



**DEPARTMENT OF DEFENSE  
DEFENSE OFFICE OF HEARINGS AND APPEALS**



In re:

XXXXXX, XXXX  
SSN: XXX-XX-XXXX

Applicant for Security Clearance

ISCR Case No. 07-02456

**DECISION OF ADMINISTRATIVE JUDGE  
ROBERT J. TUIDER**

**Appearances**

For Government: John B. Glendon, Esq., Department Counsel  
For Applicant: Pro se

June 24, 2008

**Decision**

TUIDER, Robert J., Administrative Judge:

Applicant has mitigated security concerns pertaining to Foreign Preference and Foreign Influence. Clearance is granted.

**History of Case**

Applicant submitted his Security Clearance Application (SF 86), on October 7, 2004. On September 21, 2007, the Defense Office of Hearings and Appeals (DOHA) issued a Statement of Reasons (SOR) detailing the security concerns under Guidelines C (Foreign Preference) and B (Foreign Influence) for Applicant. 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 acknowledged receipt of the SOR on October 1, 2007. He answered the SOR in writing on November 1, 2007, and requested a hearing before an Administrative Judge. DOHA received the request on November 13, 2007. Department Counsel was prepared to proceed on January 9, 2008, and I received the case assignment on January 10, 2008. DOHA issued a notice of hearing on January 16, 2008, scheduling a hearing for March 11, 2008. DOHA issued an amended notice of hearing on February 21, 2008, rescheduling a hearing for March 27, 2008. The hearing was held as scheduled.

The Government offered three documents, which were admitted without objections as Government Exhibits (GE) 1 through 3. The Applicant offered one documents, which was admitted without objection as Applicant Exhibit (AE) A. Applicant testified on his own behalf.

I held the record open to afford Applicant an opportunity to submit additional material. Applicant timely submitted one document, which was admitted without objection as AE B. DOHA received the transcript of the hearings (Tr.) on April 4, 2008.

## **Procedural and Evidentiary Rulings**

### **Request for Administrative Notice**

Department Counsel submitted a formal request Exhibit (Ex.) I(A) that I take administrative notice of certain facts relating to Nigeria contained in Exs. I through V. As requested and without objection, I took administrative notice of Exs. I(A) through V. Tr. 17.

Administrative or official notice is the appropriate type of notice used for administrative proceedings. See ISCR Case No. 05-11292 at 4 n.1 (App. Bd. Apr. 12, 2007); ISCR Case No. 02-24875 at 2 (App. Bd. Oct. 12, 2006) (citing ISCR Case No. 02-18668 at 3 (App. Bd. Feb. 10, 2004)); *McLeod v. Immigration and Naturalization Service*, 802 F.2d 89, 93 n.4 (3d Cir. 1986)). The most common basis for administrative notice at ISCR proceedings, is to notice facts that are either well known or from government reports. See Stein, *Administrative Law*, Section 25.01 (Bender & Co. 2006) (listing fifteen types of facts for administrative notice). Various facts pertaining to Nigeria were derived from documents offered by Department Counsel under subheading "Nigeria" of this decision. The facts administratively noticed are set out in the Findings of Fact, below.

## Findings of Fact

In his Answer to the SOR dated November 1, 2007, Applicant admitted the factual allegations in ¶¶ 1.b. through 1.d., and 2.a. and 2.b., but denied the factual allegations in 1.a. His admissions are incorporated herein as findings of fact. After a complete and thorough review of the evidence of record, I make the following findings of fact.

Applicant is a 31-year-old armed security officer. He has been employed by his government contractor employer since November 2001. Tr. 46, GE 1. He is a first-time applicant for a security clearance and seeks a clearance to enhance his employment potential within his company. Tr. 46-47, 62.

Applicant was born in March 1977 in the U.S. to Nigerian parents and as such holds dual citizenship with the U.S. and Nigeria. Applicant's father was completing graduate work in the U.S. from 1973 to 1977. Applicant is the second of four children born to his parents. Applicant's older brother was also born in the U.S. in May 1973. Applicant has two younger siblings, a sister and a brother, who were born in Nigeria after his parents returned home in 1977.

At the time Applicant moved with his parents to Nigeria, he was less than a year old. He was raised, educated, and spent his formative years in Nigeria. Applicant describes his upbringing in Nigeria as middle class. His father was a university professor and recently retired. Tr. 39-40. His mother is a career civil servant and expects to retire in the near future. Tr. 41. His father is 64 years old, and his mother is 57 years old. Tr. 41. Applicant's parents are financially secure and not dependent on him for financial support. Tr. 41-42. Applicant also described both of his parents as being in good health. Tr. 65-66. None of Applicant's family members are agents of the Nigerian government.

In 2001, at age 24, Applicant moved back to the U.S. permanently to pursue higher education and find a job. Tr. 39. His older brother had previously returned to the U.S. to do the same and now owns his own medical equipment company. Applicant lives relatively close to his older brother and has frequent contact with him. Applicant's younger sister lives in Canada and is employed as a customer service representative for a cell phone company, and his younger brother is a full-time student and lives with his parents in Nigeria. Tr. 52-53, 67-68. Applicant estimates he communicates with his parents about every two to three months by telephone. Tr. 53-55, 68-69.

Since arriving in the U.S., Applicant earned an associate's degree from a community college in May 2007. He is currently attending college on a part-time basis and anticipates earning a bachelor of science degree majoring in business administration in 2010. Tr. 56, 60-61.

SOR ¶ 1 alleged security concerns under Guideline C, specifically that Applicant is a dual citizen of Nigeria and the U.S., that he possesses a Nigerian passport, that he used his Nigerian passport in 2004 in lieu of his U.S. passport when traveling to Nigeria,

and maintains a bank account in Nigeria with a balance of approximately \$1,500.00. (SOR ¶¶ 1.a. – 1.d.) Noted above, Applicant was born in the U.S. to Nigerian parents and returned to Nigeria with his parents as a very young child. As such, Applicant's dual citizenship is based solely on his parents' citizenship. Applicant categorically stated he would be willing to renounce his Nigerian citizenship. Tr. 59-60. Applicant's parents obtained Nigerian and U.S. passports for him when he was a minor. Applicant surrendered his Nigerian passport to his Facility Security Officer on March 11, 2008. AE A. Applicant stated at the time he used his Nigerian passport in 2004 when traveling to Nigeria, he was unaware that such use was a security concern. He closed his Nigerian bank account, which he estimated had a balance of approximately \$600 to \$700, on April 8, 2008. AE B, Tr. 57-59, 70.

Since moving to the U.S. in 2001, Applicant has visited Nigeria in August 2004 and December 2005. Tr. 50. Both visits were to visit family and a woman he had met in December 1999 while a student in Nigeria, who would later become his wife. He became engaged during his December 2005 visit. Tr. 24-25.

Applicant married his fiancée in the U.S. in September 2006. His wife came to the U.S. in July 2006 on a fiancée visa and has a two year "conditional green card." Tr. 24.

Applicant's mother-in-law and five siblings live and reside in Nigeria. Her father passed away when she was nine years old. Tr. 26-27, 33. She communicates with her family in Nigeria by telephone about every two weeks. Tr. 35. None of her family members are agents of the Nigerian government. Applicant's wife currently attends a community college where she is studying English as a Second Language (ESL). Upon completion of her ESL coursework, she plans to pursue a nursing degree. Tr. 23. Her stated intention is to become a U.S. citizen when eligible. Tr. 31.

All of Applicant's assets are in the U.S. He is registered to vote in the U.S. and exercises all rights of citizenship. Tr. 63-64.

### **Nigeria<sup>1</sup>**

Nigeria is a federal republic composed of 36 states and a capital territory. The government's human rights record is poor, and government officials at all levels commit serious abuses including politically motivated and extrajudicial killings, torture, arbitrary arrest and detention, infringement on privacy rights, freedom of speech, and press. Areas of the country are marked by serious instability and outbreaks of armed conflict between religious, political, and ethnic factions. The lack of law and order in the country poses considerable risks to travelers.

The Nigerian government provides strong diplomatic support to U.S. government counter-terrorism efforts. It has condemned terrorist attacks against the United States and supported military actions against the Taliban and Al-Qaida. It also has played a leading role in forging an anti-terrorism consensus among states in their region. The

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<sup>1</sup> The contents of the Nigeria section are from Exs. I(A) through V.

United States provides the people of Nigeria with substantial financial assistance in areas such as public health, education, and in their efforts of developing effective institutions of democratic governance. Nigeria is an important trading partner of the United States. There is no evidence of economic competition with the United States, or that Nigeria has or ever had an intelligence gathering program targeting U.S. economic, industrial, or military critical technologies.

## **Policies**

In an evaluation of an applicant's security suitability, an administrative judge must consider the "Adjudicative Guidelines for Determining Eligibility for Access to Classified Information" (Guidelines). In addition to brief introductory explanations for each guideline, the adjudicative guidelines are divided into Disqualifying Conditions (DC) and Mitigating Conditions (MC), which are used to determine an applicant's eligibility for access to classified information.

These guidelines are not inflexible ironclad rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with the factors listed in the adjudicative process. Guideline ¶ 2. An administrative judge's overarching adjudicative goal is a fair, impartial and common sense decision. Because the entire process is a conscientious scrutiny of a number of variables known as the "whole person concept," an administrative judge considers all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision. Guideline ¶ 2(c).

Specifically, an administrative judge should consider the nine adjudicative process factors listed at Guideline ¶ 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."

Since the protection of the national security is the paramount consideration, the final decision in each case is arrived at by applying the standard that "[a]ny doubt concerning personnel being considered for access to classified information will be resolved in favor of national security." Guideline ¶ 2(b). In reaching this decision, I have drawn only those conclusions that are reasonable, logical and based on the evidence contained in the record. Likewise, I have avoided drawing inferences grounded on mere speculation or conjecture.

In the decision-making process, facts must be established by "substantial evidence."<sup>2</sup> The Government initially has the burden of producing evidence to establish

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<sup>2</sup> "Substantial evidence [is] such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of all the contrary evidence in the record." ISCR Case No. 04-11463 at 2 (App. Bd. Aug. 4, 2006) (citing Directive ¶

a case which demonstrates, in accordance with the Directive, that it is not clearly consistent with the national interest to grant or continue an applicant's access to classified information. Once the Government has produced substantial evidence of a disqualifying condition, the burden shifts to Applicant to present "witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by applicant or proven by Department Counsel, and [applicant] has the ultimate burden of persuasion as to obtaining a favorable clearance decision." Directive ¶ E3.1.15. The burden of disproving a mitigating condition never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).<sup>3</sup>

A person who seeks access to classified information enters into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it grants access to classified information. Decisions under this Directive include, by necessity, consideration of the possible risk an 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.

The scope of an administrative judge's decision is limited. Nothing in this Decision should be construed to suggest that I have based this decision, in whole or in part, on any express or implied determination as to Applicant's allegiance, loyalty, or patriotism. Executive Order 10865, § 7.

### **Analysis**

Upon consideration of all the facts in evidence, and after application of all appropriate legal precepts, factors, and conditions, including those described briefly above, I conclude the following with respect to the allegations set forth in the SOR:

#### **Guideline B, Foreign Influence**

Guideline ¶ 6 explains the Government's concern about "foreign contacts and interests" stating, "if the individual has divided loyalties or foreign financial interests, [he

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E3.1.32.1). "This is something less than the weight of the evidence, and the possibility of drawing two inconsistent conclusions from the evidence does not prevent [a Judge's] finding from being supported by substantial evidence." *Consolo v. Federal Maritime Comm'n*, 383 U.S. 607, 620 (1966). "Substantial evidence" is "more than a scintilla but less than a preponderance." See *v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4<sup>th</sup> Cir. 1994).

<sup>3</sup> "The Administrative Judge [considers] the record evidence as a whole, both favorable and unfavorable, evaluate[s] Applicant's past and current circumstances in light of pertinent provisions of the Directive, and decide[s] whether Applicant ha[s] met his burden of persuasion under Directive ¶ E3.1.15." ISCR Case No. 04-10340 at 2 (App. Bd. July 6, 2006).

or she] 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.”

Guideline ¶ 7 indicates three conditions that could raise a security concern and may be disqualifying in this case, including:

- (a) 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;
- (b) 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; and,
- (d) 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.

The mere possession of close family ties with a person in a foreign country is not, as a matter of law, disqualifying under Guideline B. However, if only one relative lives in a foreign country, and an applicant has contacts with that relative, this factor alone is sufficient to create the potential for foreign influence and could potentially result in the compromise of classified information.<sup>4</sup> Applicant has frequent contacts and a close relationship of affection and/or obligation with his parents and brother, who are resident citizens of Nigeria. These contacts create a risk of foreign pressure or attempted exploitation because there is always the possibility that Nigerian agents or criminals may exploit the opportunity to obtain information about the United States. His connection to his family members also create a potential conflict of interest because his relationships are sufficiently close to raise a security concern about his desire to help them by providing sensitive or classified information. Applicant's wife is a Nigerian citizen who is a resident alien and intends to file for U.S. citizenship at the earliest opportunity.

The government produced substantial evidence raising these three potentially disqualifying conditions, and the burden shifted to Applicant to produce evidence and prove a mitigating condition. As previously indicated, the burden of disproving a mitigating condition never shifts to the government.

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<sup>4</sup> See ISCR Case No. 03-02382 at 5 (App. Bd. Feb. 15, 2006); ISCR Case No. 99-0424 (App. Bd. Feb. 8, 2001).

Three Foreign Influence Mitigating Conditions under Guideline ¶ 8 are potentially applicable to these disqualifying conditions:

(a) 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.;

(b) 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; and,

(c) contact or communication with foreign citizens is so casual and infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation.

Applicant established "it is unlikely [he] will be placed in a position of having to choose between the interests of [his parents and brother] and the interests of the U.S." His frequent contacts and close relationship with his family do not establish that he could potentially be forced to choose between the United States and Nigeria. He did meet his burden of showing there is "little likelihood that [his relationship with his family] could create a risk for foreign influence or exploitation." The closeness of the relationship is shown by Applicant's telephone contacts with his parents, and his travels to Nigeria. I do not believe Applicant's relationship with his parents and younger brother in Nigeria creates a heightened risk for foreign influence or exploitation.

In deciding whether Applicant's family members are in a position to be exploited, I considered Nigeria's form of government.<sup>5</sup> Nigeria is a developing country that, so far, possesses no intelligence, economic, or industrial threat to the United States. Notwithstanding Nigeria's poor human rights record, there is no evidence its government seeks classified and industrial/economic information from the United States. Nor is there evidence of the Nigerian government mistreating relatives of U.S. citizens or U.S. citizens to obtain such information. Additionally, given the existing relationship between the governments of the United States and Nigeria, it is unlikely Nigeria would risk losing an important trading partner and the financial support of the United States.

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<sup>5</sup> The focus is not the country or its people, but its rulers and the nature of the government they impose. This approach recognizes that it makes sense to treat each country in accordance with the level of security concern or threat it presents to the United States.



It is noted Applicant's father is retired and his mother plans to retire soon, and his family live a low key life in Nigeria. The evidence did not show any connection between Applicant's parents and the internal ongoing problems in Nigeria. They are financially independent and Applicant does not provide them with financial support.

Applicant and his in-laws do not appear to have a particularly close relationship and what relationship he has is a vicarious one through his wife. No evidence was developed suggesting his relationship with his mother-in-law or in-laws was anything other than casual and infrequent. His limited and infrequent contacts do not present a security concern placing Applicant in the unlikely position of having to choose between his in-laws and the interests of the United States.

Guideline ¶ 8(b) applies because Appellant is sufficiently vested through family, personal property, and socialization in the U.S. As such, he is expected to resolve any conflict of interest in favor of the U.S. interest. Although raised in Nigeria, he and his older brother chose to take up permanent residency in the U.S. when they reached adulthood. He has lived in the United States since 2001. He and his older brother are native born U.S. citizens. Applicant has earned his associate's degree in the U.S. and is working towards his bachelor's degree. His older brother owns his own business in the U.S. and lives relatively close to Applicant. His contacts and linkage to the U.S are greater than his linkage to Nigeria as demonstrated by to his permanent return to the U.S. in 2001. He has staked his future on his life in the U.S.

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

Guideline ¶ 9 explains the Government's concern "[w]hen 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."

Guideline ¶ 10 indicates one condition that raises a security concern and is disqualifying in this case:

(a) exercise of any right, privilege or obligation of foreign citizenship after becoming a U.S. citizen or through the foreign citizenship of a family member.

(1) possession of a current foreign passport.

Three Foreign Influence Mitigating Conditions under Guideline ¶ 11 are potentially applicable to this disqualifying condition:

(a) dual citizenship is based solely on parents' citizenship or birth in a foreign country;

(b) the individual has expressed a willingness to renounce dual citizenship; and

(e) the passport has been destroyed, surrendered to the cognizant security authority, or otherwise invalidated.

Applicant submitted documentation confirming he surrendered his Nigerian passport to his Facility Security Officer. He also expressed a willingness to renounce his Nigerian citizenship. At the time he used his Nigerian passport when traveling to Nigeria in 2004, he was unaware such use had the potential to create a later security concern. When he became aware his holding a Nigerian passport was a security concern, he promptly surrendered it to his Facility Security Officer. Applicant also closed his Nigerian bank account. AGs 11(a) through (e) are applicable. In light of Applicant's affirmative steps to comply with the Directive and explanations provided, this concern is deemed mitigated.

### **Whole Person Analysis**

In addition to the enumerated disqualifying and mitigating conditions as discussed previously, I have considered the general adjudicative guidelines related to the whole person concept under Directive ¶ E2.2.1. "Under the whole person concept, the Administrative Judge must not consider and weigh incidents in an applicant's life separately, in a piecemeal manner. Rather, the Judge must evaluate an applicant's security eligibility by considering the totality of an applicant's conduct and circumstances."<sup>6</sup> The directive lists nine adjudicative process factors (APF) which are used for "whole person" analysis. Because foreign influence does not involve misconduct, voluntariness of participation, rehabilitation and behavior changes, etc., the eighth APF, "the potential for pressure, coercion, exploitation, or duress," Directive ¶ E2.2.1.8, is the most relevant of the nine APFs to this adjudication.<sup>7</sup> In addition to the eighth APF, other "[a]vailable, reliable information about the person, past and present, favorable and unfavorable, should be considered in reaching a determination." Directive ¶ E2.2.1. Ultimately, the clearance decision is "an overall common sense determination." Directive ¶ E2.2.3.

The Appeal Board requires the whole person analysis address "evidence of an applicant's personal loyalties; the nature and extent of an applicant's family's ties to the

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<sup>6</sup> ISCR Case No. 03-04147 at 3 (App. Bd. Nov. 4, 2005) (quoting ISCR Case No. 02-01093 at 4 (App. Bd. Dec. 11, 2003)); ISCR Case No. 05-02833 at 2 (App. Bd. Mar. 19, 2007) (citing *Raffone v. Adams*, 468 F.2d 860 (2nd Cir. 1972) (taken together, separate events may have a significance that is missing when each event is viewed in isolation)).

<sup>7</sup> See ISCR Case No. 02-24566 at 3 (App. Bd. July 17, 2006) (stating that an analysis under the eighth APF apparently without discussion of the other APFs was sustainable); ISCR Case No. 03-10954 at 5 (App. Bd. Mar. 8, 2006) (sole APF mentioned is eighth APF); ISCR Case No. 03-17620 at 4 (App. Bd. Apr. 17, 2006) (remanding grant of clearance because Judge did not assess "the realistic potential for exploitation"), *but see* ISCR Case No. 04-00540 at 6 (App. Bd. Jan. 5, 2007) (rejecting contention that eighth APF is exclusive circumstance in whole person analysis in foreign influence cases).

U.S. relative to his [or her] ties to a foreign country; his or her ties social ties within the U.S.; and many others raised by the facts of a given case.” ISCR Case No. 04-00540 at 7 (App. Bd. Jan. 5, 2007).

Substantial mitigating evidence weighs towards grant of Applicant’s security clearance. He is a U.S.-born citizen and returned to the U.S. as a young adult to attend college and has lived continuously in the U.S. for seven years. His older brother is also U.S-born resident citizen. His father is retired and his mother is about to retire, and his family in Nigeria lead a low key life. His ties to the United States are stronger than his ties to family members in Nigeria. There is no evidence he has ever taken any action which could cause potential harm to the United States. He takes his loyalty to the United States seriously, and he has worked diligently for a government contractor since November 2001. There is nothing in the record to suggest he is anything but a loyal, trustworthy, conscientious, responsible, and a mature individual, who is making a contribution to society and the U.S. No derogatory evidence was presented which supported denial of his security clearance nor was any derogatory information presented about him. Applicant has fully cooperated in the process and taken all reasonable and achievable steps to mitigate security concerns raised.

“Because of the extreme sensitivity of security matters, there is a strong presumption against granting a security clearance. Whenever any doubt is raised . . . it is deemed best to err on the side of the government’s compelling interest in security by denying or revoking [a] clearance.” *Dorfmont v. Brown*, 913 F.2d 1399, 1401 (9<sup>th</sup> Cir. 1990). After weighing the disqualifying and mitigating conditions, all the facts and circumstances, in the context of the whole person, I conclude he has mitigated the security concerns pertaining to foreign influence and foreign preference.

I take this position based on the law, as set forth in *Department of Navy v. Egan*, 484 U.S. 518 (1988), my “careful consideration of the whole person factors”<sup>8</sup> and supporting evidence, my application of the pertinent factors under the Adjudicative Process, and my interpretation of my responsibilities under the Guidelines. Applicant has not mitigated or overcome the government’s case. For the reasons stated, I conclude he is eligible for access to classified information.

### **Formal Findings**

Formal findings For or Against Applicant on the allegations set forth in the SOR, as required by Section E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1, Guideline B: Subparagraphs 1.a – 1.f:	FOR APPLICANT For Applicant
Paragraph 2, Guideline C: Subparagraph 2.a: Subparagraph 2.b:	FOR APPLICANT For Applicant For Applicant

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<sup>8</sup> See ISCR Case No. 04-06242 at 2 (App. Bd. June 28, 2006).

### **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 eligibility for a security clearance for Applicant. Clearance is granted.

Robert J. Tuidor  
Administrative Judge