DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS

In the matter of:	)	
	)	
----------	)	ISCR Case No. 07-02319
SSN: ----------	)	
	)	
Applicant for Security Clearance	)	

Appearances

For Government: Eric H. Borgstrom, Esquire, Department Counsel
For Applicant: *Pro se*

February 21, 2008

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Decision

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FOREMAN, LeRoy F., Administrative Judge:

Applicant submitted his Security Clearance Application (SF 86) on August 16, 2005. On August 7, 2007, the Defense Office of Hearings and Appeals (DOHA) issued a Statement of Reasons (SOR) detailing the basis for its preliminary decision to deny his application, citing security concerns under Guidelines C (Foreign Preference) and B (Foreign Influence). The action was taken under Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the revised adjudicative guidelines (AG) promulgated by the President on December 29, 2005, and effective within the Department of Defense for SORs issued after September 1, 2006.

Applicant answered the SOR on September 27, 2007, and requested a hearing before an administrative judge. Department Counsel was prepared to proceed on October 31, 2007. The case was assigned to an administrative judge on November 2, 2007, and reassigned to me on December 3, 2007, based on workload. DOHA issued a notice of hearing on December 14, 2007; and I convened the hearing as scheduled on January 15, 2008. Government Exhibits (GX) 1 through 5 were admitted in evidence

without objection. Applicant testified on his own behalf, presented the testimony of one witness, and submitted Applicant's Exhibits (AX) A through P, which were admitted without objection. I granted Applicant's request to keep the record open until February 8, 2008 to enable him to submit additional evidence. Applicant timely submitted AX Q, R and S, and they were admitted without objection. Department Counsel's response to AX Q, R, and S is attached to the record as Hearing Exhibit (HX) II. DOHA received the transcript of the hearing (Tr.) on January 25, 2008. The record closed on February 8, 2008. Eligibility for access to classified information is granted.

Procedural and Evidentiary Rulings

Motion to Amend SOR

Department Counsel moved to amend the SOR by adding ¶ 1.d, alleging Applicant received healthcare benefits from the Canadian government, and ¶ 1.e, alleging Applicant voted in a Canadian national referendum. Applicant did not object to the amendments, and I granted the motion to amend (Tr. 106-09). The motion was reduced to writing and is attached to the record as HX III.

Request for Administrative Notice

I directed Department Counsel to submit evidence or a request to take administrative notice of relevant facts pertaining to Canada, the country at issue in the SOR (Tr. 110-11). Department Counsel and Applicant submitted a joint request for administrative notice, attached to the record as HX I. The facts administratively noticed are set out below.

Authentication of a Report of Investigation

Department Counsel offered a personal subject interview extracted from a report of investigation (GX 4), without an authenticating witness as required by the Directive ¶ E3.1.20. I explained the authentication requirement to Applicant, and he affirmatively waived it (Tr. 29-30).

Findings of Fact

In his answer to the SOR, Applicant admitted all the factual allegations. His admissions in his answer to the SOR and at the hearing are incorporated in my findings of fact. I make the following findings:

Applicant is a 48-year-old manager of operations for a defense contractor. He was born and educated in a U.S., in a town near the Canadian border. He served in the U.S. Navy from December 1980 to December 1987. In 1983, while in the Navy and stationed in Hawaii, he married a Canadian citizen. He received a clearance in June 1991, while stationed aboard a U.S. submarine.

After Applicant was discharged from the Navy, he found few job opportunities in the U.S. He searched for jobs in Canada, found a good job, and moved to Canada in 1988, to work for a Canadian company (Tr. 34). From August 2000 to January 2001, he worked in the U.S. for a branch of the Canadian company. He returned to Canada when his employer offered him a promotion and a raise (Tr. 35-36). While they lived in Canada, his wife was employed, first as a flight attendant and later as a dental assistant (Tr. 80-81).

Applicant registered his son in two Canadian educational savings funds in October and November 1998. He contributed a total of about $16,000 (Canadian) to the funds, and the funds are now worth about $26,000, including Canada savings grants of about $2,400 (AX N). His son was born in the U.S., is a dual U.S.-Canadian citizen, and is in his third year of college in Canada. His son registered for the U.S. draft when he became 18 years old (AX M).

From 1988 to 1999, Applicant filed annual U.S. federal income tax returns (AX S). He did not vote in any U.S. elections during that period (Tr. 82). He did not vote in Canadian elections, except for one referendum in 2000 regarding the use of the French language in Quebec. He was unhappy with the repeated efforts of French Canadians "to go through their separation issue and worry about the language rights and all that," and he decided to vote in the referendum to voice his anti-separatist opinion on the issue. (Tr. 65-66).

A Canadian residency document was attached to Applicant's U.S. passport to explain to Canadian immigration authorities why a Canadian resident was entering the country on a U.S. passport (AX R). As a non-citizen resident, he was entitled to medical care in Canadian government health facilities, and he used it on several occasions before and after he became a citizen (Tr. 67, 88).

Applicant was encouraged by his supervisors to obtain Canadian citizenship because his company was performing defense contracts for both the U.S. and Canada. He held a NATO clearance, but he was not permitted access to some Canadian documents because he was not a citizen (Tr. 54-55). He obtained Canadian citizenship in June 1999 and a Canadian passport shortly thereafter, but he retained his U.S. citizenship and passport. Before accepting Canadian citizenship, he verified with the U.S. consulate that he could become dual citizen and would not lose his U.S. citizenship (Tr. 33, 93). He believed he would remain in Canada until he retired, but he intended to return to the U.S. after retirement, because all his family is in the U.S. (Tr. 36, 84-85)).

Applicant used his Canadian passport to travel to Cuba in the summer of 2004. He testified he knew he could not travel to Cuba using his U.S. passport, but "all the Canadians were going there," and he did not know it was illegal (Tr. 77-78; GX 5). He stayed in a popular and inexpensive resort (GX 4 at 2). He apparently used his Canadian passport for other foreign travel to the Dominican Republic, France, and the U.K., because there are no entry stamps in his U.S. passport for that travel (GX 2).

As a result of the terrorist attacks on September 11, 2001, Applicant's company experienced a downturn, and he was laid off from his job in Canada in February 2005. He was offered a job in the U.S. in May 2005. He moved to an apartment in the U.S., and his wife remained in Canada pending action on her request to immigrate to the U.S. He kept his Canadian passport "to make sure [he] made the correct career choice." (GX 3 at 3). His Canadian passport was lost during the move from Canada to the U.S. It expired in 2005.

Applicant sold his home in Canada in October 2005 (AX J), and purchased a home in the U.S. (AX C, D and E). His wife is now a permanent U.S. resident and lives with him. She intends to become a U.S. citizen.

Applicant has various accounts totaling about $51,000 with a bank in the U.S. (AX G), and he has about $12,000 in his retirement account with his current employer. He and his wife have investment portfolios in the U.S. worth about $243,000 (AX O and P).

Applicant has a retirement account in Canada worth about $175,000 in Canadian dollars that he has been unable to transfer without adverse tax consequences (GX 4 at 1; AX I). While the laws of the U.S. and Canada permit an exemption from the adverse tax consequences, Applicant's state of residence is not among the twenty states in the U.S. that have allowed this exemption. Without the exemption, he can redeem his funds in his account but cannot transfer them (AX I).

Applicant testified he is willing to renounce his Canadian citizenship if it would not jeopardize his Canadian retirement account (Tr. 70-71). His Canadian financial advisor explained to him that the adverse tax consequences of transferring his retirement account to the U.S. are caused by the laws of the state where he now resides in the U.S., and not by national policies of the U.S. or Canada (AX I). Notwithstanding this advice from his financial advisor, Applicant expressed uncertainty at the hearing about the financial consequences of renouncing his Canadian citizenship.

Applicant's last two annual performance evaluations, covering January 2006 though December 2007, described him as an "exceptional contributor," the highest rating (Tr. 103). He received an "excellence award" in January 2007 for his dedication, expertise, and leadership on several projects for the U.S. armed forces (AX A). Applicant's current supervisor, who has known him since May 2005, described Applicant as honest, of high integrity, very dependable, and trustworthy (Tr. 98).

Applicant's parents, four brothers, and a sister are citizens and residents of the U.S. (Tr. 58, 60). His mother-in-law is a citizen and resident of Canada and lives in a nursing home (Tr. 60). Applicant's mother-in-law was never employed outside the home after she was married (Tr. 62). His father-in-law is deceased (Tr. 60).

Applicant's wife has two brothers and one sister in Canada (Tr. 71). One brother is a maintenance worker at a hospital (Tr. 71). The other works for the Canadian Space

Agency (Tr. 72). The sister is a substitute teacher in a public school (Tr. 73). Although Applicant does not have much contact with his in-laws, he and his wife travel to Canada for a family gathering each Thanksgiving, and they gather at Applicant's home for Christmas (Tr. 73).

I take administrative notice of the following facts concerning Canada. Canada is a highly developed, stable democracy. The Canadian government generally respects the rights of its citizens, and the law and judiciary provide effective redress for individual instances of abuse. The relationship between the U.S. and Canada is probably the closest and most extensive in the world, extending to bilateral trade, law enforcement, environmental cooperation, and people-to-people contact. U.S. defense arrangements with Canada are more extensive than with any other country. Although Canada has at times pursued policies at odds with the U.S., Canada views good relationships with the U.S. as critical and looks to the U.S. as a partner in promoting democracy and good government throughout the world.

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 authorized the Secretary of Defense or his designee to grant applicants eligibility for access to classified information "only upon a finding that it is clearly consistent with the national interest to do so." Exec. Or. 10865, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended and modified.

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the revised adjudicative guidelines (AG). These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with an evaluation of the whole person. An administrative judge's over-arching adjudicative goal is a fair, impartial and common sense decision. An administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable.

The government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. Decisions include, by necessity, consideration of the possible risk the Applicant may deliberately or inadvertently fail to protect or safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified information.

Clearance decisions must be "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." *See* Exec. Or.

10865 § 7. Thus, a decision to deny a security clearance is not necessarily a determination as to the loyalty of the applicant. It is merely an indication 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 may disqualify the applicant from being eligible for access to classified information. The government has the burden of establishing controverted facts alleged in the SOR. *See Egan*, 484 U.S. at 531. "Substantial evidence" is "more than a scintilla but less than a preponderance." *See v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994). The guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein 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. 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). "[S]ecurity clearance determinations should err, if they must, on the side of denials." *Egan*, 484 U.S. at 531; *see* AG ¶ 2(b).

Analysis

Guideline C (Foreign Preference)

The SOR alleges Applicant acquired Canadian citizenship and a Canadian passport even though he was a native-born U.S. citizen (SOR ¶ 1.a); he has a Canadian retirement account worth about $175,000 and maintains his Canadian citizenship to protect it (SOR ¶ 1.b); and he used his Canadian passport to travel to Cuba (SOR ¶ 1.c).

The security concern relating to this guideline is set out in AG ¶ 9 as follows: "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."

Dual citizenship standing alone is not sufficient to warrant an adverse security clearance decision. ISCR Case No. 99-0454 at 5, 2000 WL 1805219 (App. Bd. Oct. 17, 2000). Under Guideline C, "the issue is not whether an applicant is a dual national, but rather whether an applicant shows a preference for a foreign country through actions." ISCR Case No. 98-0252 at 5 (App. Bd. Sep 15, 1999).

A security concern may be raised by the "exercise of any right, privilege or obligation of foreign citizenship after becoming a U.S. citizen," including but not limited

to possession of a current foreign passport (AG ¶ 10(a)(1)); accepting educational, medical, retirement, social welfare, or other benefits from a foreign country (AG 10(a)(2)); using foreign citizenship to protect financial or business interests in another country (AG ¶ 10(a)(5)); or voting in a foreign election (AG ¶ 10(a)(7)).

AG ¶ 10(a)(1) is not raised because Applicant does not possess a "current foreign passport," it having expired in 2005. AG ¶ 10(a)(2) is not raised because his receipt of medical care was based on residence and not on citizenship. AG ¶ 10(a)(5) is not raised, because the adverse tax consequences resulting from transfer of his retirement account to the U.S. are not based on Canadian law but on the state tax law of his current residence in the U.S. Applicant's voting in a referendum in Canada raises AG ¶ 10(a)(7).

A disqualifying condition also may arise from "action to acquire . . . a foreign citizenship by an American citizen." AG ¶ 10(b). Applicant's application for and receipt of Canadian citizenship raises this disqualifying condition. His use of his Canadian passport for foreign travel while retaining his U.S. passport does not fall within an enumerated disqualifying condition. However, it raises a security concern because it was an exercise of Canadian citizenship.

Finally, a disqualifying condition may be raised by "performing or attempting to perform duties, or otherwise acting, so as to serve the interests of a foreign person, group, organization, or government in conflict with the national security interest." AG ¶ 10(c). This disqualifying condition is not established by Applicant's work in support of the Canadian armed forces, because there is no indication his work was "in conflict with the national security interest." To the contrary, the relationship between the U.S. and Canada on military matters is extensive and characterized by cooperation and joint action rather than competition.

Since the government produced substantial evidence to raise several disqualifying conditions, the burden shifted to Applicant to produce evidence to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. An applicant has the burden of proving a mitigating condition, and the burden of disproving it never shifts to the government. *See* ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

Security concerns under this guideline can be mitigated by if "the individual has expressed a willingness to renounce dual citizenship." AG ¶ 11(b). This mitigating condition is not established, because Applicant has qualified his willingness to renounce Canadian citizenship on being able to transfer his retirement account to the U.S. without adverse consequences. His concern does not appear justified in light of the explanations provided by his financial advisor.

Security concerns based on possession or use of a foreign passport may be mitigated if "the passport has been destroyed, surrendered to the cognizant security authority, or otherwise invalidated." AG ¶ 11(e). Applicant's passport has expired, and it was lost during his move to the U.S. in the summer of 2005. He does not intend to

renew it. I conclude that the purpose of AG ¶ 11(e) is satisfied in this case, because its expiration and loss three years ago are functionally equivalent to its destruction.

Guideline B (Foreign Influence)

The SOR alleges Applicant's spouse is a citizen of Canada (SOR ¶ 2.a); his son is a dual U.S.-Canadian citizen attending college in Canada (SOR ¶ 2.b); his mother-in-law is a citizen and resident of Canada (SOR ¶ 2.c); and he resided and worked in Canada from 1988 to September 2000 and from January 2001 to May 2005 (SOR ¶ 1.d). The SOR also cross-alleges the conduct under Guideline C as a concern under Guideline B (SOR ¶ 1.e).

The concern under this Guideline B is set out in AG ¶ 6 as follows:

> Foreign contacts and interests may be a security concern if the individual has divided loyalties or foreign financial interests, may be manipulated or induced to help a foreign person, group, organization, or government in a way that is not in U.S. interests, or is vulnerable to pressure or coercion by any foreign interest. Adjudication under this Guideline can and should consider the identity of the foreign country in which the foreign contact or financial interest is located, including, but not limited to, such considerations as whether the foreign country is known to target United States citizens to obtain protected information and/or is associated with a risk of terrorism.

Several disqualifying conditions under this guideline are relevant to this case. First, a disqualifying condition may be raised by "contact with a foreign family member, business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion." AG ¶ 7(a). Second, a disqualifying condition may be raised by "connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual's obligation to protect sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information." AG ¶ 7(b). Third, a security concern may be raised if an applicant is "sharing living quarters with a person or persons, regardless of citizenship status, if that relationship creates a heightened risk of foreign inducement, manipulation, pressure, or coercion." AG ¶ 7(d).

Applicant's spouse, with whom he lives, is a Canadian citizen. His son, a dual citizen, resides in Canada. His mother-in-law, two brothers-in-law, and his sister-in-law are citizens and residents of Canada. "[T]here is a rebuttable presumption that a person has ties of affection for, or obligation to, the immediate family members of the person's spouse." ISCR Case No. 01-03120, 2002 DOHA LEXIS 94 at * 8 (App. Bd. Feb. 20, 2002). Applicant has only occasional contact with his in-laws, but he participates regularly in the family gatherings at Thanksgiving and Christmas. The presumption of ties of affection for or obligation to his in-laws has not been rebutted. I

conclude AG ¶¶ 7(a), (b), and (d) are raised by Applicant's family connections to Canada.

A security concern also may be raised by "a substantial business, financial, or property interest in a foreign country, or in any foreign-owned or foreign-operated business, which could subject the individual to heightened risk of foreign influence or exploitation." AG ¶ 7(e). Applicant's Canadian retirement account raises AG ¶ 7(e).

Since the evidence is sufficient to raise AG ¶¶ 7(a), (b), (d), and (e), the burden is on Applicant to rebut, explain, extenuate or mitigate the facts. Security concerns under this guideline can be mitigated by showing that "the nature of the relationships with foreign persons, the country in which these persons are located, or the positions or activities of those persons in that country are such that it is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual, group, organization, or government and the interests of the U.S." AG ¶ 8(a). The totality of an applicant's family ties to a foreign country as well as each individual family tie must be considered. ISCR Case No. 01-22693 at 7 (App. Bd. Sep. 22, 2003).

Guideline B is not limited to countries hostile to the United States. "The 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).

Furthermore, friendly nations can have profound disagreements with the United States over matters they view as important to their vital interests or national security. Finally, we know friendly nations have engaged in espionage against the United States, especially in the economic, scientific, and technical fields. *See* ISCR Case No. 00-0317, 2002 DOHA LEXIS 83 at **15-16 (App. Bd. Mar. 29, 2002). Nevertheless, the nature of a nation's government, its relationship with the U.S., and its human rights record are relevant in assessing the likelihood that an applicant's family members are vulnerable to government coercion. The risk of coercion, persuasion, or duress is significantly greater if the foreign country has an authoritarian government, a family member is associated with or dependent upon the government, or the country is known to conduct intelligence operations against the U.S.

Among the family members with Canadian connections, only one brother is employed by the Canadian government in an industry where protection of information is important. The nature of Canada's government is a key factor in this case. The close and cooperative relations between Canada and the U.S., including extensive military cooperation and exchanges, the similarities between the two countries with respect to government and protection of human rights, and the absence of Canadian economic or military intelligence activities directed at the U.S. make the risk of coercion, persuasion or duress almost nil. I conclude the mitigating condition in AG ¶ 8(a) is established.

Security concerns under this guideline also can be mitigated by showing "there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the U.S., that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest." AG ¶ 8(b).

Applicant's ties to Canada were economic, not based on politics or ideology. He initially went to Canada because he could not find work in the U.S. but was offered a position in Canada. His job search in Canada was understandable, because he grew up near the Canadian border and his wife was Canadian. He returned to the U.S. to manage a facility for his Canadian employer, but returned to Canada when he was offered a promotion and a raise. He did not become a Canadian citizen until he had worked and lived in Canada for 11 years. He did so because his supervisors told him it would be advantageous for his career advancement. He accepted Canadian citizenship only after ascertaining that it would not jeopardize his U.S. citizenship. He intended to remain in Canada until he retired, and then return to the U.S. In anticipation of remaining in Canada until retirement, he enrolled his son in a Canadian education fund. His plan was derailed when he was laid off. He then returned to the U.S. and disposed of or transferred virtually all his assets except his Canadian retirement account.

In contrast to his economic ties to Canada, Applicant's ties to the U.S. are family-based. His parents, four brothers, and one sister all are U.S. citizens and residents. His wife is a permanent U.S. resident and intends to become a U.S. citizen. He grew up in the U.S., and always intended to return when his career with his Canadian employer ended. I conclude the mitigating condition in AG ¶ 8(b) is established.

Finally, security concerns under this guideline can be mitigated by showing "the value or routine nature of the foreign . . . property interests is such that [it is] unlikely to result in a conflict and could not be used effectively to influence, manipulate, or pressure the individual. AG ¶ 8(f). This mitigating condition is not established, because the funds in Applicant's Canadian retirement fund are substantial and sufficient to make him reluctant to renounce his Canadian citizenship.

Whole Person Concept

Under the whole person concept, an administrative judge must evaluate an applicant's eligibility for a security clearance by considering the totality of the applicant's conduct and all the circumstances. An administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(a):

> (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) extent to which participation is voluntary; (6) the presence or absence of rehabilitation and other permanent 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.

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall common sense judgment based upon careful consideration of the guidelines and the whole person concept. Some of the factors in AG ¶ 2(a) were addressed above, but some warrant additional comment.

Applicant's case is unusual, because he always has been a U.S. citizen. He served honorably in the U.S. Navy for eight years and held a clearance in the Navy. He met and married his Canadian wife while in the Navy. He sought employment in the U.S. after he was discharged from the Navy, but looked to Canada when he could not find employment in the U.S. He became a Canadian citizen only after his supervisors told him it would be helpful for his career advancement, and after satisfying himself it would not jeopardize his U.S. citizenship. When his Canadian employment ended, he returned to the U.S., where his parents and all his siblings reside. His attraction to Canada was purely economic, not political, cultural, or based on ideology. To the contrary, he expressed some distaste for Canadian culture and politics.

After weighing the disqualifying and mitigating conditions under Guidelines C and B, and evaluating all the evidence in the context of the whole person, I conclude Applicant has mitigated the security concerns based on foreign preference and foreign influence. Accordingly, I conclude he has carried his burden of showing that it is clearly consistent with the national interest to grant him eligibility for access to classified information.

Formal Findings

I make the following formal findings for or against Applicant on the allegations set forth in the SOR, as required by Directive ¶ E3.1.25 of Enclosure 3:

Paragraph 1, Guideline C (Foreign Preference):	FOR APPLICANT
Subparagraphs 1.a-1.c:	For Applicant
Paragraph 2, Guideline B (Foreign Influence):	FOR APPLICANT
Subparagraphs 2.a-2.e:	For Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, it is clearly consistent with the national interest to grant Applicant eligibility for a security clearance. Eligibility for access to classified information is granted.

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LeRoy F. Foreman
Administrative Judge