



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



In the matter of:)	
)	
-----)	ISCR Case No. 07-05169
SSN: -----)	
)	
Applicant for Security Clearance)	

Appearances

For Government: Alison O'Connell, Esquire, Department Counsel
For Applicant: *Pro Se*

March 31, 2008

Decision

MATCHINSKI, Elizabeth M., Administrative Judge:

Applicant submitted his security clearance application (e-QIP) on October 26, 2006. On October 3, 2007, the Defense Office of Hearings and Appeals (DOHA) issued to Applicant a Statement of Reasons (SOR) detailing the security concerns under Guidelines C and B. 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.

In an undated written response received by DOHA on November 30, 2007, Applicant answered the SOR allegations and requested a hearing before an administrative judge. On January 4, 2008, Department Counsel indicated the government was prepared to proceed, but at the same time moved for administrative notice of certain facts pertinent to the Islamic Republic of Iran (Iran). On January 18, 2008, I granted Applicant until February 7, 2008, to file any objections and/or to propose

alternative facts for administrative notice, and notified both parties that a hearing would be held on February 27, 2008. Applicant did not respond by the due date. On February 1, 2008, I issued a notice scheduling a hearing for February 27, 2008.

The hearing was convened as scheduled. Three government exhibits (Ex. 1-3) were admitted without any objections and Applicant testified, as reflected in a transcript (Tr.) received by DOHA on March 7, 2008. The record was held open until March 12, 2008, for Applicant to submit evidence of whether he would be permitted to enter Iran if he was to surrender his Iranian passport. No documentation was submitted by the deadline. For the reasons discussed below, eligibility for access to classified information is denied.

Procedural and Evidentiary Rulings

Request for Administrative Notice

On January 4, 2008, Department Counsel requested administrative notice be taken of certain facts about Iran and its relationship with the United States. The request was based on publications from the U.S. State Department, the Congressional Research Service, and on two releases from The White House. The government's formal request and the attached documents were not admitted into evidence but were included in the record.

At the hearing on February 27, 2008, Applicant was given an additional opportunity to respond to the request for administrative notice. He had no comment or objection. I agreed to take administrative notice of the facts requested by the government. The most pertinent are set out in the Findings of Fact.

Findings of Fact

DOHA alleged under Guideline C, foreign preference, that Applicant exercises dual citizenship with Iran and the U.S. (SOR ¶ 1.a), that he possesses an Iranian passport that does not expire until July 17, 2008 (SOR ¶ 1.b), which he used to enter and/or exit Iran in at least June 2006 to August 2006 and August 2007 to September 2007 (SOR ¶ 1.c), and that on February 14, 2007, he expressed uncertainty as to what action he would take if required to relinquish that Iranian passport for his clearance (SOR ¶ 1.d). Under Guideline B, foreign influence, DOHA alleged that Applicant's mother and stepfather are resident citizens of Iran (SOR ¶ 2.a), that Applicant's grandmothers, aunts, uncles, and cousins are resident citizens of Iran (SOR ¶ 2.b), and that Applicant traveled to Qatar to visit his family in August 2000, July 2001, and August 2003 (SOR ¶ 2.c). Applicant admitted the allegations with the exception of SOR ¶ 2.b, as while both grandmothers are Iranian resident citizens, he had only one aunt and one uncle as well as his cousins in Iran. After consideration of the evidence of record, I make the following findings of fact.

Applicant is a 24-year-old electrical engineer who has been on an approved leave of absence from his defense contractor employment since Fall 2007 while pursuing his master's degree in electrical engineering (Tr. 34-36). He has worked for his employer during school breaks (Tr. 36). Applicant began his employment with the company in August 2006 as a systems engineer I (Ex. 1), and he is seeking his first security clearance.

Applicant was born in Iran in April 1983 to native Iranian citizens (Ex. 1). When Applicant was four, his parents divorced and his father moved to the U.S. (Tr. 39). Both parents since remarried, his mother in about 1992 (Tr. 38, 42) and his father in about 1997 (Tr. 43). Applicant was then raised in Iran by his mother and stepfather. In 1999, Applicant moved to the U.S. to be with his father (Tr. 38, 45) and to take advantage of educational opportunities here (Tr. 45-46). He entered the U.S. on an Iranian passport issued in June 1999 (Ex. 1).

Applicant lived with his father and native-born U.S. citizen mother (Tr. 55) while attending public high school in the U.S. (Tr. 38). When he was still in high school, he traveled to Qatar for four to five weeks during the summers of 2000 and 2001 to see his mother (Tr. 65-66). She lived for a short time with her sister before getting a place of her own, and worked in Qatar as a jewelry store clerk so that she could send money back to her mother in Iran (Tr. 66). Applicant's aunt in Qatar is a beautician (Ex. 1, Ex. 2).

From September 2002 to June 2006, Applicant pursued his bachelor of science degree in electrical engineering at a state university (Tr. 39). On July 18, 2003, Applicant renewed his Iranian passport for another five years. It is scheduled to expire on July 17, 2008 (Ex. 2). The summer following his freshman year, he returned to Qatar to see his mother in August 2003, and again stayed for four to five weeks (Tr. 65-66). He entered and exited Qatar on his Iranian passport (Ex. 1, Ex. 2). Applicant's mother moved back to Iran in about 2004 (Tr. 68).

On June 1, 2005, Applicant became a naturalized U.S. citizen (Ex. 1, Tr. 39). He took an oath to renounce all foreign allegiances, to support and defend the U.S. Constitution and its laws, and to bear arms or perform noncombatant service or civilian service on behalf of the U.S. if required. He took no action to relinquish his Iranian citizenship. On September 12, 2005, Applicant was issued his U.S. passport (Ex. 1, Ex. 2, Tr. 46).

After he earned his bachelor's degree in electrical engineering in June 2006, Applicant traveled to Iran in August 2006 for about six weeks to see his mother, stepfather, maternal grandmother and other relatives (Tr. 63-64). He stayed with his mother and stepfather during his visit (Tr. 64). Applicant paid for the trip with monies earned from being a teaching assistant at the university (Ex. 2). He left the U.S. on his U.S. passport and entered Iran using his Iranian passport (Tr. 49). Applicant showed his U.S. and Iranian passport at the airport when exiting Iran (Tr. 52, 77).

In August 2006, Applicant began working for his current employer as a test engineer in air traffic control (Tr. 41). On October 26, 2006, Applicant applied for a security clearance for his duties. On his e-QIP, Applicant disclosed his dual citizenship with the U.S. and Iran and his possession of U.S. and Iranian passports. He also reported his mother and stepfather's Iranian residency and citizenship, his father's dual citizenship with the U.S. since April 2003 and Iran from birth, and his stepmother's Iranian citizenship but U.S. residency. Concerning any foreign travel within the last seven years, Applicant listed pleasure travel to Canada in July 1999 and April 2004, to Qatar in August 2000, July 2001, and August 2003, and to Iran from June to August 2006 (Ex. 1).

On February 14, 2007, Applicant was interviewed by an investigator for the Department of Defense about his ties to Iran, including his possession of an Iranian passport and his foreign travel. Applicant explained that he renewed his Iranian passport because he had been told that as an Iranian citizen living and working in the U.S., he would not be granted the visa needed to visit his family in Iran on his U.S. passport. Applicant expressed uncertainty as to what he would do if he had to relinquish his Iranian passport or citizenship to acquire a security clearance. Applicant averred that he was maintaining his Iranian citizenship solely for the visa to visit his family members in Iran. Applicant added that by not fulfilling his military service for Iran, and by acquiring his U.S. citizenship, he had lost the rights and privileges afforded Iranian citizens, *i.e.*, the rights to own property, have a bank account, or enter into a marriage in Iran. Applicant expressed his belief that he could regain those rights by fulfilling his military service in Iran but he does not intend to do so. Applicant discussed his foreign travel, to include to Iran to visit his family from June 2006 to August 2006, and his ongoing telephone contact with his mother on a regular basis. While she knows of his employer, he had not told her or any of his other relatives in Iran that he was being considered for a security clearance (Ex. 2).

In response to DOHA interrogatories, Applicant furnished the government with copies of his current U.S. and Iranian passports, which are scheduled to expire on September 11, 2015, and July 17, 2008, respectively (Ex. 2). Asked about any foreign travel since August 2006, Applicant also reported in September 2007 that he had traveled to Iran to visit his family from August 1, 2007 to September 2, 2007, with both his U.S. and Iranian passport, and that he had used his Iranian passport to enter Iran (Ex. 3, Tr. 60). When Applicant was in Iran in 2007, he also visited with his mother's brother and aunt and his father's sister (Tr. 60).

As of late February 2008, Applicant still had dual citizenship with Iran and the U.S. and possession of current U.S. and Iranian passports. He intends to renew his Iranian passport should he plan a trip to Iran to see his mother, stepfather, and grandmother as he understands he would need an Iranian passport to enter Iran (Tr.

50).¹ Because of his foreign residency, Applicant is allowed re-entry into Iran once yearly for a duration of less than three months without having to fulfill his military service obligation (Tr. 51). He does not intend to renounce his Iranian citizenship because he does not believe he would be allowed into the country if he did so (Tr. 31). He does not intend to return to Iran to live (Tr. 32, 80). His loyalties lie with the U.S. (Tr. 80).

As of February 2008, Applicant's mother, stepfather, and maternal grandmother were resident citizens of Iran (Tr. 58-61). Applicant applied for U.S. permanent residency for his mother and stepfather in 2006 (Tr. 33). More documentation is required from him before their interviews will be scheduled (Tr. 52). Applicant's mother is employed as a secretary for a private electrical company in Iran (Tr. 59). Before she left for Qatar, she had been employed as a social worker by a government-run hospital in Iran (Tr. 71). Applicant speaks with her almost weekly (Tr. 59). Applicant has a close relationship with his maternal grandmother with whom he has occasional telephone contact (Tr. 61-62). He usually asks his mother about his grandmother's well-being (Tr. 62). Applicant has three maternal aunts, only one of whom lives in Iran. The others live in Qatar and the U.S. (Tr. 72). Applicant's stepfather works for himself in the film industry in Iran where he has done children's and action movies, theater, and a television series (Tr. 68-69). Applicant speaks with his stepfather, with whom he has "a father and son relationship sort of" (Tr. 70), about once a month (Tr. 69). Should their applications for U.S. permanent residency be granted, Applicant is uncertain that his mother and stepfather would remain here permanently because of his father's investment in his career in Iran (Tr. 70). His parents in Iran do not own any real estate there (Tr. 65).

Applicant's father works as a dentist in the U.S. (54). He became a naturalized U.S. citizen in late April 2004 (Ex. 1, Tr. 53). He traveled to Iran three times after immigrating to the U.S.: to see Applicant in 1998, to bring Applicant to the U.S. in 1999, and to get married in about 2006 (Tr. 43-44, 53). Applicant's father divorced his second wife in about 2005 and the following year, married a native Iranian citizen in Iran (Tr. 43). His current spouse joined him in the U.S. about six months after their marriage and as of February 2008 had acquired U.S. permanent residency (Tr. 44). Applicant's paternal grandmother has U.S. permanent residency. She splits her time between the U.S. and Iran and just flew back to Iran the weekend before Applicant's hearing after spending six months or so in the U.S. visiting her children (Tr. 54). Applicant is close to his paternal grandmother (Tr. 55), although his contact with her was limited during her recent visit ("she was in Florida visiting her daughter, so I didn't get to see her that much or at all." Tr. 56). Applicant's father also has a sister living in Iran. He contacts his sibling by phone once a month to two months (Tr. 54).

* * *

¹As reported by the U.S. State Department, U.S. citizens who were born in Iran—even those without Iranian passports who do not consider themselves Iranian—are considered Iranian nationals by Iranian authorities. Under Iranian law, they must enter and exit Iran on an Iranian passport unless the Iranian government has recognized a formal renunciation or loss of Iranian citizenship. See *Consular Information Sheet*, June 5, 2007.

Following review of official publications of the U.S. government that address the history, economic and political activities in Iran, and its relationship to the U.S., I take administrative notice of the following facts:

Since December 1979, Iran has been a theocratic Islamic republic dominated by Shi'a Muslim clergy, with ultimate political authority vested in a learned religious scholar. The U.S. severed diplomatic relations with Iran in April 1980 after Iranian students occupied the American Embassy and took 52 Americans hostage with the support of Ayatollah Khomeini, then the "Supreme Leader" of Iran. Trade with Iran is severely restricted by U.S. sanctions. Iran remains vehemently anti-U.S. and anti-Israel. Current U.S. concerns about Iran are centered on Iran's efforts to acquire nuclear weapons and weapons of mass destruction, its support for and involvement in international terrorism, its support for violent opposition to the Middle East peace process, and its dismal human rights record. Iran claims it does not seek to develop nuclear weapons, but it has repeatedly failed to comply with U.N. Security Council deadlines to cease uranium enrichment despite imposition of numerous U.N. sanctions. The U.S. has designated Iran as a state sponsor of terrorism. In 2006, Iran continued to play a destabilizing role in Iraq by providing guidance, training, and weapons to Shi'a political and militant groups in Iraq. Iran also maintains a high-profile role in encouraging anti-Israeli terrorist activity by providing rhetorical, operational, and financial support to Lebanese Hizballah and Palestinian terrorist groups in their efforts to undermine the Arab-Israeli peace process. The U.S. uses multilateral sanctions and diplomatic pressure to contain the threats posed by Iran.

Iran's human rights record worsened in 2006. Abuses included severe restrictions on the right of citizens to peacefully change their government; unjust executions; torture and officially sanctioned severe punishments such as death by stoning; arbitrary arrest and detention; lack of judicial independence and of fair public trials; severe restrictions on civil liberties including speech, press, assembly, association, movement, religious practice, and privacy; extensive government corruption and lack of government transparency; violence and legal and societal discrimination against women, ethnic, and religious minorities, and homosexuals; trafficking in persons; and restrictions on workers' freedoms to associate, organize, and bargain collectively. On December 19, 2006, the U.N. General Assembly adopted a resolution for the fourth consecutive year expressing serious concern over Iran's human rights problems.

As of January 3, 2008, the U.S. State Department advised U.S. citizens to carefully consider the risks of travel to Iran as some elements of the Iranian regime and population remain hostile to the U.S. Iran does not recognize dual citizenship. Dual nationals of the U.S. and Iran must enter and exit Iran on an Iranian passport. Americans of Iranian origin are specifically cautioned that they could be targeted by Iranian authorities and that dual nationals could be denied access to the U.S. Interests Section of the Swiss Embassy in Iran because they are considered by Iran to be citizens solely of Iran. Recently Iranian authorities prevented a number of Iranian-American citizen academics, journalists, and others who traveled to Iran for personal

reasons from leaving for several months, and in some cases detained and imprisoned them on various charges, including espionage and posing a threat to national security. Iranian security personnel may at times place foreign visitors under surveillance. Hotel rooms, telephones, and fax machines may be monitored, and personal possessions in hotel rooms may be searched.

Policies

When evaluating an Applicant's suitability for a security clearance, the administrative judge must consider the revised adjudicative guidelines (AG). In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are useful in evaluating an Applicant's eligibility for access to classified information.

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

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that "[a]ny doubt concerning personnel being considered for access to classified information will be resolved in favor of national security." 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.

Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, the Applicant is responsible for presenting "witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by applicant or proven by Department Counsel. . . ." The Applicant has the ultimate burden of persuasion as to obtaining a favorable security decision.

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 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.

Section 7 of Executive Order 10865 provides that 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.” See *also* EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

Analysis

Guideline C—Foreign Preference

When an individual acts in such a way as to indicate a preference for a foreign country over the United States, then he or she may be prone to provide information or make decisions that are harmful to the interests of the United States. (AG ¶ 9). Applicant is an Iranian citizen from birth who immigrated to the U.S. as a teenager. After he acquired his U.S. citizenship in June 2005 and his U.S. passport in September 2005, he continued to maintain his Iranian passport, which does not expire until July 2008. He used that Iranian passport to enter and exit Iran on trips to see close family members in 2006 and 2007, as he would not be allowed entry into Iran solely on his U.S. passport because of his dual nationality (see U.S. State Department *Consular Information Sheet*, dated June 5, 2007). His active exercise of this benefit of foreign citizenship raises security concerns under AG ¶ 10(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. This includes but is not limited to: (1) possession of a current foreign passport”).

None of the mitigating conditions apply to his repeated exercise of Iranian citizenship. While Applicant’s foreign citizenship is based on his birth in Iran, AG ¶ 11(a) (“dual citizenship is based solely on parents’ citizenship or birth in a foreign country”) does not mitigate the risk of unverifiable travel presented by use of a foreign passport. Applicant is unwilling to relinquish his Iranian citizenship or surrender his Iranian passport as long as his mother and stepfather remain resident citizens of Iran. He testified that he had no present plan to travel to Iran this year, but would renew his Iranian passport should he decide to visit his family in Iran. While I am persuaded that Applicant used his Iranian passport out of necessity, the risk of him exercising a right, privilege, or obligation of his Iranian citizenship in the future cannot be discounted as long as his mother and stepfather remain resident citizens of Iran (see Guideline B, *infra*).

Guideline B—Foreign Influence

The security concern relating to the guideline for foreign influence is set out in AG ¶ 6:

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.

Applicant has close bonds of affection to his mother, stepfather, and maternal grandmother, who are resident citizens of Iran, a country vehemently anti-U.S. and a state sponsor of terrorism. (SOR ¶¶ 2.a and 2.b). He also has other relatives in Iran, including a paternal grandmother (¶ 2.b) with U.S. permanent residency who splits her time between Iran and the U.S., and an aunt, uncle and cousins whom he visited when in Iran. The security concerns underlying AG ¶ 7(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”) are implicated because of his close ties to family members in Iran.

Concerns raised by Applicant’s travels to Qatar and Iran to see his mother (¶¶ 1.c, 2.c) are primarily covered under AG ¶ 7(a). AG ¶ 7(i) applies where there is “conduct, especially while traveling outside the U.S., which may make the individual vulnerable to exploitation, pressure, or coercion by a foreign person, group, government, or country.” There is no evidence of conduct that would implicate AG ¶ 7(i) with the possible exception of the use of the Iranian passport, which was a legal exercise of his Iranian citizenship. At the same time, it informed Iranian authorities of his presence in the country where he could have been detained, placed under surveillance, or otherwise subjected to foreign influence. The primary relevance of his foreign travel is that it confirms the close relationship with his mother.

Mitigating condition AG ¶ 8(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.”) is difficult to satisfy, given the country involved is Iran. In January 2008, the U.S. State Department warned U.S. citizens, including dual national Iranian-American citizens, about the risks of traveling to Iran. Dual nationals were advised of the risk of being targeted by, detained, or even harassed, by authorities without the protections afforded citizens solely of the U.S. Iran’s dismal human rights record shows it is either unwilling or unable to protect against interference, coercion, or other abuses. While Applicant’s mother works as a secretary for a private electric company, his stepfather is self-employed in the film industry where he has worked on children’s and action movies, theater productions, and a television series. Applicant testified that even if his parents’ immigration to the U.S. is approved, his stepfather may elect to stay in Iran due to his career there. It is difficult to discount the risk of undue foreign influence, especially in light of Applicant’s strong bonds of affection toward his mother and stepfather especially. Applicant’s ties to extended family

members (aunt, uncle, cousins) in Iran are not of the same degree. Applicant sees them when he is in Iran, but he has no regular contact with them. However, AG ¶ 8(c) (“contact and 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”) does not apply because of his extensive ties to his immediate family members that are resident citizens of Iran (mother, stepfather, maternal grandmother).

Applicant’s vulnerability to undue foreign influence may nonetheless be mitigated by deep and longstanding relationships and loyalties in the U.S. (see AG ¶ 8(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”)). Applicant came to the U.S. as a teenager in 1999. He has since been influenced by his public high school and then college peers, and by the American culture. Yet he also spent four to five weeks during the summers of 2000, 2001, 2003, 2006, and 2007 in Southwest Asia with his mother. Applicant is unwilling to surrender his foreign passport if it means he cannot gain entry into Iran to see his parents. His ties to the U.S. are not enough to overcome the substantial risks of undue foreign influence that exist because of his relatives’ Iranian residency and citizenship. Furthermore, Applicant is likely to travel to Iran on an Iranian passport in the future where he would be subject to Iranian law and increased personal risk of being targeted.

Whole Person Concept

Under the whole person concept, the 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. The 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 commonsense judgment based upon careful consideration of the guidelines and the whole person concept.

The salient issue in the security clearance determination is not in terms of loyalty or allegiance, but rather what is clearly consistent with the national interest. See Executive Order 10865, Section 7. An applicant may have the best of intentions and yet

be in an untenable position of potentially having to choose between a dear family member and the interests of the U.S. There is no indication that Applicant has ever intentionally acted in violation of his employer's interests. Yet there is an unacceptable risk of foreign preference and foreign influence because of his family ties in Iran and his actions to maintain those close bonds. Under the totality of the facts and circumstances here, I am unable to conclude that it is clearly consistent with the national interest to grant or continue a security clearance for Applicant.

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 C:	AGAINST APPLICANT
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Subparagraph 1.a:	Against Applicant
Subparagraph 1.b:	Against Applicant
Subparagraph 1.c:	Against Applicant
Subparagraph 1.d:	Against Applicant

Paragraph 2, Guideline B:	AGAINST APPLICANT
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Subparagraph 2.a:	Against Applicant
Subparagraph 2.b:	Against Applicant
Subparagraph 2.c:	Against Applicant

Conclusion

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 Applicant eligibility for a security clearance. Eligibility for access to classified information is denied.

ELIZABETH M. MATCHINSKI
Administrative Judge