be disqualifying" (Disqualifying Conditions), if any, and all of the "Mitigating Conditions," if any, before deciding whether or not a security clearance should be granted, continued or denied. The Guidelines do not require the administrative judge to assess these factors exclusively in arriving at a decision. Each of the guidelines is to be evaluated in the context of the whole person in accordance with AG ¶ 2(c).

In addition to the relevant AGs, administrative judges must take into account the pertinent considerations for assessing extenuation and mitigation set forth in AG ¶ 2(a) of the AGs, which are intended to assist the judges in reaching a fair and impartial commonsense decision based upon a careful consideration of the pertinent guidelines within the context of the whole person. The adjudicative process is designed to examine a

sufficient period of an applicant's life to enable predictive judgments to be made about whether the applicant is an acceptable security risk.

When evaluating an applicant's conduct, the relevant guidelines are to be considered together with the following AG ¶ 2(a) factors: (1) the nature, extent, and seriousness of the conduct; (2) the circumstances surrounding the conduct, to include knowledgeable participation; (3) the frequency and recency of the conduct; (4) the individual's age and maturity at the time of the conduct; (5) the extent to which participation is voluntary; (6) the presence or absence of rehabilitation and other permanent behavioral changes; (7) the motivation for the conduct; (8) the potential for pressure, coercion, exploitation, or duress; and (9) the likelihood of continuation or recurrence.

Viewing the issues raised and evidence as a whole, the following adjudication policy concerns are pertinent herein:

Foreign Influence

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." (AG B ¶ 6)

Financial Considerations

The Concern: "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. Compulsive gambling is a concern as it may lead to financial crimes including espionage. Affluence that cannot be explained by known sources of income is also a security concern. It may indicate proceeds from financially profitable criminal acts." (AG F ¶ 18)

Burden of Proof

By virtue of the precepts framed by the Directive, a decision to grant or continue an Applicant's request for a security clearance may be made only upon a threshold finding that to do so is clearly consistent with the national interest. Because the Directive

requires administrative judges to make a common sense appraisal of the evidence accumulated in the record, the ultimate determination of an applicant's eligibility for a security clearance depends, in large part, on the relevance and materiality of that evidence. See *United States, v. Gaudin*, 515 U.S. 506, 509-511 (1995). As with all adversarial proceedings, the judge may draw only those inferences which have a reasonable and logical basis from the evidence of record.

The Government's initial burden is twofold: (1) It must prove any controverted facts alleged in the Statement of Reasons and (2) it must demonstrate that the facts proven have a material bearing to the applicant's eligibility to obtain or maintain a security clearance. The required showing of material bearing, however, does not require the Government to affirmatively demonstrate that the applicant has actually mishandled or abused classified information before it can deny or revoke a security clearance. Rather, consideration must take account of cognizable risks that an applicant may deliberately or inadvertently fail to safeguard classified information.

Once the Government meets its initial burden of proof of establishing admitted or controverted facts, the burden of proof shifts to the applicant for the purpose of establishing his or her security worthiness through evidence of refutation, extenuation or mitigation of the Government's case.

Analysis

Born and raised in Pakistan, Applicant immigrated to the United States in 1989 and became a naturalized U.S. citizen in 1997. He received his formal education in Pakistan and holds a Bachelor's degree in political science from a Pakistan-based university and is currently married with two minor children, both with U.S. residence and citizenship status. Applicant is a contract interpreter assigned to a deployed U.S. Army unit.

Security concerns focus on Applicant's mother and siblings, who are citizens and residents of Pakistan, his contacts with these family members, and his numerous travels to Pakistan to visit his family members. Other security concerns center on Applicant's accumulated delinquent debts, some of which he has recently addressed.

Foreign Influence concerns

By virtue of the Pakistani citizenship and residency status of Applicant's immediate family members in Pakistan, the frequent contacts he maintains with them, and the extended trips he has made to Pakistan to visit them, Applicant manifests close working relationships with his family and an abiding interest in their welfare. Potential heightened security risks covered by disqualifying condition (DC) ¶ 7(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,” of the AGs for foreign influence apply to Applicant’s situation.

To be sure, none of Applicant’s family members residing in Pakistan are employed by the Pakistani government or have any known relationships with Pakistani government or military officials. As a result, DC ¶ 7(b), “connection 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,” has no application to Applicant’s situation.

Still, the citizenship and residence status of Applicant’s mother and siblings in Pakistan impose heightened risks because of the political and economic instability that currently pervades the country. Pakistan’s unsettling political and economic conditions cannot be fully reconciled with U.S. security interests.

The AGs governing collateral clearances do not dictate *per se* results or mandate particular outcomes for applicants with relatives who are citizens/residents of foreign countries in general. What is considered to be an acceptable risk in one foreign country may not be in another. While foreign influence cases must by practical necessity be weighed on a case-by-case basis, guidelines are available for referencing in the supplied materials and country information about Pakistan. Quite clearly, the geopolitical aims and policies of the particular foreign regime operating in Pakistan does matter. The Appeal Board has been clear and consistent in its holdings that the nature of the foreign government, the intelligence gathering history of that government, and the presence of terrorist activity in the country are material to a foreign influence case. See ISCR Case No. 07-07266 (App. Bd. Dec. June 27, 2008); ISCR Case no. 02-26130 (App. Bd. Dec. Dec. 7, 2006).

Pakistan’s bilateral relations with the United States over the past half-century have been uneven and sometimes contentious. Pakistan has extensive terrorist networks operating within its borders. Extremist groups operating within Pakistan continue to target Americans and other western interests, as well as high level Pakistan government officials and members of minority, indigenous, and religious groups. Despite increased efforts by Pakistani security forces, al-Qaida terrorists, Afghan militants, foreign insurgents, and Pakistani militants continue to find safe haven in portions of Pakistan’s FATA, Khyber Paktunkwa, and Baluchistan, and have operated in those areas to organize, train, and plan attacks against the United States and its allies in Afghanistan.

Based on his case-specific circumstances, both MC ¶ 8(a), “the nature of the relationships with foreign persons, the country in which these persons are located, or the persons or activities of these 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.,” and

MC ¶ 8(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,” are entitled to any more than minimal application. Applicant has enjoyed U.S. citizenship only since 1997 and maintains close relationships with his mother and siblings in Pakistan. Because so little is known about his mother and siblings in Pakistan, his contacts and extended visits with them cannot be minimized. Simply not enough is known about Applicant’s family members in Pakistan to facilitate safe predictions about how he would likely respond were his family members to be placed in a pressure situation.

MC ¶ 8(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,” has little applicability based on Applicant’s own reported contacts and extended visits with his family members in Pakistan. None of the other mitigating conditions covered by Guideline B are applicable to Applicant’s situation. None of Applicant’s foreign contacts with his mother and siblings in Pakistan embrace can be considered casual or infrequent. And there is no proof of any prior self-reporting of his family contacts and visits in Pakistan to warrant any meaningful consideration.

Whole-person assessment cannot minimize Applicant’s exposure to conflicts of interests with his Pakistani family members. In Applicant’s case, the potential risk of coercion, pressure, or influence being brought to bear on him and his immediate family members in Pakistan are still too substantial to absolve him of security concerns. Although his linguist contributions to the military unit he has been assigned to during his deployments have been considerable and worthy of respect and appreciation, they are not enough to overcome the heightened risks associated with his close relationships with his family members residing in Pakistan.

Overall, any potential security concerns attributable to Applicant's relations with his mother and siblings residing in Pakistan are insufficiently mitigated to permit safe predictive judgments about Applicant's ability to withstand risks of undue influence attributable to his familial relationships in Pakistan. Neither his own citizenship and residence in the United States nor those of his mother and siblings in Pakistan are safely insulated from risks of coercion, pressure, or influence by Pakistani authorities or terrorists. Unfavorable conclusions warrant with respect to the allegations covered by subparagraphs 1.a through 1.c and 1.e. of Guideline B. Favorable conclusions are warranted with respect to subparagraph 1.d.

Financial concerns

Security concerns are also raised under the financial considerations guideline. Applicant’s accumulation of a number of delinquent debts and his failure to mount any sustained effort to resolve five of the debts listed in the SOR warrant the application of

two of the disqualifying conditions (DC) of the AGs for financial considerations: ¶ 19(a), “inability or unwillingness to satisfy debts” and ¶ 19(c), “a history of not meeting financial obligations.”

Since receiving the SOR, Applicant has provided some documentation of his resolving the judgment debt covered in the SOR (creditor 1.f) and evidence of his making several payments to other listed creditors. He provided no evidence, though, of his pursuing financial counseling, establishing payment plans with his creditors, or addressing his remaining debts. Aside from his probative efforts in paying off his judgment debt and making small payments on three of his other listed debts listed in the SOR, he has documented no meaningful track record of payments on most of his charged-off and collection accounts. Without any evidence of counseling and sustained payments on his remaining debts, Applicant may not take advantage of MC ¶ 20(c), “the person has received or is receiving counseling for the problem and/or there are clear indications that the problem is being resolved or is under control.”

Holding a security clearance involves the exercise of important fiducial responsibilities, among which is the expectancy of consistent trust and candor. Financial stability in a person cleared to access classified information is required precisely to inspire trust and confidence in the holder of the clearance. While the principal concern of a clearance holder’s demonstrated financial difficulties is vulnerability to coercion and influence, judgment and trust concerns are explicit in financial cases (as here) and bring into play security concerns covered by the financial considerations guideline.

Based on the limited information available in this administrative record, it appears that Applicant has not been in a financial position to make any concerted progress in addressing most of his debts to date. Under these exhibited circumstances, MC ¶ 20(b) of the financial considerations guideline, “the conditions that resulted in the behavior 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,” has some applicability to Applicant’s inability to resolve his debt issues. MC ¶ 20(b) cannot be fully applied, however, due to the lack of sufficient information from Applicant on the origination, payment history, and attempted repayment efforts since receiving the SOR.

Gainfully employed on a full-time basis for most of the time since 2005 and no cited unemployment periods since June 2012, Applicant could reasonably be expected to have initiated more timely and material repayment efforts with the resources available to him from his deployment assignments in 2012. While his initiated debt identification efforts are encouraging, it is still too soon to mitigate his historical difficulties with his finances, given the lack of any significant repayment progress he has been able to demonstrate to date with most of his listed creditors.

Whole-person assessment of Applicant’s financial problems is hampered by the limited amount of information supplied in this administrative record. Applicant is able to

show some extenuating circumstances associated with his period of unemployment in 2011 and 2012. And his linguist services on deployments with the U. S. Army are respected and worthy of considerable appreciation.

Applicant's demonstrated resolution of one of his listed debts and his addressing of three of the remaining ones reflect increased resolve and accountability, and important steps in improving his overall judgment, reliability and trustworthiness. His lack of more meaningful attention to his old debts, however, still leaves doubts about the stability of his finances at the present time. These doubts cannot be reconciled with minimum requirements for retaining the Government's confidence in his financial judgment, reliability and trustworthiness.

Taking into account all of the facts and circumstances surrounding Applicant's debt accumulations and corrective steps he has demonstrated to date, Applicant fails to mitigate security concerns related to his outstanding debt delinquencies and judgment lapses associated therein. Unfavorable conclusions warrant with respect to the allegations covered by the financial considerations guideline.

Formal Findings

In reviewing the allegations of the SOR in the context of the findings of fact, conclusions, and the factors and conditions listed above, I make the following separate formal findings with respect to Applicant's eligibility for a security clearance.

GUIDELINE B: (FOREIGN INFLUENCE):	AGAINST APPLICANT
Subparas. 1.a-1.c and 1.e:	Against Applicant
Subpara. 1.d:	For Applicant
GUIDELINE F (FINANCIAL CONSIDERATIONS):	AGAINST APPLICANT
Subparas 2a-2e:	Against Applicant
Subpara. 2.f:	For Applicant

Conclusions

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

Roger C. Wesley
Administrative Judge

