

DATE: December 5, 2002

---

In Re:

-----

SSN: -----

Applicant for Security Clearance

---

ISCR Case No. 02-07512

**DECISION OF ADMINISTRATIVE JUDGE**

**JOSEPH TESTAN**

**APPEARANCES**

**FOR GOVERNMENT**

Marc Curry, Department Counsel

**FOR APPLICANT**

*Pro Se*

**SYNOPSIS**

The evidence does not establish that applicant is vulnerable to foreign influence. Clearance is granted.

**STATEMENT OF THE CASE**

On September 4, 2002, the Defense Office of Hearings and Appeals (DOHA), 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 DOHA could not make the preliminary affirmative finding under the Directive that it is clearly consistent with the national interest to grant or continue a security clearance for applicant and recommended referral to an Administrative Judge to determine whether clearance should be denied or revoked.

Applicant responded to the SOR in writing on September 24, 2000. The case was received by the undersigned on October 24, 2002. A Notice of Hearing was issued on November 4, 2002, and the hearing was held on November 21, 2002. The transcript was received on December 4, 2002.

**FINDINGS OF FACT**

Applicant is a thirty-one year old employee of a defense contractor. She was born and raised in the United States.

Applicant's husband, to whom she has been married for about eighteen months, is a citizen of Ghana. Although he has resided in the United States since 1988, he just recently received permanent resident status. He intends to pursue United States citizenship, and he and applicant plan to remain in the United States. He never served in Ghana's military, and has never worked for the government of Ghana.

Applicant's mother-in-law and father-in-law are citizens and residents of Ghana. They are both retired. There is no evidence that either of them is connected in any way to the government of Ghana. Although applicant and her husband talk with them once every two to three months, the evidence does not establish that applicant has "close ties of affection

or obligation" to them.

Applicant's husband has eight siblings, but he and applicant have relationships with just three of them. One brother lives in Ghana, another brother is a student in the United States, and a sister lives in Europe. Applicant maintains monthly contact with the brothers and speaks with the sister once every three months. There is no evidence that any of these siblings has a connection with the government of Ghana, and the evidence does not establish that applicant has "close ties of affection or obligation" to any of them.

Applicant and her husband own undeveloped land in Ghana that is currently worth approximately five thousand United States dollars. In the context of applicant's entire net worth, this land does not constitute a substantial financial interest.

Applicant made a ten day visit to Ghana in November 2000.

## **POLICIES**

Enclosure 2 of the Directive sets forth Guidelines (divided into Conditions that could raise a security concern and conditions that could mitigate security concerns) which must be followed by the Administrative Judge. Based on the foregoing Findings of Fact, the following Disqualifying Factors and Mitigating Factors are applicable:

### **Foreign Influence**

**The Concern:** A security risk may exist when an individual's immediate family, including cohabitants, and other persons to whom he or she may be bound by affection, influence, or 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.

#### **Conditions that could raise a security concern:**

None.

#### **Conditions that could mitigate security concerns:**

3. Contact and correspondence with foreign citizens are casual and infrequent.

5. Foreign financial interests are minimal and not sufficient to affect

the individual's security responsibilities.

## **CONCLUSIONS**

The evidence does not establish that applicant is vulnerable to foreign influence. Although she has relatives by marriage living in Ghana (mother-in-law, father-in-law and brother-in-law), there is no evidence that (1) applicant has close ties of affection or obligation to any of them, or (2) these relatives are in a position to be exploited by Ghana in a way that could possibly force applicant to choose between loyalty to these relatives and loyalty to the United States. With respect to the parcel of undeveloped land applicant and her husband own in Ghana, the value of the land is too insignificant to raise security concerns.

## **FORMAL FINDINGS**

PARAGRAPH 1: FOR THE APPLICANT

### **DECISION**

In light of all the circumstances presented by the record in this case, it is clearly consistent with the national interest to grant or continue a security clearance for applicant.

---

Joseph Testan  
Administrative Judge