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U-ÜééÁÁÄ.† {c°É3¼!Tÿè6} ^>α=RE¾)žT6ú-ÖÁtt H#º™][ú-ú4º?;š5ZÁyÄãr`J;GÖí%3] aÖ=íyI3×β-íshÄ`3{ }»4Íž} 5pøVe";Ü¼¼\$™GxúštÓĐđª;fQliµ@0(à BE% m^#Á>UNy
%MNS B>U^""wY4£.Æ(ÿÿ\$;;dÿU<ÿÄÄÄ~IBM Infoprint 11250(ÖÄ9 Z<6Times New Roman RegularX:web3dhrz160€€€dÿÿÿ•Ö4 3|x Ý fÿÿ;ÝÝÝÖ_ ÖKEYWORD:
€Foreign€Influence€ DDIGEST:€Applicant€who€is€a€US€citizen€by€birth€who€married€a€former€citizen€and€resident€of€the€PRC,
€who€since€became€a€naturalized€US€citizen€with€the€family€ ì Dmembers€who€are€citizens€and€residents€of€the€PRC,
€mitigates€security€concerns€associated€with€the€potential€for€foreign€influence€by€showing€family€members€are€not€ Ø Ø
Din€a€position€of€being€vulnerable€to€coercion€or€pressure€by€PRC€authorities€and€providing€assurances€he€will€promptly€report€any€changes€in€his€family€D
Ä Ä Dsituation€to€Government€authorities.€€Clearance€is€granted.€D ° ° DÖ_ ÖCASENOÖ_ Ö:€01-10128.h1D œ œ
DDATE:€07/30/2004D ^ ^ DÐ DÌDATE:€July€30,€2004€D L L _ ÐB A€) ° ° x dtEx 2AÐÐ 8 8
DIn€re:€D ((DÐ DÍ-----D i i DÖ_ ÖSSNO_ Ö:€-----D Ø Ø DÐ
DÌApplicant€for€Security€ClearanceD œ œ DÐ DÌB A€) ° ° x dtExÈ 2AÐÐ ` ` DÐ
DÖ_ ÖISCRÖ_ ÖCase€No.€01-10128€D P P Dò òIIDECISION€OF€ADMINISTRATIVE€JUDGEó óD
Dò òROGER€C.€WESLEYó óD DÐ DÐ DÐ DÌò òAPPEARANCESó óD œ œ DÐ
Dìò òFOR€GOVERNMENTó óD ` ` " DRita€C.€O'Brien,€Department€CounselD L L # DÐ DÌò òFOR€APPLICANTó óD
#& Dò òPro€Seó óD ü#ü# DÐ DÐ DÐ DÌò òSYNOPSISó óD ~(`, DÐ
DÌApplicant€is€a€US€citizen€by€birth€who€is€married€to€a€naturalized€US€citizen,€previously€a€resident€and€citizen€of€the€People's€Republic€of€China€(PRC).D
\\+\\+ DApplicant's€spouse€has€a€son€and€siblings€who€reside€in€the€PRC€and€stay€in€contact€with€the€spouse.€
€Neither€the€son€nor€the€siblings€are€agents€of€the€PRC€or€D H,H,0 Din€a€position€that€could€realistically€make€them€vulnerable€to€coercion€or€pressure.€
€With€his€demonstrated€trust€developed€with€DSS€and€his€sponsoring€AgencyD 4-4-1
Dabout€his€keeping€them€Ö_ ÖapprisedÖ_ Öof€any€event€or€actions€that€could€his€cleared€actions€or€facility€at€risk,
€Applicant€mitigates€any€potential€risk€to€fundue€foreignD .2 Dinfluence€concerns€caused€by€the€status€of€his€spouse€and€her€family€members.€
€Clearance€is€granted.ò óó óD / /3 DÐ DÌò òÓ ÖSTATEMENT€OF€CASEó óD DÌD16 DÓ ÖD DÐ
DÖ_ ÖIOn€December€17,€2003,€the€Defense€Office€of€Hearings€and€Appeals€(DOHA),
€pursuant€to€Executive€Order€10865€and€Department€of€Defense€Directive€5220.6D Ä Ä D(Directive),€dated€January€2,€1992,€issued€a€Statement€of€Reasons€
(SOR)€to€Applicant,€which€detailed€reasons€why€DOHA€could€not€make€the€preliminaryD ° °
Daffirmative€finding€under€the€Directive€that€it€is€clearly€consistent€with€the€national€interest€to€grant€or€continue€a€security€clearance€for€Applicant,€andD
œ œ Drecommended€referral€to€an€administrative€judge€to€determine€whether€clearance€should€be€granted,€continued,€denied€or€revoked.D ^ ^
DÐ DÌApplicant€responded€to€the€SOR€on€January€13,€2004,€and€requested€a€hearing.€
€The€case€was€assigned€to€me€on€March€10,€2004,€and€was€scheduled€for€hearingD L L
DOn€April€7,€2004.€A€hearing€was€convened€as€scheduled€for€the€purpose€of€considering€whether€it€is€clearly€consistent€with€the€national€interest€to€grant,D 8 8
Dcontinue,€deny€or€revoke€Applicant's€security€clearance.€€At€hearing,€the€Government's€case€consisted€of€three€exhibits€and€four€documents€covered€by€officialD \$
\$ Dnotice;€Applicant€relied€on€three€witnesses€(including€himself)€and€three€exhibits.€€The€transcript€(R.T.)€of€the€proceedings€was€received€on€April€19,€2004.D
DÐ DÐ DÐ DÌò òÓ ÖPROCEDURALEISSUESó óD - - DÓ ÖD DÐ
DÌAt€hearing,€Department€Counsel€requested€official€notice€be€taken€of€the€following€documents:€a€US€State€Department€consular€information€sheet,€and
\\ \\ Dintelligence€threat€handbook,€and€annual€reports€to€Congress€in€2000€and€2001,€respectively,€by€the€ONCE.€€There€being€no€objection€from€Applicant,
€and€goodD H H Dcause€being€shown,€official€notice€was€taken€of€these€material€pursuant€to€Rule€201€of€F.R.Evi.€€Applicant,€in€turn,
€requested€official€notice€of€a€summary€of€theD 4 4
D Tiananmen€Square€uprising€and€the€more€recent€whistleblowing€efforts€of€a€Chinese€Army€doctor€about€the€Government's€attempted€cover-up€of€the€SARS
D epidemic.€€Applicant's€request€was€denied,€absent€documentation€of€the€source€and€accuracy€of€the€accounts€in€the€paper€(R.T.,€at€32-33).D
DÐ DÌBefore€the€close€of€the€hearing,
€Applicant€requested€leave€to€keep€the€record€open€to€permit€him€the€opportunity€to€supplement€the€record€with€copies€ofD D D
Dredacted€DOHA€decisions€addressing€Guideline€B€issues€affecting€Applicants€with€immediate€and€extended€family€members€from€the€People's€Republic€ofD
¼ ¼ DChina€(PRC).€€There€being€no€objections€from€the€Government,€and€good€cause€being€demonstrated,
€Applicant€was€afforded€7€days€to€supplement€the€recordD " " Dwith€the€redacted€decisions.€€Within€the€time€permitted,
€Applicant€supplied€ten€redacted€DOHA€decisions,€which€are€accepted€for€non-binding€guidance€purposesD " " DÐ DÐ DÐ
DÍÓ Öò ÖSUMMARY€OF€PLEADINGSó 0!0!\$ DÓ ÖÓ óD DÐ DÌUnder€Guideline€B,€Applicant€is€alleged€(a)
€to€have€a€spouse€who€worked€for€the€Government€of€the€PRC€at€the€Academy€of€Chinese€and€Foreign€Culture€priorD à\$à\$ (Dto€coming€to€the€US,€(b)
€to€have€met€his€spouse€through€a€single€advertisement€placed€in€the€World€Journal,€a€Chinese€language€newspaper€sold€in€the€US,€inD ¡%¡%)
Dabout€1995,€(ð ò)€to€have€relatives€of€his€spouse€(her€son,€two€brothers€and€a€sister)€who€are€citizens€of€and€reside€in€the€PRC,€and€(d)
€to€have€one€brother€of€hisD ,&,* Dspouse€who€has€been€employed€by€a€Chinese€Government-owned€plant.D □□+ DÐ
DÌFor€his€answer€to€the€SOR,€Applicant€admitted€each€of€the€allegations€without€explanation.D h*h*. DÐ DÐ DÐ

Applicant is a 61-year-old self-employed linguist defense contractor who seeks to obtain a security clearance. The allegations covered in the CSOR and admitted by Applicant are incorporated herein by reference and adopted as relevant and material findings. Additional findings follow.

Applicant's background: Applicant joined the USAF (AF) in 1960 after graduating from high school. Upon being accepted for language school, she was chosen to attend a prestigious state university (see ex. 1). While in college she studied Chinese language and politics. Later she served in the Taiwan AF as a language specialist detailed from this town AF unit. After experiencing a drinking problem during his tenure with a US security agency, she voluntarily resigned from left public service (around 1982). His re-application to the security agency in 1990 was denied because of his drinking problem and issues of financial irresponsibility.

Since 1984 Applicant has provided Chinese logistical support to his sponsoring US agency (the Agency). In July 1999, the Agency sponsored Applicant in his seeking to obtain a facility clearance (see ex. 6A). Over the past nine years she has made several trips with his wife (W) to the PRC to see W's family members. Her last travel to the PRC in 2003 to attend the wedding of W's stepson. During the Agency credits Applicant with consistently high quality work. In 2003 she processed five unqualified translations totaling over 309,000 words. During the same year she provided translation support on four classified assignments totaling 407,000 words. The Agency cautions that it is very difficult to find Chinese linguists, even more so to find linguists with the kind of in-depth experience and critical knowledge that Applicant possesses.

When the Agency was notified by DSS that Applicant's interim personal security clearance had been suspended by DOHA pending resolution of allegations by DOHA, Applicant's facility clearance was likewise suspended (R.T., at 49-50). The Agency, in turn, requested reinstatement of Applicant's facility clearance (see ex. 6A; R.T., at 44-45), citing his valued translation contributions and demonstrated honesty and trustworthiness.

Applicant's family connections: Applicant is married to W who he met through a friend of hers living in the US. This friend who had placed an advertisement in W's behalf, seeking marriage to a US citizen (unbeknownst to at the time) in the World Journal, a Chinese newspaper sold in the US in about 1995 (see ex. 6A; R.T., at 74). This friend (who is a US citizen) received her graduate training in the US and recommended Applicant to W along with two other candidates (see ex. 6C). W is a physician by training who survived the Tiananmen student uprising in 1989. W was one of the anti-Government participants in the uprising and treated many of the wounded at the scene before being shot in the leg herself trying to run from Government troops in Tiananmen Square. When the government troops opened fire on the protesting students, W was standing in an open field and was hit with real bullets she thought to be otherwise. Ultimately, she was run down and caught by Government troops. Once captured, she and other participants were beaten and had their heads shaved in the middle to embarrass them. Later, W went to the local hospital to see participants who had been hurt but was denied entrance by guarding troops who opened fire. Confined to a local house for a month, she feared prosecution for a time for helping the protesting students (R.T., at 80-81).

After the cultural revolution of 1989, W thought about going to the US. She applied to a prestigious American university in 1991 and was accepted for a scholarship. But because of her husband's medical problems at the time, she was unable to leave. While living and practicing medicine in China, W specialized in obstetrics. Between about 1993 and 1995, she worked for a non-government agency known as the Academy of Chinese Culture. Applicant worked as a business management specialist for the Academy, taking advantage of her prior business management training at the local university.

Applicant met W face to face for the first time in 1995 on one of his prearranged visits to China. When Applicant first met W she was doing no classified work and persuaded her to come to the US. W, in turn, moved to the US in 1995 at the age of 49 and married Applicant the same year. Once in the US, W applied for an acupuncture license in the state where she and Applicant were residing and received her license the same year. W belongs to a local Chinese medical association in the US, but does not play an active role in the association's organization or activities.

In 2001 W asked Applicant to sponsor her son to come to the US. W wanted her whole family to be together. That same year W's son did come to the US and stayed a short time (showing no interest in any of Applicant's linguist work) before returning to China. While living in China the son studied in a Chinese language institute. Through Applicant the son learned English. The son attended the language institute for just one and a half years before withdrawing several years ago. The son married a local Chinese woman in 2003 and still lives in the PRC, residing in W's owned residence (R.T., at 92). He is currently driving an instructor for a private company and has little known contact with the PRC government. Although he still holds a valid green card for reentry into the US, he has made no decision about returning. While Applicant and W expect the son to return to the US within a year, it is uncertain at this time whether he will.

W's sister, two brothers and son don't work for the PRC's government. Her sister works for a private company that has no known business contacts with the government. Her older brother is an engineer for a private contractor; while her younger brother is a taxi driver, who owns his business. W keeps in touch with her siblings once or twice a year around Christmas. She maintains regular telephone and written contact with her son.

W's father and mother (both since deceased) were a professor and artist, respectfully, and both were educated in France. Under the PRC both were set to work on a farm; they were targeted by the PRC because they were considered well educated and middle/upper class.

(R. T., cat 88). Due to cultural differences, it was limited by the government to menial hospital jobs in high school. Her siblings were sent to remote parts of the country to do labor work. Her father remained in the capital. Neither parent owned any property in China that we could potentially inherit. Applicant applied for US citizenship in 1995. When her Chinese passport expired in 1998, she did not renew it. We became a naturalized US citizen in April 2000 and renounced her Chinese citizenship as a condition to accepting her US citizenship. She has since voted in US elections and is extremely proud of becoming a US citizen and having the right to vote (R. T., cat 82). If ever asked by a PRC official to collect information on the US, she would decline. She considers the US to be her one and only country. She is unaware of any PRC investigations of her or any members of her immediate family residing in the PRC, and has no reason to believe any of her family members could be coerced or pressured (R. T., cat 98-99). We have returned to China on several occasions since her arrival in the US in 1995, 1996, 1998, 2000 and 2003 to see her brothers and sister and attend her and her son's wedding in 2003. Only her son has ever visited the US. None of Applicant's siblings have ever visited the country. On these trips, Applicant has accompanied her. Applicant last traveled to the PRC in 2003 to attend the wedding of her son's stepson. Applicant's DSS approvals 1/4 1/4. Applicant's DSS Agency has sponsored Applicant's current request for a facility clearance and is on record of holding him in high personal regard, both for his substantive abilities and his trustworthiness. DSS Agent (Agent B) responsible for evaluating Applicant's facility clearance eligibility within the confines of his home is impressed with Applicant's honesty and trustworthiness (R. T., cat 43-44). While it is unusual for DSS to volunteer any public support for an applicant in a clearance proceeding, Agent B considers Applicant to be a worthy exception who warrants full DSS support (R. T., cat 68-69). Acknowledging that he usually doesn't see SF-86 applications on the facility side of DSS, he became familiar with Applicant's personal clearance application in this case because Applicant is a sole contractor (R. T., cat 47-48). Applicant's facility clearance application was actually commenced prior to Applicant's transmittal of his SF-86 to DSS. Applicant needs his interim clearance (since suspended) before his facility clearance can be cleared. DSS facility clearance review office supervises cleared industrial facilities for compliance with DoD classified safeguarding and monitoring requirements. As a part of the sponsoring Agency's ongoing monitoring procedures, Applicant is required to log classified material and return hard copies to the Agency. The Agency requires these cautionary procedures because Applicant's home lacks a facility to store classified material in accordance with the Agency's specifications. Applicant does maintain a locked office to satisfy the Agency's restricted requirements. Since Applicant has an only user password required to log in, only Applicant can use the secured hardware, and only after he takes the classified computer out of his safe and logs in. Applicant's classified computer system is subject to annual checks. No random DSS visits are conducted like DSS used to do before the institution of the NISPOM (R. T., cat 66). Except for annual checks, DSS will get involved only if there is a reported violation, or change of address. The whole classified program is predicated on trust. Since Applicant works alone, DSS wouldn't necessarily know of a violation. Based on Applicant's record of keeping DSS apprised of developments with his wife and stepson and overall history of security compliance with the Government's agencies, he has been associated with the past, he can be expected to keep DSS informed of any family changes or classified issues in the future. Applicant was fully cooperative and informative with Agent B about the background of her and her family members (inclusive of her son) and was granted a facility clearance in September 2001. Following DSS approval of a facility clearance for Applicant in 2001, Applicant's stepson moved in with her and her son. Agent B learned of the stepson's whereabouts shortly after the latter's arrival (R. T., cat 57-59). Upon being notified of the stepson's taking up residence with Applicant and her son, Agent B passed the information on to the personal security investigation (PSI) side of DSS (R. T., cat 60). Agent B found nothing in the background of either that caused her or the Agency to deny a facility clearance to Applicant (R. T., cat 60). Although, she did not conduct a full background investigation on either her or her son. Since notifying PSI, Agent B never heard anything back from PSI about the stepson's background status. She should be the stepson ever return to the US, Applicant commits to supporting him. But in the event the stepson were to return, Applicant would install a secure restricted area within the residence. At this time, however, Applicant considers it speculative as to whether or not the stepson will leave the PRC to rejoin Applicant and her son. Country status of the PRC is not a hostile to US persons and interests, the PRC maintains a relationship that is more competitive than cooperative. The PRC is known to use its intelligence services to gather information about the US and to obtain advanced technologies. The PRC actively monitors international communications satellites from maintained intercept facilities, in addition to collecting information on US military operations and exercises. Examples of PRC economic espionage are cited in the ONCE Annual Report to Congress in 2001 (official notice taken). Most of the examples of illegally exported technology to the PRC involved high tech equipment and devices used in missile and aircraft guidance systems, highly sensitive weapons parts, infrared cameras and missile microchips. Established in 1949, the PRC with over 1.3 billion people is the world's most populous country. Today it continues to undergo rapid economic and social change. Political power, however,

remains centralized in the Chinese Communist Party with little indication of any change in the foreseeable future. As a
corollary of its authoritarian roots, the PRC has never been known for a positive human rights record among Western nations and international human rights
groups.
Part of this can be explained in terms of the PRC's lack of any cognizable tradition for respect for developing democracies and the rule of law.
Examples of human rights abuses are many in the Consular Information Sheet produced by the US State Department (official notice taken).
PRC security personnel, for example, are known to place foreign government officials, journalists, and business people with access to advance proprietary technology under surveillance.
Hotel rooms and personal computing devices for these categories are sometimes searched.
Applicant's character references
Applicant is held in high regard by translation managers of US agencies who have worked with him on translations and value his translation ability,
his honesty, and his trustworthiness (see exs. A and C). The Agency credits Applicant with consistently high quality work.
The Adjudicative Guidelines of the Directive (Change 4) list Guidelines to be considered by judges in the decision-making process covering DOHA cases.
These Guidelines require the 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 judge to assess these factors exclusively in arriving at a decision.
In addition to the relevant Adjudicative Guidelines, judges must take into account the pertinent considerations for assessing extenuation and mitigation set forth in E. 2.2 of the Adjudicative Process of Enclosure 2 of the
Directive, which are intended to assist the judges in reaching a fair and impartial common sense decision.
Viewing the issues raised and evidence as a whole, the following adjudication policy factors are pertinent herein:
Foreign Influence
Foreign Influence
The Concern:
A security risk may exist when an individual's immediate family, including co-habitants, and other persons to whom she may be bound by
affection, influence, or care obligation are not citizens of the United States or may be subject to duress. These situations could create the potential for foreign
influence that could result in the compromise of classified information.
Contacts with citizens of other countries or financial interests in other countries are also
relevant to security determinations if they make an individual potentially vulnerable to coercion, exploitation, or pressure.
Disqualifying Conditions:
DC1: An immediate family member,
or a person to whom the individual has close ties of affection or obligation, is a citizen of, or resident or present in, a
foreign country.
DC2: Sharing living quarters with a person or persons, regardless of their citizenship status,
if the potential for adverse foreign influence or duress exists.
DC3: Relatives, cohabitants,
or associates who are connected with any foreign government.
DC4: The individual has promptly reported to proper authorities all contacts, requests,
or threats from persons or organizations from a foreign country, as required.
DC6: Foreign financial interests are minimal and not sufficient to affect the individual's security responsibilities.
Burden of Proof
By virtue of the precepts framed by the Directive,
a decision to grant or continue an Applicant's request for 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. As with all adversary proceedings,
the Judge may draw only those inferences which have a reasonable and logical basis from the evidence of record. Conversely,
the Judge cannot draw factual inferences that are grounded in speculation or conjecture.
The Government's initial burden is twofold:
(1) It must prove any controverted fact[s] 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
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.
CONCLUSIONS
Applicant is a US citizen by birth who married an emigre from the PRC in 1995, who was naturalized as a US citizen in 2001.

Applicant is a highly regarded Chinese linguist whose facility application was initially approved by DSS, only to be revoked in 2003 following notice of denial of Applicant's interim personal security clearance. Both Applicant's sponsoring Agency and the DSS Agent who investigated Applicant's facility clearance eligibility as a sole person facility approve of Applicant's granting of a facility clearance. Security issues of concern to the Government comprise focus on W's background while a resident and a citizen of the PRC and the current status of her siblings and son who are residents and citizens of the PRC, a country known to engage in economic data collection in the US. The Government urges security concerns over risks that Applicant's spouse (now a naturalized US citizen who renounced her own Chinese citizenship), her son and siblings (who are citizens and residents of the PRC) might be subject to undue foreign influence by PRC authorities to access classified information in Applicant's possession or control. Because Applicant's extended family members reside in the PRC, they present potential security risks covered by Disqualifying Condition 1E (DC1) of the Adjudication Guidelines for foreign influence. The citizenship/residence status of these relatives in the PRC pose some potential concerns for Applicant because of the risks of undue foreign influence that could compromise classified information under Applicant's possession and/or control. DC2E (sharing living quarters) has possible application only because of the stepson's prior residing with Applicant and W. But the condition would appear to have very limited applicability here due to the stepson's short stay with Applicant and W and his return to the PRC in 2001 amidst very speculative prospects for returning. DC3E (relatives, etc connected with any foreign government) is asked for by Department Counsel due to W's Chinese citizenship status for the first five years of her marriage to Applicant. W had no known relationship with the PRC during her marriage to Applicant (which DC 1/4 DC 3 speaks to), however, and no identified past relationship with the PRC. DC3E may not be applied under these facts and circumstances. From what is known from the accounts of Applicant, his wife and Agent B of DSS, neither W nor any of her immediate family members (viz., her son, sister and two brothers) residing in the PRC have any financial or political affiliations with the PRC's government, have any history to date of being subjected to any X X "Coercion or influence, or appear to be vulnerable to the same." The wife herself demonstrated great courage and heroism under fire when she went to the aid of protesting students at Tiananmen Square in 1989. By her accounts and those who have investigated her and vouch for her trustworthiness (especially Applicant and Agent B) she has become completely dedicated to preserving US political and economic interests here and as they intersect with PRC political and economic interests. While W's son and siblings residing in the PRC might theoretically be vulnerable to pressure or compromise by PRC authorities, the phrase in MCE1 ("in a position to be exploited by a foreign power") must be construed to encompass realistic possibilities, not merely theoretical ones, if the mitigating condition is to avoid a per se result. Nothing in Guideline B's coverage suggests the drafters intended per se results as to any of the disqualifying or mitigating conditions. A reasonable, common sense interpretation must, accordingly, be read into the words "in a position to be exploited," in order to make the mitigating condition (, meaningful)- The PRC, although a country that in the past has targeted the US for economic and proprietary data collection, and which lacks any demonstrated history of human rights and respect for the rule of law by most published accounts, still continues to maintain strong diplomatic interests with the US and has shown its capacity to be helpful in strategic efforts to suppress nuclear arms threats in the region. The Adjudicative Guidelines 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 be by practical necessity be weighed on a case-by-case basis, guidelines are available for referencing in the supplied materials and country information about the PRC through the materials accepted in the record through official notice. As for security concerns associated with the presence of Applicant's extended family members in the PRC, any realistic risk of a hostage situation or undue foreign influence brought in the hopes of eliciting either classified information or economic or proprietary data out of Applicant is lacking. Applicant has been vouched for by not only the Agency who sponsored his facility clearance, but Agent B who has reviewed both Applicant and W's background. Should W's son return to the US and choose to live with Applicant and W, steps might need to be considered at that time to neutralize any potential access of the son to Applicant's safeguarded classified materials. At the present time, though, the son's return is quite speculative and at this point hypothetical, which the Appeal Board has never required factoring in the process of making safe predictive judgment determinations when appraising security risks associated with foreign influence issues. See ISCR Case No. 02-09892E (July 15, 2004). And based on Applicant's record of reporting changes in his family status and developments in his classified document management, he can be expected to report any material changes in the future in any situation material to his safeguarding classified information. Applicant may, accordingly, take advantage of MCE4 (promptly reported to proper authorities) of the Guidelines. Furthermore, the possibility of the return of Applicant's stepson to the US must be counterbalanced by an overall appraisal of all of the considerations affecting Applicant's security clearance worthiness. Prior trustworthiness assessments by the Agency and Agent B of Applicant's clearance worthiness more than

À À Dsurmount€any€hypothetical€risks€associated€with€the€son's€return€to€the€US.€€Piecemeal€analysis€has,€of€course,
€been€consistently€rejected€by€the€Appeal€Board
Dwhen€assessing€the€security€risks€posed€by€an€applicant's€family€members€residing€in€a€foreign€country.€€See€ISCRE€Case€No.€01-22693€(September€22,€2003).D
~ ~ DOverall,€any€potential€security€concerns€attributable€to€Applicant's€extended€family€members€(viz.,€W,€her€son€and€her€siblings)
€residing€in€the€PRC€areD
Dmitigated€sufficiently€to€permit€safe€predictive€judgments€about€Applicant's€ability€to€withstand€risks€of€undue€influence€attributable€to€his€familial€relationshipsD
p p Din€the€PRC.€€Favorable€conclusions€warrant€with€respect€to€the€allegations€covered€by€Guideline€B.D \ \ DD
DIn€reaching€my€recommended€decision,€I€have€considered€the€evidence€as€a€whole,€including€each€of€the€factors€and€conditions€enumerated€in€E.2.2€of€theD
DAdjudicative€Process€of€Enclosure€2€of€the€Directive.D DD DD DD
DÌÓ Óò òFORMAL€FINDINGSó óD " " DÓ ÓD DD
DÌIn€reviewing€the€allegations€of€the€SOR€in€the€context€of€the€FINDINGS€OF€FACT,€CONCLUSIONS€and€the€FACTORS€and€CONDITIONS€listed€above,€ID
X X " Dmake€the€following€separate€FORMAL€FINDINGS€with€respect€to€Applicant's€eligibility€for€a€security€clearance.€D D D # DD
DÌGUIDELINE€B:€(FOREIGN€INFLUENCE):€€FOR€APPLICANTD # #& DD DÌSub-para.€2.a:€€€€FOR€APPLICANTD ì%ì%)
DSub-para.€2.b:€€€€FOR€APPLICANTD ,&,* DSub-para.€2.c:€€€€FOR€APPLICANTD ¢'¢'+ DSub-para.€2.d:€€€€FOR€APPLICANTD
((DD DD DD DÌÓ Óò òDECISIONó óD ,-,1 DÓ ÓD DD
DÌIn€light€of€all€the€circumstances€presented€by€the€record€in€this€case,€it€is€clearly€consistent€with€the€national€interest€to€grant€or€continue€Applicant's€securityD
ÜÜ05 Dclearance.€D ÈÈ16 DD DD DD DÌÍÓ ÓRoger€C.€WesleyD œ œ
DÓ ÓÍÓ ÓAdministrative€JudgeD t t DÓ Ó