



**DEPARTMENT OF DEFENSE  
DEFENSE OFFICE OF HEARINGS and APPEALS**



In the matter of: )  
)  
) ISCR Case No. 13-00415  
)  
Applicant for Security Clearance )

**Appearances**

For Government: Ray Blank, Esq., Department Counsel  
For Applicant: *Pro se*

06/30/2014

**Decision**

HEINY, Claude R., Administrative Judge:

Applicant contests the Department of Defense's (DoD) intent to deny his eligibility for a security clearance to work in the defense industry. Applicant's mother and four siblings are citizens and residents of Iran. His answer on a security clearance questionnaire was incorrect. His conduct and relationship do not pose personal conduct and foreign influence security concerns. Clearance is granted.

**History of the Case**

Acting under the relevant Executive Order and DoD Directive,<sup>1</sup> on November 7, 2013, the DoD issued an SOR detailing security concerns. DoD adjudicators could not find that it is clearly consistent with the national interest to grant or continue Applicant's

<sup>1</sup> Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; DoD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) effective within the DoD on September 1, 2006.

security clearance. On December 4, 2013, Applicant answered the SOR and requested a hearing. On March 27, 2014, I was assigned the case. On March 27, 2014, the Defense Office of Hearings and Appeals (DOHA) issued a Notice of Hearing for the hearing convened on April 14, 2014. I admitted Government's Exhibits (Ex) 1 through 5 and Applicant's Exhibits A through C, without objection. Applicant testified at the hearing as did his wife. The record was held open to allow Applicant to submit additional information. A letter dated April 22, 2014 was received and admitted into the record without objection as Ex. D. On April 22, 2014, DOHA received the hearing transcript (Tr.).

### **Procedural Rulings**

Department Counsel requested administrative notice of facts concerning the Islamic Republic of Iran (Iran) and provided supporting documents to show detail and context for those facts. Applicant did not object or agree to the administrative notice request.

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 the Iranian section of the Findings of Fact of this decision, *infra*, for the facts accepted by administrative notice.

### **Findings of Fact**

In Applicant's Answer to the SOR (Answer), he admitted all of the factual allegations in the SOR, and his admissions are incorporated herein. After a thorough review of the pleadings and exhibits, I make the following findings of fact.

Applicant is a 54-year-old senior systems engineer who has worked for a defense contractor since 2005, and seeks to obtain a security clearance. (Answer, Tr. 13, 27) In addition to his contractor job, he teaches mathematics classes at the local community college. (Ex. 5, Ex. B-3) Applicant called no witnesses other than himself and his wife.

Coworkers state Applicant exhibits excellent technical skills, communication skills, professionalism, character, work ethic, and willingness to do whatever it takes to get the job accomplished. (Ex. B-1) Applicant is thorough, competent, and professional. (Ex. B-2) Applicant "has exhibited the utmost respect and attention for all data protection rules and regulations." (Ex. B-5)

Applicant was born and raised in Iran. In 1978, at age 17, he came to the United States to obtain an education. (Tr. 25) In 1978, the Shah of Iran fell from power. (Tr. 31)

It had been Applicant's dream since being a young boy to come to the United States, obtain his education, and become a productive citizen and role model for his children. (Ex. 2, Tr. 33) In Iran, he had spent seven years in a private school learning English. (Tr. 33) In 1984, he obtained his Bachelor's degree in electrical engineering and in 1989 his Master's degrees in Mathematics and Electrical Engineering. (Ex. 1, 2, Tr. 25) His degrees were from the same university in the United States. (Ex. 1)

Applicant and his wife dated while they were in high school. (Tr. 34) At age 19, a year and a half after coming to the United States, he was homesick and returned to Iran. (Tr. 34) While there, he married his wife. In May 1981, his wife came to the United States where she attended the same university as did Applicant. (Ex. 4, Tr. 26) In 1996, Applicant became a U.S. citizen. His wife was also born in Iran and became a U.S. citizen on the same day. (Tr. 49) His wife, a micro-biologist, works in the medical field. He stated the day he and his wife became U.S. citizens was "the first time we were truly free people." (Ex. D) For Applicant, that day ranks with his wedding day and the days his children were born as the best days of his life. (Ex. D) It was a day he had dreamed of for a long time. (Tr. 35)

Applicant's two children are U.S. citizens having been born in the United States. (Tr. 26) After attending university in the United States, his daughter, born in June 1983, is in marketing or human resources at a marketing company. (Tr. 36) His son, born in 1990, works for the same DoD contractor as does Applicant. (Tr. 36) For the past thirty five years the United States has been Applicant's home. He has bank accounts, a retirement account, and home in the United States, and has no financial interests in any foreign country.

In 2007, Applicant surrendered his Iranian passport to his company's security personnel. He has renounced all ties with Iran and has no intention of ever returning to Iran. (Ex. D, Tr. 27) He believes, as a former Iranian citizen who is now a U.S. citizen, he might be subject to possible detention and arrest if he again visited Iran. He has no sympathy for the Iranian government. In 2001, he last visited Iran to see his sick mother when she was sick following his father's death. (Tr. 27) Neither Applicant nor his wife intends to visit Iran in the future. (Tr. 28) Applicant believes the Iranian government is not a good government, but the people of Iran are good people. (Tr. 41)

Applicant's mother (age 89<sup>2</sup>), a brother, and two sisters are citizens and residents of Iran. (Ex. 1, Tr. 36) His father, who was in the trucking business, is deceased. (Tr. 32) He has not told his family in Iran anything about his employment. (Tr. 29) His mother, who has always been a housewife, became a U.S. registered alien in December 2004. (Ex. 4) In 2006, his mother visited him in the United States and stayed for a year and a half before returning to her other children in Iran. (Tr. 30, 43) He would like his mother to return to the United States, but recognizes her fragile health would prevent such a trip. (Tr. 37) His mother no longer recognizes family members and is

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<sup>2</sup> At the hearing, Applicant stated his mother was 88 or 89 years old. (Tr. 36) In his e-QIP, he gave her birthday as August 1928, which he listed as an estimate. (Item 1)

also hard of hearing. (Tr. 37) He does not call her because she cannot hear and cannot recognize him. During previous calls, she would hand the telephone to someone else in the room and ask them to tell her what the person on the telephone was saying. (Tr. 43) On his last call to his mother, he spoke to her caregiver and did not speak to his mother. (Tr. 50)

Applicant's brother is retired from his job in the personnel office of a private, non-government sponsored university in Iran. (Ex. 4, Tr. 39, 47) Two of his sisters are retired teachers and the other worked at a bank many years ago, but has been a housewife for the last 25 years. (Ex. 4, Tr. 39) His two oldest sisters are planning to move to the Netherlands and to Australia to live with their sons. (Tr. 45, 49) Applicant stated he has little contact with his siblings. (Tr. 45) He talks with his siblings every three to six months. (Tr. 54)

Applicant's mother-in-law and father-in-law are both citizens and residents of Iran who became registered U.S. aliens in June 1998. (Ex. 4, Tr. 29) His in-laws are unable to travel to the United States because his mother-in-law has had three or four unsuccessful operations on both knees. (Tr. 43) He typically talks with them once a year. (Tr. 44) He last spoke to them the year before last at New Years' time. (Tr. 44) His in-laws have visited the United States three times staying between three and seven months each time. (Tr. 44) His wife has two brothers and three sisters who are citizens and residents of Iran. (Tr. 38) His sisters-in-law are housewives. (Tr. 47) One sister-in-law is a widow, another sister-in-law's husband owns a car dealership, and the other sister-in-law is married to Applicant's brother. (Tr. 47) His wife last visited her family in Iran seven years ago. (Tr. 50) She speaks to her parents every month or two. (Tr. 57) When Applicant's wife left Iran one of her brothers was age 5 and one of her sisters was age eleven. (Tr. 57) She is not close to these two siblings. (Tr. 57)

Applicant asserted that should pressure be put on this Iranian siblings, mother, or in-laws, the only thing he could do would be to immediately inform his security officers of the situation. (Tr. 28, 40, 48, 69) He would follow the instructions and guidance given by the security officers. (Tr. 69) He would do nothing to endanger his family in the United States. (Tr. 70) Should one of his relatives be taken by the Iranian government, there is nothing he as an individual could do. (Tr. 70)

In November 2001, Applicant spent one week visiting his family in Iran. (Ex. 4) In December 2004, he visited his family for eight days in the United Arab Emirates (UAE) because he did not want to enter Iran. (Ex. 4)

In October 2005, Applicant applied for a top secret security clearance. In an August 6, 2008 DOHA decision, Applicant's request for a security clearance was denied due to foreign influence security concerns. (Ex. 3) In September 2013, when Applicant was completing his Electronic Questionnaires for Investigations Processing (e-QIP) seeking a secret clearance, he sought the assistance of the senior site security specialist as to how he should answer the question in Section 25 concerning investigations and clearance record. (Ex. A, Tr. 51) The question asked if Applicant had

ever had a security clearance eligibility/access authorization denied, suspended or revoked. (Ex. 1) The senior site security specialist told Applicant to answer “no” to the question because he had only applied for his top secret clearance in 2005 and not for a secret clearance for which he was currently applying. (Ex. A, Tr. 51) He followed the advice of the on-site security advisor and answered “no” to the question. (Tr. 51) He considered the on-site security advisor to be an expert. (Tr. 53)

## **Iran**

Iran is a constitutional, theocratic Islamic republic in which Shi’a Muslim clergy dominate the key power structures and ultimate political authority is vested in a learned religious scholar. Iran engages in clandestine efforts to acquire nuclear weapons and other weapons of mass destruction (WMD), sponsors international terrorism, intervenes in the internal affairs of Iraq and Syria, undermines the Middle East peace process, and violates the human rights of the Iranian people. The United States and its allies are attempting to block Iran’s goals of obtaining nuclear weapons and other WMD and to counter Iran’s efforts to destabilize Iraq and other Middle East countries. Iran has sought to illegally obtain U.S. military equipment and other sensitive technology. The U.S. has not had diplomatic relations with Iran since 1980. The President’s National Security Strategy has stated that the United States “may face no greater challenge from a single country than from Iran.”

The U.S. has designated and characterized Iran as the most active state sponsor of terrorism. Iran provides critical support to non-state terrorist groups. The government of Iran has committed numerous, serious human rights abuses against the Iranian people. Iran is one of the most active state sponsors of terrorism. The United States is concerned about the possibility that terrorists could eventually obtain WMD from Iran. Iran supports terrorists who attack Israel and have encouraged, facilitated and engaged in sectarian violence in Iraq.

Iranian born, naturalized U.S. citizens, should carefully consider the risks of travel in Iran because they are still considered Iranian citizens by Iranian authorities. Iran does not recognize dual citizenship. The Iranian government has harassed and detained dual citizens of the United States and Iran.

The Iranian government has a poor human rights record. The Iranian government sponsors torture, stoning, amputation and other severe punishments of Iranian citizens. Civil liberties in Iran are severely restricted. Abuses include political killings and incarceration; summary executions, including of minors; disappearances; religious persecution; torture; arbitrary arrest and detention, including prolonged solitary confinement; denial of due process; severe restrictions on civil liberties - speech, press, assembly, association, movement and privacy; severe restrictions on freedom of religion; official corruption; violence and legal and societal discrimination against women, ethnic and religious minorities, and homosexuals; trafficking in persons; and child labor.

## Policies

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines. In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which must be considered in evaluating an applicant's eligibility for access to classified information.

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

The protection of the interests of security is the paramount consideration. AG ¶ 2(b) requires that "[a]ny doubt concerning personnel being considered for access to classified information will be resolved in favor of national security." In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record.

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

A person who seeks access to classified information enters into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it grants access to classified information. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation of potential, rather than actual, risk of compromise of classified information.

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

## Analysis

### Foreign Influence

AG ¶ 6 explains the security concern about “foreign contacts and interests” stating:

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

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

(a) contact with a foreign family member, business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion; 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.

Applicant was born in Iran and came to the United States at age 17. His elderly mother, brother, three sisters, and in-laws are citizens and residents of Iran. His mother, mother-in-law, and father-in-law are U.S. registered aliens. Due to their ages and health, his mother and in-laws are unlikely to return to the United States.

The mere possession of close family ties with a person living in a foreign country or who is a citizen of 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).

The nature of a nation’s government, its relationship with the United States, and its human rights record are relevant in assessing the likelihood that an Applicant’s family

members are vulnerable to government coercion. The risk of coercion, persuasion, or duress is significantly greater if the foreign country has an authoritarian government, a family member is associated with or dependent upon the government, or the country is known to conduct intelligence collection operations against the United States. The relationship of Iran with the United States, places a significant, but not insurmountable burden of persuasion on Applicant to demonstrate that his relationship with family members who are citizens of Iran or living in Iran do not pose a security risk. Additionally, Applicant's relationships with his mother, siblings, and in-laws living in Iran raise security concerns.

Applicant should not be placed into a position where he might be forced to choose between loyalty to the United States and a desire to protect his family members living in Iran from harm, pressure, enticement, or coercion.<sup>3</sup> With Iran's negative human rights record, support for terrorism, and the high levels of crime in Iran as well as other political, economic and military problems in the country, it is conceivable that anyone living in Iran might be targeted by governmental or non-governmental criminal elements in an attempt to gather information from the United States.

Iran has sought to illegally obtain U.S. military equipment and other sensitive technology from the United States. Applicant's connections to his family living in Iran raise a sufficient concern to require careful scrutiny. An evaluation is necessary about any possible desire for him to assist relatives living in Iran by providing sensitive or classified information.

Applicant's contacts with his relatives who are citizens and residents of Iran raise the issue of potential foreign pressure or attempted exploitation. AG ¶¶ 7(a) and 7(b) apply and further inquiry is necessary about potential application of any mitigating conditions.

AG ¶ 8 lists six conditions that could mitigate foreign influence security concerns including:

- (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.;

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<sup>3</sup> An applicant with relatives in Iran, for example, has a much heavier burden to overcome than an applicant with relatives living in Germany. See ISCR Case No. 02-13595 at 3 (App. Bd. May 10, 2005) (stating an applicant has "a very heavy burden of persuasion to overcome the security concerns" when parents and siblings live in Iran). See *also* ISCR Case No. 04-11463 at 4 (App. Bd. Aug. 4, 2006) (articulating "very heavy burden" standard when an applicant has family members living in Iran); ISCR Case No. 07-12471 at 9 (A.J. May 30, 2008) (listing numerous recent cases involving U.S. citizens with Iranian connections whose clearances were denied, and citing no recent cases where the Appeal Board affirmed the grant of a clearance for someone with immediate family members living in Iran).



(b) there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the U.S., that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest;

(c) contact or communication with foreign citizens is so casual and infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation;

(d) the foreign contacts and activities are on U.S. Government business or are approved by the cognizant security authority;

(e) the individual has promptly complied with existing agency requirements regarding the reporting of contacts, requests, or threats from persons, groups, or organizations from a foreign country; and

(f) the value or routine nature of the foreign business, financial, or property interests is such that they are unlikely to result in a conflict and could not be used effectively to influence, manipulate, or pressure the individual.

AG ¶ 8(a) and 8(c) apply; however, AG ¶¶ 8(d), and 8(e) do not apply because the U.S. government has not encouraged his involvement with Iranian citizens. Applicant has infrequent contact with his mother, siblings, and in-laws. He last talked with his in-laws more than a year ago. He talks to his siblings every three to six months. He last visited his family in Iran more than 13 years ago. He last visited his family in the UAE more than nine years ago. He visited them in the UAE because he did not want to enter Iran. His contact with his mother, siblings, and in-laws is infrequent.

Even with infrequent contact, the relationship between mother and son raises a concern. However, his mother suffers from dementia and no longer recognizes him. When he has called her, she has trouble hearing and will turn the telephone over to whoever else is present so they can tell her what the person calling her is saying. On his most recent telephone call to his mother, he did not talk with her, but talked with his mother's care giver. Because she does not recognize Applicant his calls are infrequent and will become even less frequent.

AG ¶ 8(c) applies. His contacts with family members and friends living outside the United States are insufficiently frequent to raise the possibility of him being forced to choose between the United States and the welfare of his relatives or friends, who are citizens of Iran and/or living in Iran. There is little likelihood that his relationships with his relatives who are Iranian citizens could create a risk for foreign influence or exploitation.

AG ¶ 8(b) fully applies. There is no evidence that his relatives, who are Iranian citizens and/or are living Iran are or have been political activist(s), challenging the

policies of the Iranian governments. There is no evidence that terrorists, criminals, or the Iranian government have approached or threatened Applicant or his relatives living outside the United States for classified or sensitive information. As such, there is a reduced possibility that his relatives living overseas or Applicant himself would be targets for coercion or exploitation. While the government does not have a burden to prove the presence of such evidence, if such record evidence were present, Applicant would have a very heavy evidentiary burden to overcome to mitigate foreign influence security concerns.

A key factor in the AG ¶ 8(b) analysis is Applicant's "deep and longstanding relationships and loyalties in the U.S. He established that he can be expected to resolve any conflict of interest in favor of the U.S. interest. He has lived his adult life in the United States. His leaving Iran occurred at the same time the Shah of Iran fell. He came to the United States after finishing high school and has lived in the United States for the past 35 years. Applicant received his post-secondary education in the United States. Applicant, his wife, and children reside in the United States. He has bank accounts, a retirement account, and home in the United States, and has no financial interests in any foreign country. His employment is in the United States, and he also teaches part time at a local community college.

In sum, Applicant's connections to Iran are less significant than his connections to the United States. His connections to the United States taken together are sufficient to fully overcome the foreign influence security concerns. Any residual foreign influence security concerns are mitigated under the whole-person concept, *infra*.

## **Personal Conduct**

Adjudicative Guideline (AG) ¶ 15 articulates the security concerns relating to personal conduct:

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.

The Personal Conduct Disqualifying Condition under AG ¶ 16 is potentially applicable:

(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.

Deliberate omission, concealment, or falsification of a material fact in any written document or oral statement to the Government, when applying for a security clearance, is a security concern. But every inaccurate statement is not a falsification. A falsification must be deliberate and made with intent to deceive. It is deliberate if it is done knowingly and willfully.

When Applicant completed his September 2013 e-QIP, he answered “no” to the question asking if he had ever had a security clearance eligibility/access authorization denied, suspended or revoked. In an October 2005 DOHA decision his request for a security clearance was denied. Applicant denied he intentionally falsified his e-QIP. He sought advice from the on-site security specialist, who he considers an expert, on how to answer the question. The security specialist informed him he should answer “no” to the question because his previous request had been for a top-secret clearance and he was now applying for a secret clearance. Even though this was bad advice, Applicant was justified in relying on it because it was provided by the on-site security specialist.

The guideline also includes conditions that could mitigate security concerns arising from personal conduct. I have considered all of the mitigating conditions under AG ¶ 17 and found the following relevant:

(b) the refusal or failure to cooperate, omission, or concealment was caused or significantly contributed to by improper or inadequate advice of authorized personnel or legal counsel advising or instructing the individual specifically concerning the security clearance process. Upon being made aware of the requirement to cooperate or provide the information, the individual cooperated fully and truthfully.

Having observed Applicant’s demeanor and listened to his testimony, I find his hearing statement to be credible. His answer was not a deliberate omission, concealment, or falsification. The mitigating condition listed in AG ¶ 17 (b) applies. I find for him as to personal conduct. The allegation that he deliberately falsified his e-QIP is not substantiated.

### **Whole-Person Concept**

Under the whole-person concept, the administrative judge must evaluate an Applicant’s eligibility for a security clearance by considering the totality of the Applicant’s conduct and all the circumstances. The administrative judge should consider the nine adjudicative process factors 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) the extent to which participation is voluntary; (6) the presence or absence of rehabilitation and other permanent behavioral changes; (7) the motivation

for the conduct; (8) the potential for pressure, coercion, exploitation, or duress; and (9) the likelihood of continuation or recurrence.

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept. I have incorporated my comments under foreign influence and personal conduct in my whole-person analysis. Some of the factors in AG ¶ 2(a) were addressed under those guidelines, but some warrant additional comment.

A foreign influence decision concerning Iran must take into consideration the geopolitical situations in that country, as well as the dangers existing in them.<sup>4</sup> Iran has sought to illegally obtain U.S. military equipment and other sensitive technology. It has very serious economic, military, political, judicial/legal, and social problems. Iran sponsors terrorism and is hostile to the United States. If Iran could obtain important classified information through threatening Applicant's relatives living in Iran, it is a reasonable possibility that Iranian authorities would take those actions.

Theoretically, Iranian authorities could use Applicant's mother or siblings to attempt to coerce Applicant. Applicant could be placed in a position of having to choose between the interests of a foreign individual, group, organization, or government and the interests of the United States, especially because the Iranian government engages in lawless activities (sponsors terrorism, etc.). Because Iran behaves in a lawless manner, the probability is increased that Iran may attempt to harm or pressure Applicant's relatives to gain some kind of advantage over Applicant. Nevertheless, Applicant's relationship with the United States is so much stronger than his relationship with Iran or family members living there, I am confident he would inform security authorities of any Iranian attempt to obtain classified information from him.

The circumstances militating towards approval of a clearance are more significant. Applicant left Iran 35 years ago, just after graduating from high school. He has earned his bachelor's and master's degrees at a U.S. university. Statements from coworkers and friends evidence his dedication, responsibility, professionalism, reliability, and active involvement in his community. Although the possibility of attempted exploitation of Applicant is relatively low, Applicant's strong connections to the United States and especially to his U.S. community and employment establish "such deep and longstanding relationships and loyalties in the U.S., he can be expected to resolve any conflict of interest in favor of the U.S. interest." See AG ¶ 8(b).

After weighing the evidence of his connections to Iran and to the United States, and all the facts in this decision, I conclude Applicant has carried his burden of mitigating the foreign influence security concerns. He followed the advice he was given

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<sup>4</sup> See ISCR Case No. 04-02630 at 3 (App. Bd. May 23, 2007) (remanding because of insufficient discussion of geopolitical situation and suggesting expansion of whole-person discussion).

by his on-site security personnel in completing his e-QIP. The personal conduct security concern is also mitigated.

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”<sup>5</sup> and supporting evidence, my application of the pertinent factors under the Adjudicative Process, all the evidence in this decision, and my interpretation of my responsibilities under the Guidelines. For the reasons stated, I conclude he is eligible for access to classified information.

### **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, Foreign Influence:	FOR APPLICANT
Subparagraphs 1.a and 1.b:	For Applicant
Paragraph 2, Personal Conduct:	FOR APPLICANT
Subparagraph 2.a:	For Applicant

### **Conclusion**

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

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CLAUDE R. HEINY II  
Administrative Judge

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<sup>5</sup>See ISCR Case No. 04-06242 at 2 (App. Bd. June 28, 2006).