DATE: May 14, 2004

In Re:

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

Applicant for Security Clearance

ISCR Case No. 03-11096

DECISION OF ADMINISTRATIVE JUDGE

HENRY LAZZARO

APPEARANCES

FOR GOVERNMENT

Eric H. Borgstrom, Esq., Department Counsel

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FOR APPLICANT

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SYNOPSIS

Applicant, a retired U.S. Air Force Lieutenant Colonel, and highly decorated combat veteran, used the expertise he gained in foreign military sales while working the Air Force Israeli desk at the Pentagon to perform consulting services and lobbying for the Israeli government following his retirement. He has also attended numerous social functions at the Israeli Embassy. Applicant has mitigated the security concern caused by his extensive and prolonged business and social contacts with Israel and Israeli officials. Clearance is granted.

STATEMENT OF THE CASE

On May 19, 2003, the Defense Office of Hearings and Appeals (DOHA) issued a Statement of Reasons (SOR) to Applicant stating they were unable to find it is clearly consistent with the national interest to grant or continue a security clearance for Applicant.[(1)] The SOR, which is in essence the administrative complaint, alleges security concerns under Guideline B (foreign influence), Guideline C (foreign preference), and Guideline L (outside activities). Applicant submitted a response to the SOR, dated May 30, 2003, and requested a hearing. In his response to the SOR, Applicant denied some allegations contained in the SOR, and admitted others while providing explanations in an effort to extenuate or mitigate the security concerns raised by the allegations.

This case was assigned to me on January 22, 2004, after another administrative judge granted the government's motion seeking her recusal. I caused a notice of hearing to be issued on January 27, 2004, scheduling the hearing for February 26, 2004. The hearing was commenced as scheduled, and then continued to, and concluded on, March 3, 2004.

The government called one witness and submitted twenty-two documentary exhibits that were marked as Government Exhibits (GE) 1-22. All government exhibits, except GE 18 & 21, were admitted into the record without an objection. Objections to GE 18 & 21 were sustained. Applicant testified, called eleven witnesses, and submitted fourteen documentary exhibits that were marked as Applicant's Exhibits (AE) 1-14, and admitted into the record without an objection. The transcripts were received March 5, 2004 and March 10, 2004.

PROCEDURAL MATTERS

This case was assigned to another administrative judge on December 1, 2003, who caused a notice of hearing to issue on December 17, 2003, scheduling the hearing for January 28, 2004. Department Counsel filed a motion entitled: *Department Counsel's Motion for Recusal of Administrative Judge* on January 16, 2004. That administrative judge granted the motion on January 21, 2004, and simultaneously cancelled the scheduled hearing.

I was out of my office, but notified telephonically of my assignment to the case on January 22, 2004. I was told at that time that numerous witnesses had been scheduled, including at least one out-of-state witness, for the previously scheduled hearing date. I was not informed the other administrative judge cancelled the hearing date, and therefore indicated I would make myself available to conduct the hearing on January 28, 2004. A new notice of hearing was issued on January 23, 2004, again scheduling the hearing for January 28, 2004.

Applicant's counsel filed a motion entitled: *Applicant's Objection to New Hearing Date and Motion for Disqualification* on January 27, 2004 in which he objected to the January 28, 2004 hearing date and sought my disqualification and the disqualification of Department Counsel. I issued an order on January 27, 2004 vacating the January 28, 2004 hearing date and denying the motion for disqualification. An amended notice of hearing was then issued on January 27, 2004, scheduling the hearing for February 26, 2004.

Department Counsel and Applicant were granted permission to submit closing arguments in writing following conclusion of the hearing. Each thereafter submitted their closing arguments, dated March 19, 2004. Department Counsel submitted a response to Applicant's closing argument that was dated March 24, 2004. Applicant's submitted a rebuttal that was dated March 25, 2004.

FINDINGS OF FACT

Applicant's admissions to the allegations contained in the SOR are incorporated herein. In addition, after a thorough review of the pleadings, transcripts, and exhibits, I make the following findings of fact:

Applicant is a 57-year-old, retired, United States Air Force Lieutenant Colonel (paygrade 0-5). Although he was strongly recommended for early promotion to Colonel and assignment as a squadron commander, Applicant chose to retire on December 31, 1989, because promotion would have required him to relocate, and his family situation at the time militated against him changing residences. Applicant's immediate family has a history of serving the United States during wartime; his father served with the U.S. Navy in the Pacific Theater of Operations during WWII, and his brother was wounded in combat in Viet Nam while serving with the U.S. Army.

Applicant graduated form college in 1968, and chose to accept a commission from the Air Force rather than await being drafted. He entered active duty on February 7, 1969, and was trained and assigned as a weapons system officer in the F-4 Phantom aircraft. He flew approximately 200 combat missions over Viet Nam, Cambodia, and Laos in the early 1970s. His extraordinary achievements while participating in aerial flight during that time were recognized by the award of four Distinguished Flying Crosses as a result of his aircraft inflicting significant damage and casualties on the enemy in the face of intense hostile fire.

In addition to the four Distinguished Flying Crosses, during his Air Force career Applicant was awarded the Meritorious Service Medal, Air Medal with 2 silver and 1 bronze oak leave clusters, Air Force Commendation Medal with 1 oak leave, Distinguished-Presidential Unit Citation, Air Force Outstanding Unit Award with Valor and 3 oak leave clusters, National Defense Service Medal, Viet Nam Service Medal with 2 stars, Air Force Overseas Short Tour Ribbon, Air Force Overseas Long Tour Ribbon, Air Force Longevity Service Award Ribbon with 4 oak leave clusters, Small Arms Expert Marksmanship Ribbon, Air Force Training Ribbon, Republic of Viet Nam Gallantry Cross with device, and the Republic of Viet Nam Campaign Medal.

Applicant was married on December 14, 1969, and obtained a divorce from that wife on December 29, 1989. He has three sons from that marriage, ages 22, 15, and 14, and was awarded joint custody of the children in the divorce. Applicant remarried on January 12, 1991, and subsequently obtained a divorce from that wife.[(2)] The record does not contain information indicating any children were born of that marriage.

Following a variety of assignments after his Viet Nam service, Applicant was transferred to HQ USAF Center for International Programs[(3)] in 1985, and assigned to manage the USAF Security Assistance (SA) programs for Venezuela, New Zealand, Papua New Guinea, Brunei, and a myriad of countries in the Americas. His exceptional performance, particularly in facilitating the sale of F-16 aircraft to Venezuela, was recognized when the Director of International Programs selected him to manage a $3.4 billion Israeli F-16 SA program. Applicant continued to run the Israeli desk, and manage the F-16 foreign military sales programs to as they applied to Israel, for the remainder of his Air Force career. He made eleven official U.S. Air Force trips to Israel while working the Israeli desk. During this assignment, Applicant completed graduate studies and was awarded

a Master's degree in 1988.

Applicant acquired an obvious expertise in foreign military sales while working the Israeli desk for the Air Force, and used that expertise to begin a consulting business in January 1990. Prior to his retirement, in accordance with Air Force regulations, Applicant requested and received official approval from the Air Force to work as a consultant to the government of Israel providing guidance to the Israeli Ministry of Defense on SA matters. (GE 4) He also submitted a *Statement of Employment - Regular Retired Officers* on December 8, 1989 in which he notified the U.S. Government he would obtain employment with the Israeli Ministry of Defense upon his retirement, and provide the Israelis with advice on how to more efficiently manage their foreign military sales program. (GE 3)

Applicant worked as a consultant under contract with the Israelis from January 1990 to January 1991, and was paid $50,000.00 for his services. He also provided abbreviated services to them, consisting of a few hours on each occasion, in 1994 and 1998. While providing the consulting services in 1990, Applicant attended meetings at the Israeli mission in New York City on a monthly basis. Applicant attended business meetings and social functions at the Israeli Embassy several times a year while working the Israeli desk for the Air Force. He continued to attend social functions at the Israeli Embassy several times a year after his retirement, although for the past five to six years he has only attended the Israeli Independence Day party. That festivity is attended by a couple thousand people, including very senior U.S. Government and military officials.

Applicant over the years has become friends with several Israelis, both military and civilian, including officials from the Israeli Ministry of Defense, and maintains some of those friendships at present. Several of his witnesses presented evidence establishing that the formation and maintenance of such friendships by persons who have served in positions such as Applicant did while in the USAF are not only normal and to be expected, but also further the mission of the USAF and the U.S. Government.[(4)]

Applicant began employment with a private pro-Israel organization in January 1991 whose mission is to strengthen relations between the U.S. and Israel. Applicant served as the Director of Defense Policy for the organization, and lobbied on behalf of the organization and drafted legislative language that was later enacted into law in the U.S. Applicant made one trip of approximately two weeks duration to Israel as part of an organization team to advise Israeli representatives on current issues and receive feedback on those issues from the Israelis.

Applicant returned to his private consulting business in August 1993. As part of his business, he entered into a contractual relationship with a U.S. company, managed by retired USAF officers, under which he assisted the U.S. company in the attempted formation of a business relationship with an Israeli company. Applicant applied for an Israeli Assurance (essentially a request for access to Israeli classified information) on June 6, 1994, and while he cannot remember the precise reason why he submitted the application, he logically assumes it was in connection with the work he was performing under this contract. The contract was never consummated and he was never granted access to Israeli classified information.

Applicant also met on multiple occasions between 1992 and 1993 with representatives of this same Israeli company in the course of his employment with the private pro-Israel organization; and when they contacted him after he returned to his consulting business and sought his professional assistance in marketing a defense product to the USAF. The product they were attempting to market was being co-produced with a major U.S. defense contractor.

Applicant twice escorted Israeli officials on trips to U.S. Air Force bases to attend meetings. On the first of those trips, he gained admission for himself and the two Israelis he was escorting by displaying his retired military identification card. The visit itself had been coordinated with, and approved by USAF officials. Visitors' passes had been left at the main gate for Applicant and the Israelis, but because Applicant was not advised in advance that he was to enter through that gate, obtain the passes, and not display his military ID, he entered a different gate where the guard told him he did not need anything other than his military ID to gain access. Applicant also attempted to add additional Israelis to the list of approved visitors, but the request was denied because of insufficient lead-time. The briefing itself was unclassified, and there is no evidence to support any inference that a breech of security was attempted or occurred.

Since November 1998, Applicant has been employed by a U.S. defense contractor as an airborne C3 analyst. His employer gave him permission to provide consulting services to another major U.S. defense contractor in furthering that contractor's business with Israel. Those consulting services ended in 2002.

Applicant's present employer, a retired USAF Colonel, submitted an affidavit in which he averred as follows:

"I have known (Applicant) for over 33 years. I have flown combat with (Applicant). I have also crossed paths with him during my career as an Air Force Officer. In the commercial world I hired (Applicant) to work on the National Airborne Operations Center program - a program that deals with security of our nation. He has never given me any reason to believe he is not the most loyal and trustworthy of citizens dedicated to the continued peace and freedom of out great nation. When we first met in Viet Nam he laid his life on the line for his country. I am convinced he would do the same today!"[(5)]

Applicant served as aide-de-camp to the Fighter Weapons Center Commander at a USAF Base from 1979 to1980. The Commander went on to be the Superintendent of the Air Force Academy, and then Vice Air Commander at a USAF base, retiring at the rank of Lieutenant General. Upon assuming his duties at the Air Force Academy, he brought Applicant in to run the then troubled protocol section at the academy. He subsequently

worked with Applicant in the civilian sector in approximately 1993. He asserted in an e-mail, dated February 19, 2004: "I have read his response to your Statement of Reasons, along with the SOR. I have no reservations in recommending (Applicant) be granted a Top Secret clearance."[(6)] The General also testified as follows:

Q. Overall, how would you rate (Applicant) as a commissioned officer during the time that you know him on active duty?

A. Absolutely superior.

. . .

Q. Do you have any reservations at all about entrusting to him the secrets of this nation's security?

A. I did not in the past and I would not in the future.

Q. If you were in a position to do so today, would you recommend (Applicant)?

A. Absolutely, without reservation.[(7)]

Another of Applicant's character witnesses served in staff and operational assignments with the Defense Intelligence Agency, as the Deputy Assistant Secretary of Defense for Intelligence from February 1999 to November 1999, and as the Director of the Defense Security Service from June 1999 to June 2002. He first met Applicant when they flew combat missions together in Viet Nam while members of sister squadrons. They next served together when he was the Commandant and Applicant was a Fighter Weapons Instructor at the Air Force Fighter Weapons School. Applicant also worked for him when Applicant was assigned as the Israeli desk officer for the USAF. The witness retired from the USAF as a Lieutenant General, after commanding the 12th Air Force, which was the largest tactical air command in the USAF at the time, consisting of 82,000 people and 17 Fighter Wings. He testified:

Q. Do you have any reservations whatsoever about recommending (Applicant) for a security clearance?

A. Absolutely none whatsoever.

. . .

Q. Do you think you know (Applicant) well enough that if there were a disloyal bone in his body you would know it?

A. I know (Applicant) extremely well. I know (Applicant) as a man that I would eager [sic] to entrust classified information to. I know that he would protect it and I would hope that again one day that he will be doing the same kind of work in industry.[(8)]

Applicant submitted testimony and statements from many other individuals who have known him at varying times covering most, if not all, of his military and civilian careers. These individuals include senior active duty and retired military officers, and U.S. government officials. They have had the opportunity to observe Applicant in both work and social settings. Like the three witnesses noted above, they are fully aware of all allegations contained in the SOR. They enthusiastically and wholeheartedly vouch for Applicant's honesty, integrity, trustworthiness, and suitability for access to this nation's secrets.

POLICIES

The Directive sets forth adjudicative guidelines to consider when evaluating a person's eligibility to hold a security clearance. Chief among them are the Disqualifying Conditions (DC) and Mitigating Conditions (MC) for each applicable guideline. Additionally, each clearance decision must be a fair and impartial commonsense decision based upon the relevant and material facts and circumstances, the whole person concept, and the factors listed in ¶ 6.3.1 through ¶ 6.3.6 of the Directive. Although the presence or absence of a particular condition or factor for or against clearance is not outcome determinative, the adjudicative guidelines should be followed whenever a case can be measured against this policy guidance. Considering the evidence as a whole, Guideline B, pertaining to foreign influence, Guideline C, pertaining to foreign preference, and Guideline L, pertaining to outside activities, with their respective DC and C, are most relevant in this case.

BURDEN OF PROOF

The sole purpose of a security clearance decision is to decide if it is clearly consistent with the national interest to grant or continue a security clearance for an applicant.[(9)] The government has the burden of proving controverted facts.[(10)] The burden of proof in a security clearance case is something less than a preponderance of evidence,[(11)] although the government is required to present substantial evidence to meet its burden of proof.[(12)] "Substantial evidence is more than a scintilla, but less than a preponderance of the evidence."[(13)] Once the government has met its

burden, the burden shifts to an applicant to present evidence of refutation, extenuation, or mitigation to overcome the case against him.(14) Additionally, an applicant has the ultimate burden of persuasion to obtain a favorable clearance decision.(15)

No one has a right to a security clearance(16) and "the clearly consistent standard indicates that security clearance determinations should err, if they must, on the side of denials."(17) Any reasonable doubt about whether an applicant should be allowed access to classified information must be resolved in favor of protecting national security.(18)

CONCLUSIONS

Foreign Influence. 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.

The government's allegations in support of its assertion that Applicant is subject to foreign influence are that he was assigned by the USAF to work the Israeli desk while on active duty, sought and received permission to perform work on behalf of the Israeli government following his retirement, actually performed such work in addition to work for a private Israeli company, sought an Israeli Assurance in furtherance of his work, was employed by a pro-Israel organization in the U.S., traveled to Israel on behalf of that organization, has attended social events at the Israeli Embassy, and has Israeli friends, including officials from the Israeli Ministry of Defense. The evidence establishes there is a factual basis for each of these allegations.

Based upon the SOR allegations, Disqualifying Conditions (DC) 6: *Conduct which may make the individual vulnerable to coercion, exploitation, or pressure by a foreign government*; and DC 8: *A substantial financial interest in a country, or in any foreign - owned or - operated business that could make the individual vulnerable to foreign influence* must be evaluated in determining whether it is clearly consistent with the national interest to grant or continue a security clearance for Applicant under Guideline B.

Applicant was chosen to work the Israeli desk by his superiors while on active duty solely because of his consistent outstanding performance in the USAF, including his assignment to manage foreign military sales to other countries. The Israeli desk was an important and demanding assignment in furtherance of strategic U.S. security interests. He managed critical F-16 aircraft sales to Israel by major U.S. defense contractors, and unquestionably made contacts and gained a unique expertise in a complex field.

The exploitation of the contacts he made and the use of his expertise following his retirement are typical of the post-retirement employment activities of many retired military officers, and completely reasonable. Further, by providing services to the Israelis in the complex field of foreign military sales, Applicant was supporting U.S. efforts to bolster the military capability of a strategic ally in a critical part of the world. Still, Applicant's activities have brought into play DC 6 and DC 8 because he has earned a substantial portion of his income from the Israeli government, an Israeli owned business, and a U.S. defense contractor selling aircraft to the Israelis. Additionally, he has associated on a regular basis with Israeli officials, including members of the Ministry of Defense, provided consulting services to the Israeli government, and befriended Israeli nationals, including officials from the Ministry of Defense.

Applicant's employment as the Director of Defense Policy for a pro-Israel organization, and the work he performed on legislative and policy initiatives on behalf of the organization also fall within the scope of DC 6 and DC 8. However, it must also be noted that the organization is:

. . .a private U.S. organization with a membership of some 85,000 Americans and does not receive direction or financial support from any foreign government. The organization maintains a local liaison office in Jerusalem that has no formal connection to the Israeli government. . . . (It) is a registered lobbying organization that works to strengthen the historically warm and close ties between two allied nations - the United States and Israel - based upon mutual benefits and common interests. . . . (Its) primary activity is lobbying the U.S. Congress in support of legislation, programs and issues of benefit to the U.S.-Israel relationship. . . .(19)

The government presented substantial evidence concerning Applicant's use of his retired military identification card to gain access to a military base while escorting two Israelis to a meeting. However, the meeting had been arranged and coordinated in advance through HQ USAF and the appropriate base officials. The meeting was unclassified, and, with the exception of failing to pick up base passes that had been left at the main gate for Applicant and the two visitors, there is no allegation of any irregularity occurring. Applicant credibly testifies he was unaware the passes were waiting for him and that he stopped at the gate closest to where the meeting was to be held and requested entry instructions from the guard. His failure to pick up the passes does not create any security issue.

Once the government meets its burden of proving controverted facts(20) the burden shifts to an applicant to present evidence demonstrating extenuation, mitigation, or changed circumstances.(21) Further, the government is under no duty to present evidence to disprove any Adjudicative

Guideline mitigating conditions, and an Administrative Judge cannot assume or infer that any particular mitigating condition is applicable merely because the government does not present evidence to disprove that particular mitigating condition.[(22)]

The following Mitigating Conditions (MC) must be evaluated in determining whether it is clearly consistent with the national interest to grant or continue a security clearance for Applicant under Guideline B: MC 2: *Contacts with foreign citizens are the result of official United States Government business*; MC 4: *The individual has promptly reported to proper authorities all contacts, requests, or threats from persons or organizations from a foreign country, as required*; and DC 5: *Foreign financial interests are minimal and not sufficient to affect the individual's security responsibilities*.

Applicant's initial contact with the Israeli Embassy, members of the Israeli Ministry of Defense, and Israeli military arose from his official duties while on active duty. The people he worked with and for in the Air Force expected those relationships to occur, considered them beneficial to the USAF mission, and anticipated they would continue. There is no indication Applicant ever failed to report a visit to the embassy, or contact with any foreign national. In fact, as the government itself has alleged in the SOR, Applicant properly reported his anticipated employment and work on behalf of the Israeli government as required.

A substantial portion of Applicant's original post-retirement income was derived from the consulting work he performed under contract with the Israeli government, and later for the pro-Israeli organization. However, he has been employed full-time since 1998 with a U.S. defense contractor, and performs part-time consulting work for another U.S. defense contractor. There is no evidence he receives any income at present from any foreign government or that he has any financial interest or assets located within a foreign country.

Outside Activities. Involvement in certain types of outside employment or activities is of security concern if it poses a conflict with an individual's security responsibilities and could create an increased risk of unauthorized disclosure of classified information.

The allegations that raise a security concern of foreign influence also create a legitimate government concern about Applicant's outside activities. They necessarily raise the issue of whether his significant past and present business and personal contacts with the Israeli government and its officials, and the consulting work he has done on behalf of the Israeli government, an Israeli business, and a U.S. defense contractor create an unacceptable risk of unauthorized disclosure of classified information, either intentionally or inadvertently.

A security concern may be raised under this guideline from any service, whether compensated, volunteer, or employment with: DC 1: *A foreign country*; DC 2: *Any foreign national*; DC 3: *A representative of any foreign interest*; and DC 4: *Any foreign, domestic, or international organization or person engaged in analysis, discussion, or publication or intelligence, defense, foreign affairs, or protected technology*. Applicant's substantial employment history raises security concerns under each of these disqualifying conditions.

However, with the exception of the consulting work he is now providing to the U.S. defense contractor, Applicant is no longer involved in business relationships that would raise an outside activity concern. Further, with the exception of while he was still on active duty, there is no evidence that any of Applicant's employment involving the Israeli government or Israeli business entities dealt with classified material or that he even had access to classified material. His entire military history and professional reputation attest to the unlikeliness of him disclosing classified information he became aware of during his active duty days. MC 1: *Evaluation of the outside employment or activity indicates that it does not pose a conflict with an individual's security responsibilities*; and MC 2: *the individual terminates the employment or discontinues the activity upon being notified that it is in conflict with his or her security responsibilities* each apply to some extent in this case.

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.

Once again, the substantial work Applicant has done on behalf of the Israeli government, Israeli business entities, and the pro-Israel U.S. organization create a legitimate security concern of foreign preference. Specifically, DC 9: *Performing or attempting to perform duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States* must be evaluated in determining whether Applicant's employment activities have created an unacceptable security risk.

It must first be noted that Applicant requested permission from the U.S. Government to engage in employment on behalf of the Israeli Government prior to his retirement, was granted such permission, and submitted the required notification to the U.S. Government. M.C. 3: *Activity is sanctioned by the United States* applies in this case. The apparent majority of work performed on behalf of the Israelis by Applicant was also in furtherance of strategic U.S. interests. There is nothing to indicate Applicant displayed a preference for Israel over the United States in any of the work undertook. Rather, it appears he made business and professional decisions that he could best earn an income providing services to Israel that were also in the best interest of the United States.

Most importantly in this case, Applicant receives credit under the "whole person" concept for the twenty years of truly dedicated, superior, and frequently courageous, service he provided to the nation as a USAF officer. Applicant's character witnesses are all men of impeccable integrity. They are in many cases true American heros who have devoted their lives to protecting this nation, and know first hand what "death before dishonor" really means. Their words are not to be taken lightly. Their opinions are entitled to substantial weight. They emphatically have vouched

for Applicant's honesty, integrity, and trustworthiness, based upon sustained and close observation. Their willingness to come forward and place their personal and professional reputations behind their recommendation that Applicant be granted access to classified information speaks volumes.

In all adjudications the protection of our national security is the paramount concern. The objective of the security-clearance process is the fair-minded, commonsense assessment of a person's trustworthiness and fitness for access to classified information. Indeed, the "whole person" concept recognizes we should view a person by the totality of their acts and omissions. Each case must be adjudged on its own merits, taking into consideration all relevant circumstances, and applying sound judgment, mature thinking, and careful analysis. I have done so in this case and am satisfied Applicant has presented sufficient evidence of refutation, extenuation, and mitigation to overcome the case against him. Accordingly, Guidelines B, C, and L are decided for Applicant.

FORMAL FINDINGS

SOR ¶ 1-Guideline B: For the Applicant

Subparagraph a: For the Applicant

Subparagraph b: For the Applicant

Subparagraph c: For the Applicant

Subparagraph d: For the Applicant

Subparagraph e: For the Applicant

Subparagraph f: For the Applicant

Subparagraph g: For the Applicant

Subparagraph h: For the Applicant

Subparagraph i: For the Applicant

Subparagraph j: For the Applicant

Subparagraph k: For the Applicant

Subparagraph l: For the Applicant

Subparagraph m: For the Applicant

Subparagraph n: For the Applicant

Subparagraph o: For the Applicant

SOR ¶ 2-Guideline L: For the Applicant

Subparagraph a: For the Applicant

Subparagraph b: For the Applicant

Subparagraph c: For the Applicant

SOR ¶ 3-Guideline C: For the Applicant

Subparagraph a: 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. Clearance is granted.

Henry Lazzaro

Administrative Judge

1. This action was taken under Executive Order 10865 and DoD Directive 5220.6, dated January 2, 1992, as amended and modified (Directive).

2. The record does not contain a date of divorce.

3. This is the identity provided for the organization in the first Officer Effectiveness Report written on Applicant after his assignment to that organization. Subsequent reports, and SOR subparagraph 1.a., identify the organization as the Directorate of International Programs.

4. See: AE 1, Tab 21 & 22; Tr. pp. 158-159

5. AE 1, Tab B 20

6. AE 1, Tab B 3

7. Tr. pp. 138-141

8. Tr. pp. 152-153

9. ISCR Case No. 96-0277 (July 11, 1997) at p. 2.

10. ISCR Case No. 97-0016 (December 31, 1997) at p. 3; Directive, Enclosure 3, Item E3.1.14.

11. *Department of the Navy v. Egan* 484 U.S. 518, 531 (1988).

12. ISCR Case No. 01-20700 (December 19, 2002) at p. 3 (citations omitted).

13. ISCR Case No. 98-0761 (December 27, 1999) at p. 2.

14. ISCR Case No. 94-1075 (August 10, 1995) at pp. 3-4; Directive, Enclosure 3, Item E3.1.15.

15. ISCR Case No. 93-1390 (January 27, 1995) at pp. 7-8; Directive, Enclosure 3, Item E3.1.15

16. *Egan*, 484 U.S. at 528, 531.

17. Id at 531.

18. *Egan*, Executive Order 10865, and the Directive.

19. AE 1, Tab 19

20. Directive, Additional Procedural Guidance, Item E3.1.14

21. Directive, Additional Procedural Guidance, Item E3.1.15

22. ISCR Case No. 99-0597 (December 13, 2000)