



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



In the matter of:

ISCR Case No. 07-08526

Applicant for Security Clearance

Appearances

For Government: Emilio Jaksetic, Esquire, Department Counsel

For Applicant: Richard Murray, Esquire, and Gerald H. Werfel, Esquire

November 28, 2008

Decision

ANTHONY, Joan Caton, Administrative Judge:

After a thorough review of the case file, pleadings, and exhibits, I conclude that Applicant failed to mitigate the Government's security concerns under the Foreign Influence adjudicative guideline. His eligibility for a security clearance is denied.

On January 7, 2006, Applicant signed and certified an Electronic Questionnaires for Investigations Processing (e-QIP). On April 25, 2008, the Defense Office of Hearings and Appeals (DOHA) issued Applicant a Statement of Reasons (SOR) detailing security concerns under Guideline 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.

On May 19, 2008, Applicant answered the SOR and requested a decision without a hearing. His answer was received by DOHA on May 22, 2008. On June 12, 2008, Applicant's case file was forwarded to Department Counsel Jaksetic, along with a cover memorandum. After reviewing the case, Department Counsel concluded that a hearing in the matter of Applicant's eligibility for a security clearance would be advisable. Pursuant to DoD Directive 5220.6, Additional Procedural Guidance, ¶ E3.1.7, Department Counsel requested a hearing in the case. DOHA's Administrative Division designated the case for hearing, and the case was processed accordingly.

The case was assigned to me on September 3, 2008. I convened a hearing on October 22, 2008, to consider whether it is clearly consistent with the national interest to grant or continue a security clearance for Applicant. The Government called no witnesses, introduced three exhibits (Ex. 1, 2, and 3), and offered facts found in eight official documents of the U.S. Government for administrative notice. (Hearing Exhibit (HE) I.) The Government's exhibits were admitted without objection. I took administrative notice of HE 1. Applicant testified on this own behalf and called three witnesses. At the hearing, he introduced three exhibits, which were identified as Ex. A, B, and C and admitted without objection. DOHA received the transcript (TR) of the hearing on October 30, 2008.

Findings of Fact

The SOR contains nine allegations of disqualifying conduct under AG B, Foreign Influence (SOR ¶¶ 1.a. through 1.i.). In his Answer to the SOR, Applicant admitted all nine allegations and provided additional information. Applicant's admissions are admitted as findings of fact.

After a thorough review of the record in the case, including witness testimony, exhibits, relevant policies, and the applicable adjudicative guideline, I make the following findings of fact:

Applicant is 50 years old and employed as a senior associate by a government contractor. Applicant was born in the United States and received a Bachelor of Science degree in physics from a U.S. university. He studied in a non-degree master's program in international security. He has worked as a government contractor with special emphasis on propulsion science. He has also specialized in nuclear weapons safety and cooperative security. As a government contractor, he has carried out threat reduction projects in Russia and other locations in the former Soviet Union. He was first granted a security clearance in about 1983 or 1984. (Ex. 1; Ex. A; Tr. 33-38.)

Applicant was married to a U.S. citizen in 1985. He and his wife divorced in about January of 1989. (Ex. 1 at 19-20.)

Applicant's work in arms control has brought him in contact with foreign nationals from Russia, Romania, Israel, Iraq, and Pakistan. Some of Applicant's professional contacts have also resulted in personal relationships. With regard to his relationships with foreign nationals working in weapons and arms control, Applicant stated:

I think, first and foremost, the assumption is when you travel, especially to a place like Russia or any foreign country, when you're dealing with members of either the military or even their industrial complex that [do] . . . work. . . with weapons, you automatically assume that they either work for their country's intelligence bureaus, report to them in some way, whether informally or formally, or could be subjected to some kind of pressure to gain information from some of their contacts or counterparts. (Tr. 50-51.)

Applicant explained that he and his U.S. colleagues who worked with classified information in international settings had a code of conduct in which "you just don't make inquiries into details of what [colleagues] do because you never want to put someone in a position where they could make a mistake and . . . give you information you have no need to know. . . . So you behave in such a way where you are very guarded about any details with your work." (Tr. 52.)

Applicant also stated that "[i]f you have more than a casual contact with a foreign national, you are to report it to Security Services or the Security Department." (Tr. 104-105.)

When he completed an e-QIP in January 2006, Applicant acknowledged friendships with a number of foreign nationals and indicated that he could supply more information about these relationships if necessary. He was interviewed by an authorized investigator from the U.S. Office of Personnel Management (OPM) on December 18, 2006, and he provided information about travel and relationships with foreign nationals. In response to DOHA interrogatories in August 2007, Applicant provided some corrections to the report of the OPM investigator. In February 2008, Applicant provided information about several foreign associates with whom he has had past business contacts that resulted in personal friendships. (Ex. 1; Ex. 2; Ex. 3.)

Applicant reported past professional dealings and personal friendships with two Russian citizens. One of the Russian citizens resides in Russia; the other resides in the United States. The Russian resident and citizen served in the Russian military. Applicant assumed this individual also served in a Russian intelligence unit. At one time, the Russian had a work relationship with Applicant and reported to him, but he has not had such a work relationship with Applicant for about three years. In response to interrogatories, Applicant identified the individual as "friend, colleague, former

employee.” He reported weekly to monthly e-mail and telephone exchanges with this individual. (SOR ¶ 1.d; Ex. 3; Tr. 183.)

The other Russian citizen has served in a unit of the Russian government and is currently working in the United States for an international organization. Applicant identified this individual as “former colleague; professional friendship.” He stated he has had monthly e-mail contact with this person since 2002. (SOR ¶ 1.f; Ex. 3.)

Applicant also reported a professional relationship and personal friendship with a citizen of Romania, who is retired from the Romanian military and who resides in the United States. Applicant reported weekly e-mail contact with this individual since 2003. (SOR ¶ 1.e; Ex. 3.)

Applicant has not informed his current employer of his contacts with the two Russians and of his Russian friend’s possible connection to Russian intelligence. He has not reported his on-going contacts with the former Romanian military officer to his current employer. (Ex. 2; Ex. 3; Tr. 54-58, 88-94, 107-108.)

Applicant has a professional associate and friend who is a citizen and resident of Israel. The individual has worked for the Israeli government and is now retired. Applicant identified this person as “colleague, friend.” He has had monthly e-mail contact with this individual since 1990, and he considers the relationship as “primarily social.” (SOR ¶ 1.g; Ex. 3; Tr. 95.)

Applicant also has a professional and social relationship with a retired military officer who is a citizen and resident of Pakistan and related to a political leader in Pakistan. Applicant reported monthly e-mail exchanges with this individual, who has also visited Applicant’s home for dinner. (SOR ¶ 1.i; Ex. 3; Tr. 61-63, 103-104.)

Additionally, Applicant had a friendship with a citizen and resident of Iraq who was employed by the Iraqi government. He exchanged e-mails with her approximately five to eight times a year. He stopped communicating with her when he began to feel uneasy about the tone of her messages and her attitudes about the Iraq war. He did not inform his security officer of his suspicions about the Iraqi or the fact that he had broken off e-mail contact with her. (SOR ¶ 1.h; Ex. 3; Tr. 60-61, 98-101, 109.)

One of Applicant’s professional associations with a citizen and resident of Russia, described in SOR ¶ 1. d, merits more discussion. In about 1995 or 1996, Applicant met and had a professional relationship with the Russian, hereinafter referred to as “A,” who was formerly assigned to a Russian army intelligence unit. “A” served as a translator and logistics organizer for a project Applicant was working on in Russia. Applicant and “A” came to know one another well and to have a social as well as a professional relationship. When Applicant first met “A,” he reported the contact to his security office. (Tr. 53-55, 82-83, 105.)

"A" resided in Moscow, but traveled to the United States on occasion in recent years to take part in defense-related training or to act as a consultant to government contractors. At present he works as an independent consultant to a U.S. government contractor. Applicant last met "A" for dinner about six months ago when he was in the United States. (Tr. 83-84.)

In 1999, "A" was responsible in part for recruiting translators and logistics planning for a public hearing that Applicant and other U.S. contractors attended in Russia. One of the translators hired was a 23-year-old woman, hereinafter referred to as "B," who was a recent English literature and language graduate of a Russian university. For about two years, from 1999 to 2001, "A" was "B's" supervisor. (Tr. 134, 144-146.)

Applicant and "B" became acquainted at the meeting. As time went on, their relationship became romantic. Applicant reported his relationship with "B" to his employer's security officer when he first met her, and he also reported to his security office when he and "B" began to date. In 2001, Applicant was in Moscow on assignment. "B," who at the time lived elsewhere in Russia, came to Moscow and was assigned to work as a contractor on the same project that Applicant was working on. In about March of 2001, Applicant and "B" began to live together. Via courier, Applicant sent a message informing his program manager in the United States that he and "B" were cohabiting. He asked his program manager to report his cohabitation to the company security manager. At his hearing, Applicant did not know if the program manager had passed the information to the security officer, although his relationship with "B" was known to many of his coworkers and foreign colleagues. (Tr. 144-146, 167-170, 185-188.)

In 2003, Applicant took a job with an international organization in the United States. "B" joined him in February 2003. They were married in October 2003. (Ex. 1; Tr. 124-125, 146, 172.)

Applicant's wife, "B," is a citizen of Russia and resides with him in the United States. Applicant's father-in-law and mother-in-law are residents and citizens of Russia. Applicant's mother-in-law is a retired teacher. Applicant's father-in-law, who retired in 2001, was employed by a Russian government law enforcement organization. In his retirement, the father-in-law has held positions as a security consultant. (Tr. 129, 149-51, 171.)

When she was growing up in the former Soviet Union, "B" was told by her parents that her father was employed as an engineer. When she was about twelve years old, her classmates teased her about her father's work and said he was an agent of a Russian government law enforcement organization. "B" confronted her father and asked him if the story about him was true. He replied that it was, but he cautioned her not to disclose his true occupation. (Tr. 129-131, 150-153.)

Applicant never asked "B" about her father's occupation or employment. He only learned of his father-in-law's pre-retirement occupation when he prepared for his security clearance hearing. (Tr. 75-77.)

"B" is close to her parents. She speaks on the telephone with her mother several times a week. In her current employment, she travels to Russia on business about twice a year, and she tries to visit her parents when she is in Russia on these business trips. Since 2003, when she first came to the United States, "B" has visited her parents in Russia five times. (Tr. 127-129, 157.)

"B" has an older half-sister, with whom she is also close. She communicates with her sister by telephone. The sister has two sons, ages 19 and 20. "B" sometimes sends gifts to her nephews. (Tr. 147-148, 172-174, 159-160.)

"B" has met several of Applicant's foreign friends. When Applicant's Russian friend "A", who employed "B," was in the United States six months ago, Applicant and "B" met him for dinner. "A" has also, on occasion, been a dinner guest at Applicant's home. "B" has met Applicant's Romanian friend several times. She has met her husband's other Russian contact once or twice. She has also met the Pakistani contact. She has not met her husband's Israeli or the Iraqi contacts. (SOR ¶¶ 1.a, 1.d, 1.e, 1.f, 1.g, 1.h, 1.i; Tr. 83-84; 134-136, 198.)

Two of Applicant's witnesses were individuals who were friends and who had also been colleagues of his. One witness, who held a security clearance, stated his understanding that individuals who hold security clearances have an obligation to report foreign contacts that are not work related. He noted that to comply with this requirement, he reported to his security officer his social contact with Applicant's wife "B." (Tr. 223-224, 233.)

I take administrative notice of the following facts about Russia which appear in official U.S. government publications:

The United States and Russia share certain common strategic interests. Of mutual interest to the United States and Russia are counterterrorism and the reduction of strategic arsenals. Russia and the United States share a common interest in controlling the proliferation of weapons of mass destruction and the means to deliver them. The Cooperative Threat Reduction (CRT) program was launched in 1992 to provide for the dismantlement of weapons of mass destruction in the former Soviet Union. The CRT program was renewed in 2006 for seven years, until 2013. (HR1: Background Note: Russia, Bureau of European and Eurasian Affairs, U.S. Department of State, July 2008, at 10.)

Since at least 1997, Russia has targeted U.S. technologies and has sought to obtain protected information through industrial espionage. Russia's Directorate of the General Staff (GRU) provides intelligence to Russia's military. The GRU carries out specialized technical collection activities that threaten U.S. interests. Additionally, a

KGB-successor organization, the Federal Security Service (FSB), operates outside Russia by targeting national security and environmental researchers. Russia also operates a signal intelligence facility in Cuba that targets the United States. (HE 1: Summary at 1-3.)

In addition to its technology collection and espionage activities against the U.S., Russia supports missile programs and nuclear and biotechnology projects in other countries. These technologies can be used in the construction of weapons of mass destruction. Despite U.S. concerns, Russia has refused to cease constructing nuclear reactors in Iran. (HE 1: Summary at 3-4.)

Russia's internal problems include terrorism and a poor human rights record. The U.S. Department of State has warned U.S. citizens of safety concerns related to travel in Russia. (HE 1: Summary at 4.)

The U.S. Department of State reports allegations that Russian government officials and others conduct electronic surveillance without judicial permission. This surveillance includes FSB monitoring of internet and e-mail traffic. Additionally, Russian law enforcement agencies have legal access to the personal information of users of telephone and cell phone services. (HE 1: Summary at 6-7.)

Neither party provided facts for administrative notice regarding the U.S. government's relationships with governments of Romania, Pakistan, Israel, and Iraq.

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, the administrative judge applies these guidelines in conjunction with the factors listed in the adjudicative process. The administrative judge's over-arching 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

Under Guideline B, Foreign Influence, “[f]oreign 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.” AG ¶6.

Additionally, adjudications under Guideline B “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 U.S. citizens to obtain protected information and/or is associated with the risk of terrorism.” AG ¶6.

A Guideline B decision concerning Russia must take into consideration the geopolitical situation in Russia, as well as the dangers existing in Russia. Russia is a diplomatic and strategic partner of the United States in some areas where both countries have mutual interests. For example, Russia is a key partner in efforts to reduce proliferation of weapons of mass destruction and control of nuclear materials. Russia is also one of the most aggressive nations in the collection of U.S. intelligence and sensitive economic information.

I have considered all of the disqualifying conditions under the Foreign Influence guideline. The facts of Applicant's case raise security concerns under disqualifying conditions AG ¶ 7(a) and AG ¶7(d).¹

The United States is a primary intelligence target of Russia. American citizens with immediate family members who are citizens or residents of Russia could be vulnerable to coercion, exploitation, or pressure.

Applicant has personal friendships with two citizens of Russia who have held positions in the government of Russia. Applicant's wife is a citizen of Russia. His father-in-law and mother-in-law are citizens and residents of Russia. Applicant's father-in-law was employed by a Russian law enforcement agency, and, in his retirement, he works as a security consultant. Applicant shares his home with his wife, who has close familial relationships with her parents. Applicant's wife speaks with her parents on the telephone frequently. She has traveled to Russia to visit her parents five times since coming to the United States in 2003. These facts raise a security concerns under AG ¶¶ 7(a) and 7(d).

Several mitigating conditions under AG ¶ 8 might be applicable to Applicant's case. If "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.," then AG ¶ 8(a) might apply. If "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," then AG ¶ 8(b) might apply. If "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," then AG ¶ 8(c) might apply. If "the foreign contacts and activities are on U.S. Government business or are approved by the cognizant security authority," then AG ¶ 8(d) might apply.

Although Applicant met his two Russian friends while on official government business, his current relationship with them is not work-related but social and based on friendship. He has not informed his current employer of these on-going contacts or his suspicion that one of his Russian contacts may have involvement with Russian intelligence.

¹ AG ¶ 7(a) reads: "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(d) reads: "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."

Applicant's relationships with his wife, and his wife's relationships with her parents, are neither casual nor infrequent. Instead, these relationships are based on long-standing family ties of affection and obligation. Applicant is a devoted husband, and his wife, a citizen of Russia, is a dutiful daughter to her parents, who are citizens and residents of Russia. These close relationships raise a heightened risk that Applicant could be targeted for exploitation, pressure, or coercion by the government of Russia in ways that might also threaten U.S. security interests.

Applicant offered no evidence to rebut the Government's assertion that his contacts with two friends, who are citizens of Russia, as well as his wife, a citizen of Russia, and his in-laws, who are citizens and residents of Russia, created a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion. Applicant's relationships with his friends and family members who are citizens of Russia could force him to choose between loyalty to his relatives and the security interests of the United States. (ISCR Case No. 03-15485 at 4-6 (App. Bd. June 2, 2005)) I conclude that none of the mitigating conditions under AG ¶¶ 8(a), 8(b), 8(c), or 8(d) apply to the facts of Applicant's case.

Nothing in Applicant's answers to the Guideline B allegations in the SOR suggested he was not a loyal U.S. citizen. Section 7 of Executive Order 10865 specifically provides that industrial security clearance decisions shall be "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned."

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 common sense judgment based upon careful consideration of the guidelines and the whole person concept.

I considered the potentially disqualifying and mitigating conditions in light of the whole person concept and all the facts and circumstances surrounding this case.

Applicant is a native-born U.S. citizen and a mature adult of 50 years of age. He has broad experience as a government contractor and international civil servant. His expertise is in propulsion science and nuclear weapons safety, and he enjoys the respect of his professional associates who are also government contractors.

Additionally, Applicant has several business and professional associations with foreign citizens who have worked in the military services or military intelligence units of their respective countries. While these contacts were necessary when Applicant was on official U.S. business, they could raise security concerns now that Applicant no longer sees them on official business and does not report on-going social contacts with these individuals to his security officials. Of particular note, because of Applicant's existing contacts with family members who are citizens and residents of Russia, are his on-going social contacts with the former Russian military official and former Russian government official identified at SOR ¶ 1.d and 1.f.

Russia and the United States cooperate in certain strategic areas of mutual interest, such as the reduction of nuclear proliferation and the war on terrorism. At the same time, Russia aggressively targets U.S. national security researchers and U.S. industries to obtain protected information. Russia's targeting activities threaten U.S. security interests.

While assigned to work in Russia as a government contractor, Applicant became romantically involved with a Russian woman eighteen years his junior. He did not make inquiry about her family background or associations before becoming romantically involved with her. Had he done so, he might have learned that her father was employed by a Russian government law enforcement agency, a fact that may have raised security concerns and increased his vulnerability to the possibility of coercion or duress.

Applicant also should have been aware that "B" was hired and supervised by "A," a citizen and resident of Russia and a person Applicant knew had a likely background in Russian military intelligence. Applicant cohabited with "B" in Moscow for several months when he was assigned to put U.S. security interests before his personal interests. His actions did not comport with the code of conduct he claimed he carried out as one entrusted with classified information by the U.S. government. Additionally, he did not keep his security officers apprised of his developing relationship with "B" so that they could have determined whether it was in the government's and the company's interest for him to remain on duty in Russia.

Applicant did not show good judgment in the choices he made. His conduct had the potential to seriously compromise the work he was assigned to carry out on behalf of the United States. He put relationships with Russian foreign nationals before U.S. security interests.

Applicant also had professional relationships and friendships with Romanian, Israeli, Iraqi, and Pakistani foreign nationals. The record reflected that he failed to keep his cognizant security officials aware of some of his on-going social contacts with these

individuals, after he was no longer assigned to work with them on official U.S. business.² However, the record contains insufficient factual information for me to conclude that Applicant's contacts with citizens and residents of Romania, Iraq, Pakistan, and Israel raised Guideline B security concerns. There is no evidence in the record concerning the diplomatic, economic, military, or international relationship of the United States with these countries.

Overall, the record evidence leaves me with questions and doubts as to Applicant's eligibility and suitability for a security clearance. For these reasons, I conclude Applicant failed to mitigate the security concerns arising under AG B.

Formal Findings

Formal findings for or against Applicant on the allegations set forth in the amended SOR, as required by section E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1, Guideline B:	AGAINST APPLICANT
Subparagraph 1.a:	Against Applicant
Subparagraph 1.b:	Against Applicant
Subparagraph 1.c:	Against Applicant
Subparagraph 1.d:	Against Applicant
Subparagraph 1.e:	For Applicant
Subparagraph 1.f:	Against Applicant
Subparagraph 1.g:	For Applicant
Subparagraph 1.h:	For Applicant
Subparagraph 1.i:	For Applicant

² The SOR does not allege Applicant failed to report his foreign contacts.

Conclusion

In light of all of the circumstances presented by the record in this case, it is not clearly consistent with national security to grant Applicant eligibility for a security clearance. Eligibility for access to classified information is denied.

Joan Caton Anthony
Administrative Judge