DATE: December 6, 2006

In Re:

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

Applicant for Security Clearance

CR Case No. 05-11287

DECISION OF ADMINISTRATIVE JUDGE

JOAN CATON ANTHONY

APPEARANCES

FOR GOVERNMENT

Fahryn Hoffman, Esq., Department Counsel

Francisco Mendez, Esq., Department Counsel

FOR APPLICANT

David A. Silvers, Esq.

SYNOPSIS

Applicant, a dual citizen of Israel and the U.S., is close to his two brothers, who hold Israeli citizenship and reside in Israel. Applicant traveled to Israel approximately once a year to visit family, and, when doing so, he used his Israeli passport to enter and exit Israel, in accordance with Israeli law. To comply with the Money Memorandum, he surrendered his active Israeli passport to authorized Israeli officials in the U.S. They then granted him permission to enter Israel on his U.S. passport under a program limited to dual citizens who hold U.S. security clearances, provided he complied with Israeli law by identifying himself to Israeli authorities. Applicant failed to mitigate Guideline B and C security concerns. Clearance is denied.

STATEMENT OF THE CASE

The Defense Office of Hearings and Appeals (DOHA) declined to grant or continue a security clearance for Applicant. On February 15, 2006, under the applicable Executive Order[(1)] and Department of Defense Directive,[(2)] DOHA issued a Statement of Reasons (SOR), detailing the basis for its decision-security concerns raised under Guideline C (Foreign Preference) and Guideline B (Foreign Influence) of the Directive. Applicant answered the SOR in writing on February 23, 2006, and elected to have a hearing before an administrative judge. On July 24, 2006, the case was assigned to me.

On October 23, 2006, I convened a hearing to consider whether it is clearly consistent with the national interest to grant or continue a security clearance for Applicant. The Government offered three exhibits (Ex.), which were identified as Ex. 1, Ex. 2, and Ex.3 and admitted to the record without objections. The Government also offered for administrative notice facts contained in seven documents prepared by official entities of the U.S. Government. These documents were identified as Government Documents for Administrative Notice I through VII. Because the reprints of three of the documents[(3)] offered were unclear as to pagination and publication dates, the Government supplied Applicant and me with corrected documents. Applicant objected to notice of Government Document I and asserted the facts therein were

outdated and possibly unreliable. I noted Applicant's objection and admitted the facts for whatever probative value they might have. The facts offered in Documents for Administrative Notice II through VII were also admitted, and I noted Applicant's objections to facts discussing espionage-related cases on page 18 of Document V. Applicant also objected to facts offered in Government Document for Administrative Notice VI, asserting they were irrelevant, outdated, presented cumulative evidence, and their probative value was outweighed by the danger of prejudice. I admitted facts in the document over Applicant's objections. Applicant offered eight exhibits, which were identified as Ex. A through H and admitted to the record without objection. Applicant offered facts in one document for administrative notice, which was identified as Applicant's Document for Administrative Notice A-I, and it was admitted without objection. DOHA received the transcript (Tr.) of the proceeding on November 2, 2006.

FINDINGS OF FACT

The SOR contained three allegations under Guideline C and two allegations under Guideline B. Applicant admitted all allegations in the SOR and offered mitigating circumstances. Applicant's admissions are incorporated herein as findings of fact.

Applicant is 64 years old, self-employed, and the owner and president of a printing business. He was born in Morocco and immigrated to Israel in 1954 when he was 12 years old. He claimed Israeli citizenship under Israel's Law of Return. (4) In August 1961, at the age of 18, he was conscripted into the Israeli Defense Services, where he served until February 1964. He immigrated to the U.S. in 1969 and became a U.S. citizen in 1975. (Ex. 1; Tr. 66, 68, 70, 72, 120-122; Document for Administrative Notice A-I.) Applicant possesses a valid U.S. passport that does not expire until September 2007. Until approximately October 10, 2006, Applicant also possessed a valid Israeli passport with an expiration date of December 1, 2007. (Ex. 2 at 5; Ex. H.) As president and a key official of his business, he seeks a security clearance so his company might obtain a facility clearance and be entrusted with classified information. (Tr. 154, 159-160.)

Applicant has been married twice. He was divorced from his first wife in 1977. He married his second wife, a citizen of Morocco, in 1978. Applicant and his wife have an adult son, born in 1979. Applicant also has three step-sons from his wife's former marriage. All four sons were born in the U.S. and are U.S. citizens. (Ex. 1; Tr. 79-83.) Applicant and his wife care for his wife's aged parents, who were born in Morocco and are naturalized U.S. citizens. (Tr. 76-79.)

Applicant owns three apartments in the U.S. with a combined value of approximately two million dollars. He owns no foreign property and he has no foreign investments. (Tr. 122-125.)

For over 20 years, Applicant's wife was employed by an international organization in the U.S. She retired about three years ago. During her employment she did not seek U.S. citizenship because as a non-U.S. employee of the international organization, she was exempt from U.S. taxes, received education benefits for the couple's children, and was provided with paid home leave. Since retiring, Applicant's wife has taken steps to become a U.S. citizen. (Tr.74-76.)

Applicant is the youngest of eight children. His father emigrated from what is now Israel to Morocco in 1917, and he owned a successful printing business in Morocco. He was a citizen of the Ottoman Empire. Applicant has two living brothers, ages 70 and 74, and one living sister, who is 79. Applicant's two brothers are residents of Israel. Applicant's 70-year-old brother is a dual citizen of the U.S. and Israel, and the 74-year-old brother holds Israeli and Moroccan citizenship. At some time in the past, Applicant's 70-year old living brother came to the U.S. for three years, worked for Applicant in his printing business, and then returned to Israel. (Ex. A, Ex. C, Tr. 65, 70, 87-89.)

Applicant's sister was born in Morocco. About two years after her husband's death in 1993, she moved from Morocco to France to be near her two children. She is now a French citizen and resides in France. Applicant and his two brothers support their sister financially. Applicant sends her $100 to $150 a month. (Tr. 95-96, 128-129.)

In 1948, Applicant's older living brother left Morocco and immigrated to Israel. In the early 1950s he then left Israel and returned to Morocco, where he took over the management of the family printing business. Later, he returned to Israel and started a paper supply business with Applicant's other living brother. The older brother is now retired from the paper supply company; the other living brother continues to own the business, along with some partners. The business

provides paper to printing companies in Israel. Applicant does not know if the company supplies paper to the Israeli government or its subdivisions. (Tr. 128.) Between them, the brothers in Israel have seven children, all of whom are citizens and residents of Israel. Applicant is close to his brothers and speaks frequently by telephone with them. Both brothers visited him in the U.S. in 2005 for Applicant's son's wedding. The 70-year-old brother visited Applicant in the U.S. in October 2006. (Ex. A, Ex. C; Tr. 85-94, 106-107, 129-131.)

Applicant traveled to Israel in at least 1998, 1999, 2001, 2004, and 2005. He usually travels to Israel about once a year to visit his brothers and their families. (Tr. 108-109.) Applicant used his Israeli passport, as required by Israeli law, to enter and exit Israel. He presented his U.S. passport for entry and exit when he traveled to other countries. (Tr. 109, 113.)

Applicant explained that in 1987, his Israeli passport had expired and he tried to enter Israel by using his U.S. passport. He was stopped and asked by Israeli authorities if he was an Israeli citizen, and he acknowledged he was. He was taken to an office and an Israeli official told him he could not enter Israel by presenting his U.S. passport. Applicant was then required to apply for an Israeli passport. (Tr. 110-111.)

In preparing for his security clearance hearing, Applicant was provided with a copy of an August 16, 2000, memorandum from former Assistant Secretary of Defense Arthur L. Money (Money emorandum). (Ex. 3.) The Money Memorandum stated Department of Defense policy and clarified the application of Guideline C to cases involving an applicant's possession or use of a foreign passport. The Money Memorandum specified that "possession and/or use of a foreign passport" may be a disqualifying condition. The Money Memorandum further stated that Guideline C "contains no mitigating factor related to the applicant's personal convenience, safety, requirements of foreign law, or the identity of the foreign country." The Money Memorandum recognized official approval by the U.S. Government as the only applicable mitigating factor for the possession or use of a foreign passport.

In late September or early October, 2006, Applicant surrendered his Israeli passport to responsible authorities of the Israeli government. He did not relinquish or renounce his status as a citizen of Israel. At his hearing he stated his willingness to relinquish his Israeli citizenship. By letter dated October 10, 2006, an official at the Israeli embassy informed Applicant as follows:

As per your request, this is to confirm that we have cancelled your Israeli Passport . . .and you now currently do not have a valid Israeli passport.

Please note that, according to Israeli law, should you wish to travel to Israel, you must inform the Israeli border police (via the Israeli consulates general in your area of jurisdiction) in order to allow you to enter Israel with your American passport.

(Ex. H; Tr. 142.)

At his hearing Applicant testified that the Israeli embassy has a program that enables dual citizens of Israel and the U.S. who hold U.S. security clearances to surrender their Israeli passports and to use their U.S. passport to enter and exit Israel.

Applicant's Counsel: Did you become aware recently that the Israeli Embassy in Washington, D.C. has a program whereby you can give up your Israeli passport and still be able to travel to Israel?

Applicant: I was not aware. . . . I called the embassy and they told me that they have the program because there are some Israelis . . [who] work for the security clearance [sic] of [the] United States and they have to give up their passport[s]. And that's what I did immediately. (Tr. 110.)

Applicant further explained his understanding of the program as follows:

Applicant: My understanding [is] it's only when I go to Israel I have to call the [Israeli] embassy to let them know I'm coming. And that's all. (Tr. 132.)

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Applicant: I have to call and they let know apparently the authorities there [in Israel] that I am coming. I explain to them [at the embassy] why I am doing it and apparently they knew about it, you know, there are other Israeli citizens that work for high security that work in the defense here and are doing the same thing. (Tr. 133.)

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Department Counsel: To your understanding this program is for American and Israeli dual citizens who have security clearances? That way they can travel without using their Israeli passport, is that correct?

Applicant: That is what I understand, yes. (Tr. 134.)

In response to questions from his counsel, Applicant explained what he had been required to do in order to surrender his Israeli passport:

Applicant's Counsel: Did you have to provide justification for giving up your passport to the Israeli Embassy?

. . . . . .

Applicant: Yes. They gave me a form and I had to write in two lines. I had to write, I am relinquishing my passport because I have to have a security clearance in order to do work for. . . the U.S. government. They did not ask me any other questions. They took my passport and they send it a few days later cancelled and with the letter that they received and they cancelled.

Applicant's Counsel: Were they familiar with your predicament, with your problem?

Applicant: I think so. I said it a few times. I think so, yes. (Tr. 154-155.)

I take administrative notice of the following facts:

"Israeli citizens, including dual nationals, must enter and depart Israel on their Israeli passports, and Israeli authorities may require persons whom they consider to have acquired Israeli nationality at birth to obtain an Israeli passport prior to departing Israel, even if said persons are neither aware of their nationality nor have any desire to maintain it." (U.S. Department of State, Consular Information Sheet, "Israel, the West Bank and Gaza," February 8, 2006 at 8, Government Document for Administrative Notice III.)[(5)]

I also take administrative notice of a statement, published by the Consular Division of the Consulate General of Israel in Los Angeles, California, which reads as follows: "According to the Passport Law of the State of Israel, **every citizen of Israel must enter and leave Israel with an Israeli Passport even if he or she carries the citizenship of another country.**" (Applicant's Document for Administrative Notice A-I; bold in original.)

Additionally, I take administrative notice of the following facts:

"Since 1948, the United States and Israel have developed a close friendship based on common democratic values, religious affinities, and security interests. U.S.-Israeli bilateral relations are multidimensional. The United States is the principal proponent of the Arab-Israeli peace process, but U.S. and Israeli views differ on various peace process issues, such as the fate of the Golan Heights, Jerusalem, and Israeli settlements. The United States and Israel concluded a free-trade agreement in 1985, and the United States is Israel's largest trading partner. Since 1976, Israel has been the largest recipient of U.S. foreign aid. The two countries also have close security relations. Current issues in U.S.-Israeli relations include Israel's military sales to China, inadequate Israeli protection of U.S. intellectual property, and espionage-related cases." (Congressional Research Service Report for Congress: "Israel: Background and Relations with the United States," June 14, 2006: Summary. Government Document for Administrative Notice V)

"Israel has an active program to gather proprietary information within the United States. These collection activities are

primarily directed at obtaining information on military systems, and advancing computing applications that can be used in Israel's sizeable armaments industry. Two primary activities have conducted espionage activities within the United States: the Central Institute for Intelligence and Special Activities (MOSSAD) and the Scientific Affairs Liaison Bureau of the Defense Ministry (LAKAM)." (Operations Security Intelligence Threat Handbook, Section 5: "Economic Collection Directed Against the United States, at 6; also identified as page 15; Government Document for Administrative Notice VI.)

POLICIES

"[N]o one has a 'right' to a security clearance." *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). As Commander in Chief, 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." *Id.* at 527. The President has restricted eligibility for access to classified information to United States citizens "whose personal and professional history affirmatively indicates loyalty to the United States, strength of character, trustworthiness, honesty, reliability, discretion, and sound judgment, as well as freedom from conflicting allegiances and potential for coercion, and willingness and ability to abide by regulations governing the use, handling, and protection of classified information." Exec. Or. 12968, *Access to Classified Information* § 3.1(b) (Aug. 2, 1995). Eligibility for a security clearance is predicated upon the applicant meeting the security guidelines contained in the Directive.

In addition to the guidelines in the Directive, official DoD policy guidance must also be considered. Of particular relevance in this case is an August 16, 2000, memorandum from Assistant Secretary of Defense Arthur L. Money (Money Memorandum) clarifying the application of Guideline C, Foreign Preference, to cases involving an applicant's possession or use of a foreign passport. *See* Government Ex. 3.

Enclosure 2 of the Directive sets forth personal security guidelines, as well as the disqualifying conditions (DC) and mitigating conditions (MC) under each guideline. In evaluating the security worthiness of an applicant, the administrative judge must also assess the adjudicative process factors listed in ¶ 6.3 of the Directive. The decision to deny an individual a security clearance is not necessarily a determination as to the loyalty of the applicant. *See* Exec. Or. 10865 § 7. It is merely an indication that the applicant has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance.

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that disqualify, or may disqualify, the applicant from being eligible for access to classified information. *See Egan*, 484 U.S. at 531. The Directive presumes a nexus or rational connection between proven conduct under any of the disqualifying conditions listed in the guidelines and an applicant's security suitability. *See* ISCR Case No. 95-0611 at 2 (App. Bd. May 2, 1996).

Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002); *see* 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.

CONCLUSIONS

Guideline C - Foreign Preference

In the SOR, DOHA alleged Applicant exercised dual citizenship with Israel and the United States (¶ 1.a.); that he possessed an Israeli passport issued in February 1997, extended on May 11, 2004, and valid until December 2007 (¶ 1.b.); and that he used his Israeli passport instead of his U.S. passport to enter and exit Israel (¶ 1.c.). Applicant admitted all Guideline C allegations.

A Guideline C security concern exists when an individual's conduct indicates a preference for a foreign country over the United States. A preference for another country could lead a person to provide information or make decisions that are harmful to the interests of the United States.

Applicant's admitted conduct raises security concerns under Disqualifying Conditions (DC) E2.A3.1.2.1 and E2.A3.1.2.2 of Guideline C. Applicant, who held U.S. citizenship by naturalization and was in possession of an active U.S. passport, sought and used an Israeli passport to comply with requirements of his Israeli nationality, thus exercising dual citizenship. DC E2.A3.1.2.1. and DC E2.A3.1.2.2. His possession and use of an Israeli passport permitted him to exercise the rights and privileges of foreign citizenship and indicated a preference for Israel over the U.S.

Possession and use of a foreign passport may be a disqualifying condition under E2.A.3.1.2.2. of Guideline C. In a memorandum (Money Memorandum), dated August 16, 2000, Assistant Secretary of Defense Arthur L. Money stated, in pertinent part:

The purpose of this memorandum is to clarify the application of Guideline C to cases involving an applicant's possession or use of a foreign passport. The Guideline specifically provides that "possession and/or use of a foreign passport" may be a disqualifying condition. It contains no mitigating factor related to the applicant's personal convenience, safety, requirements of foreign law, or the identity of the foreign country. The only applicable mitigating factor addresses the official approval of the United States Government for the possession or use. The security concerns underlying this guideline are that the possession and use of a foreign passport in preference to a U.S. passport raises doubt as to whether the person's allegiance to the United States is paramount and it could also facilitate foreign travel unverifiable by the United States. Therefore, consistent application of the guideline requires that any clearance be denied or revoked unless the applicant surrenders the foreign passport or obtains official approval for its use.

Several mitigating conditions under Guideline C pertain to the exercise of dual citizenship. An applicant may mitigate DC E2.A3.1.2.1. under Guideline C if he shows his dual citizenship is based solely on his parents' citizenship or birth in a foreign country. Mitigating Condition (MC) E2.A3.1.3.1. Applicant acquired Israeli citizenship under the Law of Return when he immigrated to Israel in 1954 and he acquired U.S. citizenship by naturalization in 1975. As a U.S. citizen, he exercised his Israeli citizenship by acquiring an Israeli passport in February 1997 to use to enter and leave Israel, as was required by Israeli law. His Israeli passport was extended and was active until December 2007. Thus MC E2.A3.3.1. is inapplicable.

Applicant testified he served in the Israel military forces from August 1961 to February 1964 and that his service was compulsory. This indicator of possible foreign preference occurred before Applicant obtained U.S. citizenship, and, thus, MC E2.A3.1.3.2. applies.

At his hearing, Applicant provided evidence he had complied with the Money Memorandum by surrendering his active Israeli passport to an authorized official of the government of Israel. He retained his Israeli citizenship. Under MC E2.A3.1.3.4. an applicant can mitigate the exercise of dual citizenship by expressing a willingness to renounce his non-U.S. citizenship. At his hearing, Applicant expressed a willingness to renounce his Israeli citizenship, and, thus, MC E2.A3.1.3.4. would appear to apply.

However, Applicant's willingness to renounce his Israeli citizenship must be weighed against his decision to participate in a program offered by the government of Israel to dual citizens of the U.S. and Israel who hold or who are applicants for U.S. security clearances. Under the terms of the program as described by Applicant, he surrendered his Israeli passport but retained his Israeli citizenship and was subsequently permitted by Israeli officials to enter and exit Israel by presenting his U.S. passport only, an apparent exemption from the requirement of Israeli law that he enter and leave Israel with an Israeli passport. The quid pro quo for this privilege was that Applicant was required to identify himself as the holder of a U.S. security clearance and to inform Israeli consular officials in advance of his plans to travel to or from Israel. The consular officials, in turn, would notify Israel border police that Applicant, a dual citizen of Israel and the U.S., was authorized by the government of Israel to use his U.S. passport to enter and exit Israel. By surrendering his Israeli passport under these conditions, Applicant received a privilege that equaled possession of an Israeli passport. Renunciation of his Israeli citizenship would nullify this relationship with the government of Israel and the privilege it has granted him.

Guideline B - Foreign Influence

In the SOR, DOHA alleged, under Guideline B of the Directive, that Applicant's two brothers are citizens and residents

of Israel (¶2.a.); and that he had traveled to Israel in at least 1998, 1999, 2001, 2004 and 2005. (¶ 2.b.).

A Guideline B security concern exists when an individual seeking clearance is bound by ties of affection, influence, or obligation to immediate family, close friends, or professional associates in a foreign country, or to persons in the United States whose first loyalties are to a foreign country. A person who places a high value on family obligations or fidelity to relationships in another country may be vulnerable to duress, coercion, or non-coercive influence by individuals seeking access to U.S. classified information. The more faithful an individual is to family ties and obligations, the more likely the chance that the ties might be exploited to the detriment of the United States.

Applicant admits both Guideline B allegations in the SOR. His admissions raise security concerns under Guideline B, Disqualifying Condition (DC) E2.A2.1.2.1. and DC E2.A2.1.2.6. Applicant's brothers, individuals with whom he has close lies of affection or obligation, are citizens and residents of Israel. DC. E2.A2.1.2.1. Applicant is devoted to his brothers, and he communicates with them by telephone frequently. They also travel with some regularity to the U.S. to visit with him. Since 1998, he has traveled to Israel five times to visit his brothers. Applicant's frequent travel to Israel may make him vulnerable to exploitation. DC E2.A3.1.2.6.

An applicant may mitigate foreign influence security concerns by demonstrating that foreign associates are not agents of a foreign power or in a position to be exploited by a foreign power in a way that could force an applicant to choose between loyalty to the foreign associates and loyalty to the United States. Mitigating Condition (MC) E2.A2.1.3.1. While the evidence does not establish that Applicant's brothers are agents of a foreign power, they are in a position to be exploited by individuals or groups in Israel in a way that could force Applicant to choose between loyalty to his family members and the United States. Accordingly, MC E2.A2.1.3.1. does not apply to Applicant's case.

An applicant may also mitigate foreign influence security concerns if he shows his contacts and correspondence with foreign citizens are casual and infrequent. MC E2.A2.1.3.3. Applicant is an attentive and devoted brother. His contacts with his brothers, who are citizens and residents of Israel, are based on ties of familial affection or obligation. He travels to Israel to visit his brothers and their families, and they also visit him in the U.S. He speaks with them frequently on the telephone and his contacts with them are fraternal and not casual. MC E2.A2.1.3.3. does not apply to Applicant's relationships with his brothers in Israel. No other Guideline B mitigating conditions apply to Applicant's case.

Whole Person Analysis

Paragraph E2.2 of the Directive requires that the adjudicative process in a security clearance case not only assess conduct under the adjudicative guidelines, but it must also reflect a careful weighing of a number of variables known as the whole person concept. The factors to be considered in a whole person analysis include the nature, extent, and seriousness of the conduct (E2.2.1.1); the circumstances surrounding the conduct, to include knowledgeable participation (E2.2.1.2); the frequency and recency of the conduct (E2.2.1.3); the individual's age and maturity at the time of the conduct (E2.2.1.4.); the voluntariness of participation (E2.2.1.5.); the presence or absence of rehabilitation and other pertinent behavioral changes (E2.2.1.6); the motivation for the conduct (E2.2.1.7); the potential for pressure, coercion, exploitation, or duress (E2.2.1.8.); and, the likelihood for continuation or recurrence (E2.2.1.9). Of particular concern in this case is an assessment of Applicant's decision to participate in a foreign government's program that identifies holders of U.S. security clearances and the impact of that decision on his potential vulnerability to pressure, coercion, exploitation, or duress.

When he surrendered his Israeli passport in October 2006, Applicant did so in an apparent good faith effort to comply with the provisions of the Money Memorandum. However, his actions also indicated a willingness to put compliance with Israeli law before U.S. security interests. When he surrendered his Israeli passport and agreed to comply with the conditions imposed by the Israeli government on the use of his U.S. passport, Applicant created a new security concern. By accepting the Israeli government's permission to use his U.S. passport to enter and exit Israel, Applicant made himself a potential target: a foreign government would know that he was a dual citizen of Israel and the U.S. and that he held a U.S. security clearance. It would also know when he entered and left Israel, thus making him a target of interest for individuals or governments wishing to obtain U.S. classified information. No mitigating condition applies to these circumstances.

Applicant's allegiance, loyalty, and patriotism are not at issue in this proceeding. Section 7 of Executive Order 10865

specifically provides that industrial security clearance decisions shall be "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." Therefore, nothing in this decision should be construed to suggest I have based this decision, in whole or in part, on any express or implied decision as to Applicant's allegiance, loyalty, or patriotism.

I have reviewed and considered all of the evidence, and I have assessed Applicant's credibility and demeanor. After weighing all the evidence, the applicable Guideline C and B disqualifying and mitigating conditions, the policy guidance of the Money Memorandum, and after considering all relevant factors in the whole person analysis, I conclude SOR allegations 1.a., 1.b., and 1.c. under Guideline C and SOR allegations 2.a. and 2.b. under Guideline B against the Applicant.

FORMAL FINDINGS

The following are my conclusions as to each allegation in the SOR:

Paragraph 1. Guideline C: AGAINST APPLICANT

Subparagraph 1.a.: Against Applicant

Subparagraph 1.b.: Against Applicant

Subparagraph 1.c.: Against Applicant

Paragraph 2. Guideline B: AGAINST APPLICANT

Subparagraph 2.a.: Against Applicant

Subparagraph 2.b.: Against Applicant

DECISION

In light of all of the circumstances presented by the record in this case, it is not clearly consistent with the national interest to grant or continue a security clearance for Applicant. Clearance is denied..

Joan Caton Anthony

Administrative Judge

1. Exec. Or. 10865, *Safeguarding Classified Information within Industry* (Feb. 20, 1960), as amended and modified.

2. Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Jan. 2, 1992), as amended and modified.

3. These documents were Government Documents for Administrative Notice I, VI, and VII.

4. *See* Applicant's Answer to the SOR at 1.

5. In the Consular Information Sheet, the U.S. State Department advises as follows: "Americans planning travel to Israel, the West Bank and Gaza should read Travel Warning for Israel, the West Bank and Gaza, Test Israel Abduction Page, Avian Flu Fact Sheet available on the Department of State web page at http://travel.state.gov."