

KEYWORD: Foreign Preference; Foreign Influence

DIGEST: Applicant exercises dual citizenship with the U.S. and Turkey. He has a one-half interest in valuable real estate in Turkey he inherited from his parents, and retains his Turkish citizenship to protect that interest. He used a Turkish passport in the past, but has since surrendered it. His sister is a citizen and resident of Turkey, but has no affiliation with any foreign power there. Applicant's wife and children are U.S. citizens and he has substantial financial interests in the U.S. He has worked for a U.S. company for over 23 years, and has successfully held a security clearance since 1992. Applicant has mitigated the security concerns relating to possible foreign influence and foreign preference. Clearance is granted.

CASENO: 03-05895.h1

DATE: 01/30/2006

DATE: January 30, 2006

---

In re:

-----  
SSN: -----

Applicant for Security Clearance

---

ISCR Case No. 03-05859

**DECISION OF ADMINISTRATIVE JUDGE**

**MICHAEL J. BRESLIN**

**APPEARANCES**

## **FOR GOVERNMENT**

Stephanie C. Hess, Esq., Department Counsel

## **FOR APPLICANT**

Barnett Q. Brooks, Esq.

## **SYNOPSIS**

Applicant exercises dual citizenship with the U.S. and Turkey. He has a one-half interest in valuable real estate in Turkey he inherited from his parents, and retains his Turkish citizenship to protect that interest. He used a Turkish passport in the past, but has since surrendered it. His sister is a citizen and resident of Turkey, but has no affiliation with any foreign power there. Applicant's wife and children are U.S. citizens and he has substantial financial interests in the U.S. He has worked for a U.S. company for over 23 years, and has successfully held a security clearance since 1992. Applicant has mitigated the security concerns relating to possible foreign influence and foreign preference. Clearance is granted.

## **STATEMENT OF THE CASE**

On July 11, 2002, Applicant submitted an application for renewal of his security clearance. The Defense Office of Hearings and Appeals (DOHA) declined to grant or continue a security clearance for Applicant under Executive Order 10865, *Safeguarding Classified Information Within Industry* (Feb. 20, 1960), as amended and modified, and Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Jan. 2, 1992), as amended and modified (the "Directive"). On October 4, 2004, DOHA issued a Statement of Reasons (SOR) detailing the basis for its decision. The SOR alleges security concerns raised under the Directive, specifically Guideline C, Foreign Preference, and Guideline B, Foreign Influence.

Applicant answered the SOR in writing on November 8, 2004. He elected to have a hearing before an administrative judge.

The case was assigned to me on June 20, 2005. With the concurrence of Applicant and Department Counsel, I convened

the hearing on October 25, 2005. At the hearing, the government introduced Exhibits 1 through 12. Applicant's counsel presented Exhibits A through H, and the testimony of two witnesses. Applicant testified on his own behalf. At Applicant's counsel's request, I kept the record open to allow the submission of additional documents. On October 25, 2005, Applicant provided an additional document which was admitted as Exhibit I, without objection. DOHA received the final transcript of the hearing (Tr.) on November 9, 2005.

### **FINDINGS OF FACT**

Applicant admitted the factual allegations in ¶¶ 1.a, 1.b, 1.c, 1.d, 1.e, 2.a, 2.b, and 2.c of the SOR. (Applicant's Answer to SOR, dated November 8, 2004, at 1-2.) Those admissions are incorporated herein as findings of fact. He denied the factual allegations in ¶¶ 1.f and 2.d of the SOR. (*Id.*) After a complete and thorough review of the evidence in the record, I make the following additional findings of fact.

Applicant is 46 years old. (Ex. 1 at 1.) He is a systems engineer in the quality controls group of a defense contractor working for the United States government, and has risen to the level of engineering Fellow. (*Id.*; Tr. at 47.)

Applicant's parents were Turkish citizens. (Ex. 3 at 3.) They were both professors, living in the U.S. and working at a state university at the time of his birth. (*Id.*; Ex. 2 at 5.) Applicant was born in the United States in 1959. (Ex. 1 at 1; Tr. at 57.) He was a U.S. citizen by birth, and was eligible for Turkish citizenship because he was born to Turkish citizens. (Ex. 2 at 5; Tr. at 88.) Applicant grew up living part of the time in Turkey and part of the time in the U.S. (Ex. 3 at 3.)

Applicant finished high school in Turkey. (Ex. 3 at 9.) He started college there, but transferred to a university in England in 1977. (*Id.*) He obtained a bachelor of science degree in Great Britain in June 1980. (Ex. 3 at 3, 9.) He then attended a major U.S. university and was awarded a master's degree in mechanical engineering in December 1981. (Ex. 2 at 2; Ex. 3 at 3.)

In 1982 Applicant began working for a large U.S. corporation. (Tr. at 58.) After working there about ten months, he learned that, for a brief time, he could discharge his Turkish compulsory military service requirement in only four months, rather than the usual 18 months. (Ex. 3 at 3.) Applicant resigned from the U.S. corporation, served as a private in the Turkish army for about four months, then returned to his previous employment. (*Id.*)

Applicant has lived in the U.S. since 1982, a period of 23 years. (Tr. at 59.) He married a Turkish citizen in Turkey in

August 1986. (Ex. 2 at 3.) His wife became a naturalized U.S. citizen in May 1993. (Ex. 2 at 4.) He has two daughters, ages 9 and 11, both born in the United States. (Tr. at 58-59.)

His father passed away in 1989. (Tr. at 63.) His mother died in the U.S. in 2002 (Ex. D), requiring Applicant to travel to Turkey to return her remains. (Tr. at 63.)

Applicant's sister is 44 years old. (Ex. 2 at 4.) She was born in Turkey, but obtained a graduate degree in microbiology from a U.S. university. (Tr. at 59.) She worked in the U.S. with her husband for a period of time, then returned to Turkey to develop her own business breeding, raising, training, and kenneling dogs. (Tr. at 60, 83.) Applicant's sister is divorced, and has two children, ages 8 and 10. (Tr. at 84, 85.) She never worked for the government of Turkey, nor does she obtain governmental benefits other than those enjoyed by average Turkish citizens. (Tr. at 84.) She has no affiliation with any political party, non-governmental organization, or terrorist group. (Tr. at 83-84.)

His wife's father is deceased. (Tr. at 74.) His mother-in-law is a permanent resident of the U.S.; she lives part of each year with Applicant's family, and part of each year with Applicant's sister-in-law, a U.S. citizen. (Tr. at 73-74.) She travels to Turkey for summer vacation most years. (*Id.*)

Applicant visited Turkey frequently over the years, traveling there in 1985, 1986, 1988, 1989, 1995, 1996, 1998, 1999, 2000, 2001, 2002, 2004, and 2005. (Ex. 2 at 6-7; Ex. 3 at 10; Tr. at 72.) Applicant's parent's owned a summer home in Turkey, and Applicant liked to take his family there on vacation whenever possible. (Tr. at 60-61.) Because of his dual citizenship, Applicant held both U.S. and Turkish passports. He used his U.S. passport during his regular travels abroad, but used both his U.S. and Turkish passports when traveling to Turkey, to save the \$100.00 visa fee. (Tr. at 61.) In about 2002, Applicant learned he could use his U.S. passport and show a Turkish citizenship card to enter Turkey without the visa fee, and he has done so since that time. (Tr. at 61-62.)

He renewed his U.S. passport in July 2004. (Tr. at 81.) Applicant's Turkish passport was issued in 1987 and expired in 2003. (Tr. at 86; Ex. I.) He kept it to provide evidence of when he had used it to travel to Turkey. (Tr. at 86.) At the hearing, he expressed his willingness to surrender the expired passport. (Tr. at 87.) Thereafter, Applicant relinquished his passport to the Turkish Embassy. (Ex. I.) He maintains his Turkish citizenship card, and intends to maintain dual-citizenship status. (Tr. at 87-88, 94; Ex. 5 at 1.)

Applicant's parents owned a condominium and a summer home in Turkey. (Tr. at 67.) They also invested in other real estate holdings, specifically three other condominiums and office space. (*Id.*) Applicant and his sister inherited the property from their parents. (*Id.* at 67-68.) Applicant estimates the property is valued at about \$928,000.00. (Tr. at 75.) He and his sister derive rental income from the property. (Tr. at 77-78.) Applicant did not inherit other funds or property from his parents. (Tr. at 68, 76.) Applicant believed he was required to be a Turkish citizen to inherit the property, but does not know if that is still required. He recognizes that handling the property would be difficult if he were not a

Turkish citizen. (Tr. at 89.)

Applicant has personal assets in the U.S., including his home (Tr. at 76-77), financial accounts, and a pension. (Tr. at 92.) His personal net worth in the U.S. is very substantial, and greatly exceeds his holdings in Turkey. (Tr. at 93.)

Applicant has worked for a U.S. corporation since about 1982. That business was acquired by his current employer, the defense contractor. Over the years, Applicant was deeply involved in numerous technical projects. (Ex. B.) His performance reports were consistently outstanding. (Ex. A.) He was promoted to a Fellow engineer in 1997. (Ex. B.) His superior performance has also been recognized through special awards. (Ex. C.)

Applicant's department manager testified on his behalf. (Tr. at 47-51.) He praised Applicant's unique skills in electrical, optical, and mechanical engineering. (Tr. at 49.) He never questioned his honesty or integrity. (*Id.*) He was aware that Applicant traveled to Turkey on several occasions in the past; Applicant always told him about the trip first. (Tr. at 50.)

Applicant's supervisor testified that Applicant was consistently rated highly on regular performance reports. (Tr. at 53.) The supervisor was aware of the superior performance that led to his promotion from a principle engineer to an engineering Fellow. (Tr. at 54-55.)

Turkey has been an ally of the U.S. since 1952, and its strategic and symbolic significance has grown recently. (Ex. 12 at 4.) The U.S. supports a strong, stable, friendly, and democratic government for Turkey. (*Id.*) Turkey has long been a member of NATO, and hosts U.S. military installations. It provided substantial support to U.S. efforts in Afghanistan. (Ex. 9 at 15; Ex. 10 at 11-12.)

Several terrorist groups in Turkey threaten Turkish and U.S. interests. (Ex. 9 at 15-16; Ex. 10 at 5, 7, 10, 17, 18; Ex. 11 at 125, .) There have been several terrorist attacks in Turkey in recent years. (Ex. 9 at 15.) The government of Turkey is a strong partner with the U.S. in counter-terrorism efforts. (Ex. 9 at 15.) The U.S. is committed to assisting Turkey in eliminating terrorist threats, and has provided substantial sums to that end. (*Id.* at 16, 21.)

According to the U.S. State Department, Turkey had a poor human rights record in the past, related in part to abuses arising from the war against Kurdish insurgents. (Ex. 12 at 8.) With a recent decline in violence, the human rights situation in Turkey has improved. (*Id.*)

## POLICIES

The President has "the authority to . . . control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to occupy a position . . . that will give that person access to such information." (*Department of the Navy v. Egan*, 484 U.S. 518, 527 (1988)). In Executive Order 10865, *Safeguarding Classified Information Within Industry* (Feb. 20, 1960), the President set out guidelines and procedures for safeguarding classified information within the executive branch.

To be eligible for a security clearance, an applicant must meet the security guidelines contained in the Directive. Enclosure 2 of the Directive sets forth personnel security guidelines, as well as the disqualifying conditions and mitigating conditions under each guideline. The adjudicative guidelines at issue in this case are:

**Guideline B, Foreign Influence:** A security risk may exist when an individual's immediate family, including cohabitants, or other persons to whom he 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. (Directive, ¶ E2.A2.1.1.)

**Guideline C, Foreign Preference:** When an individual acts in such a way as to indicate a preference for a foreign country over the United States, then he or she may be prone to provide information or make decisions that are harmful to the interests of the United States. (Directive, ¶ E2.A3.1.1.)

Conditions that could raise a security concern and may be disqualifying, as well as those which could mitigate security concerns pertaining to these adjudicative guidelines, are set forth and discussed in the conclusions below.

"The adjudicative process is an examination of a sufficient period of a person's life to make an affirmative determination that the person is eligible for a security clearance." (Directive, ¶ E2.2.1.) An administrative judge must apply the "whole person concept," and consider and carefully weigh the available, reliable information about the person. (*Id.*) An administrative judge should consider the following 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 voluntariness of participation; (6) the presence or absence of rehabilitation and other pertinent 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. (*Id.*)

Initially, the Government must present evidence to establish controverted facts in the SOR that disqualify or may disqualify the applicant from being eligible for access to classified information. (Directive, ¶ E3.1.14.) Thereafter, the applicant is responsible for presenting evidence to rebut, explain, extenuate, or mitigate the facts. (Directive, ¶ E3.1.15.) An applicant "has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance." (ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002)). "Any doubt as to whether access to classified information is clearly consistent with national security will be resolved in favor of the national security." (Directive, ¶ E2.2.2.)

A person granted access to classified information enters into a special relationship with the government. The government must be able to repose a high degree of trust and confidence in those individuals to whom it grants access to classified information. The decision to deny an individual a security clearance is not a determination as to the loyalty of the applicant. (Exec. Ord. 10865, § 7.) It is merely an indication that the applicant has not met the strict guidelines the President has established for issuing a clearance.

## CONCLUSIONS

I considered carefully all the facts in evidence and the legal standards discussed above. I reach the following conclusions regarding the allegations in the SOR.

### **Guideline C, Foreign Preference**

Paragraph E2.A3.1.2.1 of the Directive provides that "[t]he exercise of dual citizenship" may be disqualifying. Applicant exercised his Turkish citizenship in several ways, including serving in the Turkish armed forces, and using a Turkish passport and Turkish citizenship card. I conclude the available evidence raises this potentially disqualifying condition.

Under ¶ E2.A3.1.2.2 of the Directive, "[p]ossession and/or use of a foreign passport" may indicate a preference for a foreign country that could raise security concerns. As noted above, Applicant obtained and used a Turkish passport for many years. However, that passport had expired before the hearing in this case, and Applicant did not renew it. After the hearing, Applicant surrendered the expired passport to Turkish authorities. Because Applicant no longer possesses a foreign passport, even an expired one, I find this potentially disqualifying condition does not apply. (*See* ASECDEF/CCCI Memo dated August 16, 2000.)

Paragraph E2.A3.1.2.3 of the Directive lists "[military service or a willingness to bear arms for a foreign country]" as a potentially disqualifying condition. As a Turkish citizen, Applicant was subject to the requirement for compulsory military service; he served as a private in the Turkish army for four months in 1983 to fulfill that commitment. At present, his allegiance is only to the United States, and he is only willing to defend this country. I conclude, under the circumstances of this case, that Applicant's prior military service to Turkey does not raise security concerns.

The Directive, ¶ E2.A3.1.2.6, indicates that "[u]sing foreign citizenship to protect financial or business interests in another country" may raise security concerns. Applicant inherited real estate interests in Turkey worth a substantial amount. He maintains his Turkish citizenship in part to protect those interests. I conclude this potentially disqualifying condition applies.

Under the Directive, it is possible to mitigate security concerns related to possible foreign preference. I considered potentially mitigating conditions listed in the Directive and conclude none apply. Although Applicant's dual citizenship was originally based solely upon his parent's citizenship, he later took affirmative steps to secure it, including serving in the Turkish military. Applicant stated clearly that he is not willing to renounce his Turkish citizenship.

I considered all the potentially disqualifying and mitigating conditions in light of all the circumstances and the "whole person" concept as discussed below. (See Directive, ¶ E2.2.1.)

## **Guideline B, Foreign Influence**

Paragraph E2.A2.1.2.1 of the Directive provides that it may be disqualifying if "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." Paragraph E2.A2.1.3.1 defines "immediate family members" to include a spouse, father, mother, sons, daughters, brothers, and sisters. Applicant's sister is a citizen and resident of Turkey. The evidence raises this potentially disqualifying condition.

Under ¶ E2.A2.1.2.8 of the Directive, it may be disqualifying where an applicant has "[a] substantial financial interest in a country . . . that could make the individual vulnerable to foreign influence." Applicant inherited a one-half interest in valuable real estate in Turkey. I conclude the available evidence raises this potentially disqualifying condition.

Under the Directive, these potentially disqualifying conditions may be mitigated under certain circumstances. The Government produced substantial evidence establishing disqualifying conditions, thus Applicant had the burden to produce evidence to rebut, explain, extenuate, or mitigate the conditions. (Directive, ¶ E3.1.15.) The government never

has the burden of disproving a mitigating condition. (ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005)).

Paragraph E2.A2.1.3.1 of the Directive provides that it is potentially mitigating where the "associate(s) in question are not agents of a foreign power or in a position to be exploited by a foreign power in a way that could force the individual to choose between loyalty to the person involved and the United States." Notwithstanding the facially disjunctive language, applicants must establish: (1) that the individuals in question are not "agents of a foreign power," and (2) that they are not in a position to be exploited by a foreign power in a way that could force the applicant to choose between the person(s) involved and the United States. (ISCR Case No. 02-14995 at 5 (App. Bd. Jul. 26, 2004)).

In 50 U.S.C.A. § 438(6), the federal statute dealing with national security and access to classified information, the U.S. Congress adopted the definitions of the phrases "foreign power" and "agent of a foreign power" from 50 U.S.C.A. § 1801(a) and (b). 50 U.S.C. § 1801(b) defines "agent of a foreign power" to include anyone who acts as an officer or employee of a foreign power in the United States, engages in international terrorism, or engages in clandestine intelligence activities in the U.S. contrary to the interests of the U.S. or involving a violation of the criminal statutes of the United States. Applicant's sister does not meet the definition of "agent of a foreign power" under 50 U.S.C.A. § 1801(b).

The Appeal Board, however, has adopted a broader definition of the phrase "agent of a foreign power." The Appeal Board has held that, "An employee of a foreign government need not be employed at a high level or in a position involving intelligence, military, or other national security duties to be an agent of a foreign power for purposes of Foreign Influence Mitigating Condition 1." (ISCR Case No. 02-24254, 2004 WL 2152747 (App. Bd. Jun. 29, 2004); *see also* ISCR Case No. 03-04090 at 5 (App. Bd. Mar. 3, 2005) (employee of the Israeli government is an agent of a foreign power) and ISCR Case No.02-29143 at 3 (App. Bd. Jan. 12, 2005) (a member of a foreign military is an agent of a foreign power)). Even applying this broader definition, Applicant's sister would not be an "agent of a foreign power."

The second prong of the test is whether the relatives in question are "in a position to be exploited by a foreign power in a way that could force the individual to choose between loyalty to the person(s) involved and the United States." The federal statute, 50 U.S.C.A. § 1801(a), defines "foreign power" to include: a foreign government; a faction of a foreign nation; an entity openly acknowledged by a foreign government to be controlled by that foreign government; a group engaged in international terrorism; a foreign-based political organization; or an entity directed and controlled by a foreign government. The Appeal Board also construes the term "foreign power" broadly.

In assessing whether an applicant is vulnerable to exploitation through relatives or associates in a foreign country, it is necessary to consider all relevant factors. As noted above, ¶¶ E2.2.1, E2.2.2, and E2.2.3 of the Directive specifically require each administrative judge to consider all the facts and circumstances, including the "whole person" concept, when evaluating each individual case. To ignore such evidence would establish a virtual *per se* rule against granting clearances to any person with ties to persons in a foreign country, contrary to the clear terms of the Directive.

An important factor for consideration is the character of any foreign power in question, including the government and entities controlled by the government, within the relevant foreign country. The Appeal Board has specifically held that it is error for an administrative judge to fail to consider a hostile relationship between the U.S. and a foreign country. (ISCR Case No. 02-13595 at 4 (App. Bd. May 10, 2005)). The Appeal Board has held that "a country's poor human rights record and its differences with the United States on important security issues such as terrorism are factors" that a judge must consider. (ISCR Case No. 04-05317 at 5 (App. Bd. June 3, 2005); *see also* ISCR Case No. 03-24933 at 7 (App. Bd. July 28, 2005)). This factor is not determinative; it is merely one of many factors which must be considered.

Of course, nothing in Guideline B suggests it is limited to countries that are hostile to the United States. (*See* ISCR Case No. 00-0317 at 6 (App. Bd. Mar. 29, 2002); ISCR Case No. 00-0489 at 12 (App. Bd. Jan. 10, 2002)). The Appeal Board repeatedly warns against "reliance on overly simplistic distinctions between 'friendly' nations and 'hostile' nations when adjudicating cases under Guideline B." (ISCR Case No. 00-0317 at 6 (App. Bd. Mar. 29, 2002)). It is well understood that "[t]he United States has a compelling interest in protecting and safeguarding classified information from any person, organization, or country that is not authorized to have access to it, regardless of whether that person, organization, or country has interests inimical to those of the United States." (ISCR Case No. 02-11570 at 5 (App. Bd. May 19, 2004)). Distinctions between friendly and unfriendly governments must be made with extreme caution. Relations between nations can shift, sometimes dramatically and unexpectedly. Moreover, even friendly nations can have profound disagreements with the United States over matters they view as important to their vital interests or national security. Finally, friendly nations have engaged in espionage against the United States, especially in economic, scientific, military, and technical fields. (ISCR Case No. 00-0317 at 6 (App. Bd. Mar. 29, 2002)).

Nevertheless, the relationship between a foreign government and the U.S. may be relevant in determining whether a foreign government or an entity it controls is likely to attempt to exploit a resident or citizen against the U.S. through the applicant. The nature of the foreign government might also relate to the question of whether the foreign government or an entity it controls would risk jeopardizing its relationship with the U.S. by exploiting or threatening its private citizens in order to force a U.S. citizen to betray this country. A friendly relationship is not determinative, but it may make it less likely that a foreign government would attempt to exploit a U.S. citizen through relatives or associates in that foreign country.

The government of Turkey has long been an ally of the United States. The two nations work together on many significant issues, including counter-terrorism efforts and regional security issues. Although the U.S. State Department determined that the Turkish government had a poor record of protecting human rights in the past, that situation is improving. While not determinative, this evidence tends to suggest that it would be less likely that the Turkish government would attempt to exploit Applicant's sister to force Applicant act adversely to U.S. interests.

Another factor which must be considered is Applicant's sister's vulnerability to exploitation by foreign powers in Turkey. She has never worked for the government, and is not affiliated with any political party, non-governmental organization, or terrorist group. As noted above, terrorist groups opposed to the U.S. operate in Turkey. They have been responsible for numerous acts of violence, some directed against American interests. The fact that Applicant's sister lives in Turkey exposes her to some vulnerability to attack, but no more than any other resident. I note that, although the terrorist attacks have been violent, even fatal, they have not been of the kind encompassed by ¶ E2.A3.1.3.1, i.e., they have not been for the purpose of exploiting a Turkish resident to force a U.S. citizen to act adversely to the U.S. In other

words, the threat posed by the terrorists in Turkey is not the threat addressed in ¶ E2.A3.1.3.1 of the Directive. Considering all these factors, I conclude this potentially mitigating condition applies.

Under ¶ E2.A2.1.3.3 of the Directive, it may also be mitigating where "[c]ontact and correspondence with foreign citizens are casual and infrequent." Applicant admitted he maintains close contact with his sister. I conclude this potentially mitigating condition does not apply.

I considered carefully all the potentially disqualifying and mitigating conditions in this case in light of the "whole person" concept, keeping in mind that any doubt as to whether access to classified information is clearly consistent with national security must be resolved in favor of the national security. Applicant's exercise of dual citizenship, even while holding a security clearance, and his valuable financial interests in Turkey, raise some real concerns. At the same time, Applicant is a mature individual with strong ties to this country. He chose to leave Turkey and make the U.S. his permanent home. His wife and children are U.S. citizens and residents of the U.S., and he has substantial financial assets in this country. Moreover, Applicant has worked for a U.S. corporation for over 23 years, and has risen to the top of his field with that company. Most importantly, he has successfully held a security clearance since 1992, during which time most, if not all, of the conditions raising security issues were present. I conclude Applicant has mitigated the security concerns arising under the guidelines for foreign preference and foreign influence.

### **FORMAL FINDINGS**

My conclusions as to each allegation in the SOR are:

Paragraph 1, Guideline C: FOR APPLICANT

Subparagraph 1.a: For Applicant

Subparagraph 1.b: For Applicant

Subparagraph 1.c: For Applicant

Subparagraph 1.d: For Applicant

Subparagraph 1.e: For Applicant

Subparagraph 1.f: For Applicant

Paragraph 2, Guideline B: FOR APPLICANT

Subparagraph 2.a: For Applicant

Subparagraph 2.b: For Applicant

Subparagraph 2.c: For Applicant

Subparagraph 2.d: For Applicant

**DECISION**

In light of all of 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. Clearance is granted.

Michael J. Breslin

Administrative Judge