ÿWPCŒ ¤x·€_^´o"Ü)€ŽŠsýÀñFNÚò¶úýPHNé]lƒöQà/á&L±(.lES[¶1GÃZOv¥?Á;',w¸=‹Ôû'®Ú,#ú0™™ïéïàjÐËRJ_Õ9Ëáš8zÕ¼p±cÀD¶ë¶"vÚ—c[ÉààT'Èù(ÃufiźÍ,–>ØíGàm¢£_q¶T?žUEyá—‰Ÿ\W1—dºŽ|Æ_B7ÈÒ:'^' :W"“—±Óƒ„ÝUš…:‹¡Ç¦í±Çà,7
úhfÁ~ÝCœf<6Zëe6Ó}Þâ ‡nHN¢'F#Â2î D Ü Øáµ'xA Z1C98v|fxø ŠÙNŒ Ú'OkÑ## ë˜>À?áºÉà ¨üe Ëum¿€ÿbh UL—Ô^?Â¬WRGhÿJ0Rol¯ºuÞqK"3,1 d C Ýfõ œ+?ä vö{ƒnP ±o5`³Å Œ pï=ã>©¼ªïÁCÃša¸ Ø¼•-
º"§0®bî"Ô¬åý º‡:vNÆ *vöoCdœ 'Y9 |ù`D ®dÙ†×V" Nâ²¸jXU…¶^3þ »¼÷Ñù¬qÞBÝÊf:À(¢¶¾üü ^<ö £L%ª®¼ù:¶ Ö \ # Á U/NÉ % 0 : ^ W E µ b · ä » 0 VŸ U >ð ^ 3 w ? 4 C W
f m h 0 © 0 D(¾l 0 m* * * * * ¨— — 0 D? §ƒ k* x• • • • • k ºx ¡2 pÓ Ó C C C C C ±Y
y ›˜ ¶ 3 žé o‡ †ö µ| B >1 1 1

ÐÌà @ àÔ #† X êÐX X U êÐ6(#ÔÔ ‡ U êÐX X X êÐ ÔBecause€the€entire€process€is€a€conscientious€scrutiny€of€a€number€of€variables€known€as€the€ð ðwhole€person€concept,ð ð€all€available,
€reliable€information€aboutÐ „ „ Ðthe€person,€past€and€present,€favorable€and€unfavorable,€should€be€considered€in€making€a€meaningful€decision.€€The€Adjudicative€Process€factors€which€anÐ p p
Ðadministrative€judge€should€consider€are:€(1)€the€nature,€extent,€and€seriousness€of€the€conduct;€(2)€the€surrounding€circumstances€of€the€conduct,€to€includeÐ \ \ Ðknowledgeable€participation;
€(3)€the€frequency€and€recency€of€the€conduct;€(4)€the€individualð ðs€age€and€maturity€at€the€time€of€the€conduct;€(5)€the€voluntarinessÐ H H Ðof€participation;
€(6)€the€presence€or€absence€of€rehabilitation€and€other€pertinent€behavioral€changes;€(7)€the€motivation€for€the€conduct;€(8)€the€potential€forÐ 4 4 Ðpressure,€coercion,€exploitation,€or€duress;
€and€(9)€the€likelihood€of€continuation€or€recurrence.Ð ÐÑ C)OY ÑÑ C ÑÌà @ àInitially,€the€Government€must€establish,€by€substantial€evidence,
€conditions€in€the€personal€or€professional€history€of€the€applicant€that€disqualify,€or€mayÐ ø ø Ðdisqualify,€the€applicant€from€being€eligible€for€access€to€classified€information.× ƒ 1Ý ×Ý
ƒ &Ó Ýò òÚ Ú10Ú Úó óÝ Ý× Ý ×€€The€Directive€presumes€a€nexus€or€rational€connection€between€provenÐ ä ä
Ðconduct€under€any€of€the€disqualifying€conditions€listed€in€the€guidelines€and€an€applicantð ðs€security€suitability.× ƒ 2Ý ×Ý ƒ &Ó Ýò òÚ Ú11Ú Úó óÝ Ý× Ý ×Ð Ð Ð
ÐÌà @ àÔ ‡ U êÐX X U êÐ ÔOne€additional€comment€is€worthy€of€note.€€Applicantð ðs€allegiance,€loyalty,€and€patriotism€are€not€at€issue€in€these€proceedings.€€Section€7€of€Executive€OrderÐ ¨ ¨
Ð10865€specifically€provides€industrial€security€decisions€shall€be€ð ðin€terms€of€the€national€interest€and€shall€in€no€sense€be€a€determination€as€to€the€loyalty€ofÐ ” ” Ðthe€applicant€concerned.ð ð€
€Security€clearance€decisions€cover€many€characteristics€of€an€applicant€other€than€allegiance,€loyalty,€and€patriotism.€€Nothing€in€thisÐ € € ÐDecision€should€be€construed€to€suggest€I€have€based€this€decision,€in€whole€or€in€part,
€on€any€express€or€implied€decision€as€to€Applicantð ðs€allegiance,€loyalty,Ð l l ! Ðor€patriotism.€Ô #† U êÐX X U êÐ 0#ÔÔ ‡ U êÐX X U êÐ ÔÐ X X " ÐÔ #† U êÐX X
U êÐA3#ÔÌà @ àHaving€ò òó óconsidered€the€evidence€as€a€whole,€ò òó ó€I€find€the€following€adjudicative€ò òó óguideline€most€pertinent€to€an€evaluation€of€the€facts€of€this€case:Ô ‡ U êÐX X U êÐ ÔÔ #†
X êÐX X U êÐ)#ÔÔ ‡ U êÐX X X êÐ ÔÐ 0!0!$ ÐÔ #† U êÐX X U êÐ4#ÔÌà @ àò òGUIDELINE€BE,,€FOREIGN€INFLUENCE:€€(FI),€Directive,
€ð ð€E2.A2.1.1.ò òó ó€ò òA€security€risk€may€exist€when€an€individualð ðs€immediate€family,€includingÐ # #& Ðcohabitants,€and€other€persons€to€whom€he€or€she€may€be€bound€by€affection,€influence,€or€obligations€are:
€(1)€not€citizens€of€the€United€States€or€(2)€mayÐ ô#ô#' Ðbe€subject€to€duress.€€These€situations€could€create€the€potential€for€foreign€influence€that€could€result€in€the€compromise€of€classified€information.Ð Ü$Ü$(
ÐContacts€with€citizens€of€other€countries€or€financial€interests€in€other€countries€are€also€relevant€to€security€determinations€if€they€make€an€individualÐ Ä%Ä%) Ðpotentially€vulnerable€to€coercion,€exploitation,
€or€pressure.ó óò òó óÔ ‡ U êÐX X U êÐ ÔÐ ¬&¬&* ÐÌà @ àó óSince€the€protection€of€the€national€security€is€the€paramount€determinant,
€the€final€decision€in€each€case€must€be€arrived€at€by€applying€the€standard€that€theÐ €(€(, Ðissuance€of€the€clearance€is€ð ðclearly€consistent€with€the€interests€of€national€security,ð ð× ƒ 3Ý ×Ý
ƒ &Ó Ýò òÚ Ú12Ú Úó óÝ Ý× Ý ×€or€ð ðclearly€consistent€with€the€national€interest.ð ð€€For€the€purposesÐ l)l)- Ðherein,€despite€the€different€language€in€each,
€I€have€concluded€both€standards€are€one€and€the€same.€€In€reaching€this€Decision,€I€have€drawn€only€thoseÐ X*X*. Ðconclusions€that€are€reasonable,€logical,€and€based€on€th€evidence€contained€in€the€record.€€Likewise,
€I€have€avoided€drawing€inferences€grounded€on€mereÐ D+D+/ Ðspeculation€or€conjecture.Ð 0,0,0 ÐÌà @ àÔ #† U êÐX X
U êÐó7#ÔOnce€the€Government€establishes€a€disqualifying€condition€by€substantial€evidence,€the€burden€shifts€to€the€applicant€to€rebut,€explain,€extenuate,€or€mitigateÐ . .2 Ðthe€facts.× ƒ 4Ý ×Ý
ƒ &Ó Ýò òÚ Ú13Ú Úó óÝ Ý× Ý ×€€An€applicant€ð ðhas€the€ultimate€burden€of€demonstrating€that€it€is€clearly€consistent€with€the€national€interest€to€grant€or€continue€his€securityÐ ô.ô.3
Ðclearance.ð ð× ƒ 5Ý ×Ý ƒ &Ó Ýò òÚ Ú14Ú Úó óÝ Ý× Ý ×€€Ô ‡
U êÐX X U êÐ ÔA€person€who€has€access€to€classified€information€enters€into€a€ò òó ófiduciary€relationship€with€the€Government€based€on€trust€and€ò òó óconfidence.€TheÐ à/à/4 ÐGovernment,€therefore,
€has€a€compelling€interest€in€ensuring€each€Applicant€possesses€the€requisite€judgment,€reliability€and€trustworthiness€of€one€who€willÐ ÌÒÌ05 Ðprotect€the€national€interests€as€his€or€her€own.€€The€ð
ðclearly€consistent€with€the€national€interestð ð€standard€compels€resolution€of€any€reasonable€doubt€about€anÐ ‚1‚16 ÐApplicantð ðs€suitability€for€access€in€favor€of€the€Government.× ƒ 6Ý ×Ý
ƒ &Ó Ýò òÚ Ú15Ú Úó óÝ Ý× Ý ×€€Decisions€under€this€Directive€include,€by€necessity,€consideration€of€the€possible€risk€anÐ ¤2¤27
Ðapplicant€may€deliberately€or€inadvertently€fail€to€protect€or€safeguard€classified€information.€€Such€decisions€entail€a€certain€degree€of€legally€permissibleÐ Ðextrapolation€as€to€potential,€rather€than€actual,
€risk€of€compromise€of€classified€information.Ô #† U êÐX X U êÐì=#ÔÔ #† X êÐX X U êÐ‹4#Ôò òó óÔ ‡ U êÐX X X êÐ ÔÔ ‡ U êÐX X U êÐ ÔÐ ìì
Ðà @ àò òò òÔ #† U êÐX X U êÐ´B#Ôà @` àòŒòòŽòòŽóóŒóà @¸ àòŒòòŽòà@ ~ ~ 6~ àóŒóóŽó`Ìà@ 1~ àCONCLUSIONS^Ð Ä Ä
ÐÌó óò òó óó óà @ àThe€Government€established€its€case€under€Guideline€B.€€Applicant€has€been€portrayed€as€a€person€who€has€a€potential€security€risk€because€members€of€herÐ œ œ
Ðimmediate€family€or€persons€to€whom€she€is€bound€by€affection,€influence,€or€obligation€,,€in€this€instance€her€sisters€and€their€families€are€citizen€residents€ofÐ ˆ ˆ ÐVietnam€,,€and€may€be€subject€to€duress.€
€These€situations€raise€the€potential€for€vulnerability€to€coercion,€exploitation,€or€pressure,€and€the€exercise€of€foreignÐ t t Ðinfluence€that€could€result€in€the€compromise€of€classified€information.€€However,
€the€mere€possession€of€family€ties€with€a€person€in€a€foreign€country€is€not,Ð ` ` Ðas€a€matter€of€law,€disqualifying€under€Guideline€B:Ð L L ÐÌà8 @ àà8 @` Ð Ð àThe€language€of€[Guideline]€B€
(Foreign€Influence)€in€the€Adjudicative€Guidelines€makes€clear€that€the€possession€of€such€family€ties€ò òmayó ó€pose€a€security€risk.€Ð $ $
ÐWhether€an€applicantð ðs€family€ties€in€a€foreign€country€pose€a€security€risk€depends€upon€a€common€sense€evaluation€of€the€overall€facts€and€circumstances€ofÐ Ðthose€family€ties.€€ò òSeeó ó€ISCR€Case€No.
€98,,0419€(April€30,€1999)€at€Ô_ Ôp.5.× ƒ 7Ý ×Ý ƒ &Ó Ýò òÚ Ú16Ú Úó óÝ Ý× Ý ×Ô_ ÔÐ ü ü
ÐÌà @ àOnly€the€continuing€Vietnamese€citizenship€of€her€immediate€family€members€raise€the€potential€issue€of€foreign€influence.€€In€this€regard,€see€ForeignÐ Ô Ô ÐInfluence€Disqualifying€Condition€(FI€DC)€E2.A2.1.2.1.€
(ò òan€immediate€family€member,€or€a€person€to€whom€the€individual€has€close€ties€of€affection€orÐ À À Ðobligation,€is€a€citizen€or€present€in,€a€foreign€countryó ó).€
€Ô #† X êÐX X U êÐ•B#ÔÔ ‡ U êÐX X X êÐ ÔÐ ¬ ¬
ÐÔ #† X êÐX X U êÐûJ#ÔÔ ‡ U êÐX X X êÐ Ôà @ àÔ #† X êÐX X U êÐRK#ÔÔ ‡ U êÐX X X êÐ ÔÌà @ àAlso€applicable€in€this€case€is€Foreign€Influence€Mitigating€Condition€
(FI€MC)€E2.A2.1.3.1.€(ò òa€determination€that€the€immediate€family€member(s),€(spouse,Ð „ „ Ðfather,€mother,€sons,€daughters,€brothers,€sisters),€cohabitants,€or€associate(s)
€in€question€are€not€agents€of€a€foreign€power€or€in€a€position€to€be€exploited€byÐ p p Ðforeign€power€in€a€way€that€would€force€the€individual€to€choose€between€loyalty€to€the€person(s)€involved€and€the€United€Statesó ó),€
€and€FI€MC€E2.A2.1.3.5.Ð \ \ Ð(ò òforeign€financial€interests€are€minimal€and€not€sufficient€to€affect€the€individualð ðs€security€responsibilitiesó ó).ò òó ó€€Applicantð ðs€trips€to€Vietnam€in€1997€and€2001,Ð
H H Ðwere€to€visit€family€and€friends,€the€latter€to€accompany€her€mother€to€visit€a€critically€injured€sister,€€and€are€innocuous.€€She€has€no€financial€ties€there.€Ð 4 4
ÐApplicant€has€not€engaged€in€any€misconduct€such€as€to€render€her€an€inappropriate€candidate€for€a€security€clearance.Ð
ÐÌà @ àI€note€that€no€evidence€has€been€offered€by€the€Government€indicating€any€overt€Vietnam€intentions€or€activities,€such€as€industrial€espionage€or€activeÐ ø ø Ðcollection€of€foreign€economic€information,
€directed€toward€the€United€States.€€I€acknowledge€that€Vietnam€is€still€a€communist€state€but€this€must€beÐ ä ä
Ðcontrasted€with€the€restoration€of€diplomatic€relationsÔ #† X êÐX X U êÐ K#ÔÔ ‡ U êÐX X X êÐ Ô€and€the€mutual€trade€and€other€agreements€recently€concluded.
€Ô #† X êÐX X U êÐ²Q#ÔÔ ‡ U êÐX X X êÐ ÔÐ Ð Ð ÐÌà @ àApplicantð ðs€father€and€uncles€were€allies€fighting€alongside€our€military€during€the€Vietnam€war.€€Some€suffered€through€the€
€Vietnamese€gulag€after€that€war.€Ð ¨ ¨ ÐHer€father€displayed€the€courage€to€escape,€come€to€America,€and€provide€the€pathway€for€his€family€to€follow.€€With€a€brother€and€brother,,in,,law€serving€inÐ ” ” Ðthe€U.
€S.€armed€services,€ò òwith€security€clearancesó ó,€common€sense€dictates€that€Applicant€is€not€a€security€risk.€€I€conclude€allegations€1.a.€through€1.d.€of€theÐ € €
ÐSOR€in€Applicantð ðs€favor.Ô #† X êÐX X U êÐ3R#ÔÔ ‡ U êÐX X X êÐ ÔÐ l l ! ÐÌÌà @ àò òò òó óó óà @`
àò òò òòŽòòŒòóŒóóŽóó óó óà@ Ã Ã /~ àà@ @1 l #ì àò òò òFORMAL€FINDINGSó óó ó^Ð 0!0!$ ÐÌà @ àFormal€findings€For€or€Against€Applicant€on€the€allegations€set€forth€in€the€SOR,
€as€required€byÔ #† X êÐX X U êÐ×T#ÔÔ ‡ ï ô ò X X êÐ Ô€ÔÔ #† X êÐX ò ï ô.V#ÔÔ ‡ U êÐX X X êÐ Ôð ð€E3.1.25€of€Enclosure€3€of€the€Directive,€are:Ð # #&
ÐÌà @ àParagraph€2.€ò òó óGuideline€B:€€FOR€THE€APPLICANTÐ à$à$(ÐÌà @ àà @` àà @ àà @° àà @ àà @` àSubparagraph€1.a.€€€For€the€ApplicantÐ ‚&‚&*
Ðà @ àà @` àSubparagraph€1.b.€€€For€the€ApplicantÐ ¤'¤'+ Ðà @ àà @` àSubparagraph€1.Ô G ÔÔc dÿ Ôc.€€€For€the€ApplicantÔc ÿd3X ÔÔ F 'X ÔÔc dÿ ÔÔ G ÔÐ
((, Ðà @X àà @° àà @ àà @ àà @` àSubparagraph€1.Ôc ÿd X ÔÔc dÿ ÔÔ F “X ÔÔ G Ôd.€€€For€the€ApplicantÔ F +Y ÔÔc ÿd Y ÔÔ G ÔÔc dÿ ÔÐ |)|)-
Ðà @X àà @° àà @ àà @` àÔ F sY ÔÔc ÿd Y ÔÎÌà @ àà@ ~ ~ 6~ à^ÌÌÌò òò òà@ 2~ àà@ @ý ý &ì àDECISION^Ð / /3 Ðó óó óÌà @X àà0 @° à€€
€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€Applicantð ðs€securityÐ Ü0Ü05 Ðclearance.€€Clearance€is€granted.Ð È1È16
Ð‡ÌÌà@ ~ ~ 6~ à^Ìà@ L L -~ àChristopher€Graham^Ð Ä Ä Ðà@ ‚~ àAdministrative€Judge€Ô #† X êÐX X U êÐqV#Ô