



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



In the matter of:)	
)	
XXXX, XXXXXX)	ISCR Case No. 07-13935
SSN: XXX-XX-XXXX)	
)	
Applicant for Security Clearance)	

Appearances

For Government: Paul DeLaney, Esq., Department Counsel
For Applicant: *Pro se*

June 26, 2008

Decision

TUIDER, Robert J., Administrative Judge:

Applicant has not mitigated security concerns pertaining to Foreign Influence. Clearance is denied.

History of Case

Applicant submitted his Security Clearance Application (SF 86), on November 16, 2006. On March 31, 2008, the Defense Office of Hearings and Appeals (DOHA) issued a Statement of Reasons (SOR) detailing the security concerns under Guideline B (Foreign Preference) 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 received the SOR on April 14, 2008. He answered the SOR in writing on April 16, 2008, and requested a hearing before an Administrative Judge. DOHA received the request on April 21, 2008. Department Counsel was prepared to proceed on April 30, 2008, and I received the case assignment on May 2, 2008.

DOHA issued a notice of hearing on May 7, 2008, scheduling a hearing for May 15, 2008. The hearing was convened and completed as scheduled. The government offered Government Exhibits (GE) 1 and 2, which were received without objection. Department Counsel prepared a list of government exhibits, which was marked Exhibit (Ex. VIII). Applicant testified on his own behalf and submitted Applicant Exhibits (AE) A through L, without objection. DOHA received the transcript of the hearing (Tr.) on May 23, 2008.

Procedural Rulings

Request for Administrative Notice

Department Counsel submitted a formal request that I take administrative notice of the certain facts relating to Taiwan, which has previously been marked Exs. I through VII. The request, which contained a country summary, was marked as Ex. IX. Without objection from Applicant, I took administrative notice of the documents (Exs. I through VII, IX) offered by Department Counsel, which pertained to Taiwan. (Tr. 13-15).

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 Taiwan were derived from Exs. I through VII, IX as indicated under subheading "Taiwan" of this decision.

Findings of Fact

In his response to the SOR, Applicant admitted all of the allegations in the SOR except SOR ¶ 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 39-year-old associate, who has been employed by his defense contractor employer since October 2000. He is a first-time applicant for a security clearance.

Applicant was born in the Taiwan in October 1968, where he was raised and spent his formative years. He attended college in Taiwan and was awarded a Bachelor of Arts degree majoring in economics in June 1991. GE 1. He served almost two years of mandatory military service in the Taiwanese Army from July 1991 to June 1993 as an officer. He was honorably discharged as a second lieutenant. (SOR ¶ 1.e.)

In 1994 at age 26, Applicant came to the U.S. on a student visa to attend graduate school and in June 1996 was awarded an MBA in information systems management. Tr. 62. He subsequently applied for and was granted permanent resident alien status (green card), and in November 2005 became a naturalized U.S. citizen. He was issued a U.S. passport in March 2006. GE 1, Tr. 80-81. The SOR alleged Applicant is a dual citizen of the U.S. and Taiwan. (SOR ¶ 1.a.) During his background investigation interview in February 2007, he expressed a willingness to renounce his Taiwanese citizenship. GE 2. In his Answer to SOR, he denied he held dual citizenship citing documentation from the government of Taiwan that he lost his Taiwanese citizenship when he voluntarily acquired U.S. citizenship.

Applicant married his wife in September 2001. She was born in the People's Republic of China (PRC), moved to the U.S. with her parents while in grammar school, and became a naturalized U.S. citizen in November 2002. Applicant and his wife have two U.S. born daughters, ages five and three. Applicant's wife is employed as a project manager. Tr. 40, 79. His in-laws are naturalized U.S. citizens, live in the U.S., and are retired. GE 1, GE 2.

Applicant's mother and two brothers are resident citizens of Taiwan. His father is deceased and his mother is a 67-year-old retired housewife. GE 1, Tr. 41-42. His late father worked for a private agriculture company as a biotech engineer. Tr. 42. (SOR ¶¶ 1.a. – 1.c.) His mother lives with his 43-year-old brother, discussed *infra*. Tr. 50-51.

Applicant is the youngest of three brothers. His oldest brother is a 45-year-old mechanical engineer, who works for a private automobile parts company. GE 2, Tr. 43-45. He is married, his wife is an accountant for a middle school, and they have one minor daughter. GE 2, Tr. 46. His other brother is a 43-year-old elementary school teacher. He is married, his wife is a nutritionist employed at an elementary school, and they have two minor sons. GE 2, Tr. 46-49. Applicant's 45-year-old brother did not serve mandatory military service as a result of a physical deferment, and his 43-year-old brother served three years of mandatory military service in the Taiwanese Air Force as an enlisted person. Tr. 45, 47-48.

Applicant has a cousin, who is a citizen of Taiwan and is currently attending graduate school in the U.S. (SOR ¶ 1.d.) Applicant stated his cousin visited him at his home one time. His cousin intends to return to Taiwan upon the completion of his studies. GE 2, Tr. 57-59.

Applicant's contact with his relatives in Taiwan varies. Referring to the frequency and type of contact with his mother in Taiwan, Applicant stated, "Probably once a week.

. . . by telephone.” Tr. 49. Referring to frequency and type of contact with his two brothers in Taiwan, Applicant stated, “Probably once a quarter or six months. Depends time to time.” His contact with his brothers is by telephone and is usually initiated by him. Tr. 50. He describes the relationship with his family in Taiwan as “close.” Tr. 52. No evidence was presented indicating Applicant’s immediate family members in Taiwan were agents of the Taiwanese government.

From approximately March 1999 to July 1999, Applicant traveled to Taiwan to care for his father, who was diagnosed with liver cancer. GE 2, AE J, Tr. 51-53. Applicant’s security clearance application identifies eight visits to Taiwan since 2000. They occurred in February 2001, October 2002, February 2003, October 2003, February 2004, December 2004, March 2005, and March 2006. With the exception of the March 2005, which was to attend to father’s funeral, the remainder of his visits were for pleasure. (¶ 1.g.) GE 1, Tr. 51-52.

When Applicant’s father passed away, he and his brothers inherited approximately 10 acres of farmland in Taiwan. (SOR 1.f.) Applicant’s mother currently permits one of his aunts to farm the land. Applicant derives no income from this land and is unsure whether he would be able to acquire the property since becoming a U.S. citizen. He “guess[es]” one of his brothers will buy him out. GE 2, Tr. 63-67, 77-78, 81-83.

Applicant estimates his net worth which includes his home, 401Ks, checking and savings accounts at “around half [a] million [dollars].” Tr. 71. He regularly votes and enjoys all rights and privileges of U.S. citizenship. He professed his loyalty to the U.S. and is very proud to be a U.S. citizen. He enjoys karate, playing the guitar, and spending time with his children.

Applicant is an Oracle8 Certified Database Administrator. He submitted one work-related reference letter from a senior associate, and performance evaluations covering the years 2002 to 2007. His reference letter described his work as “consistently outstanding.” His performance evaluations lauded Applicant’s diligent and dedicated work performance. AE B – I.

Taiwan¹

In 1949, two million refugees fled to Taiwan from a civil war in mainland China. That same year, Communists in mainland China established the Peoples’ Republic of China (PRC or China), and Chiang Kai-shek established a separate, provisional capital for his government in Taipei, Taiwan. The PRC does not recognize Taiwan’s independence, and insists that there is only “one China.” After long recognizing Taiwan, on January 1, 1979, the U.S. formally recognized the government of the PRC as the sole legal government of China. The U.S. does not support independence for Taiwan

¹ The contents of the Taiwan section are taken in whole or in part from Exs. I through VII, IX.

and is committed to a “one-China policy,” under the Taiwan Relations Act, signed into law on April 10, 1979.

Taiwan is a multi-party democracy that has significant economic contacts with China, and it has developed a strong economy since its separation from the PRC in 1949. However, Taiwan’s own national security remains under constant threat from the PRC and this has led to Taiwan’s large military establishment. The PRC’s Ministry of State Security is the “preeminent civilian intelligence collection agency in China,” and maintains intelligence operations in Taiwan, through a bureau utilizing PRC nationals with Taiwan connections.

Taiwan is known to be an active collector of U.S. economic intelligence, and the National Counterintelligence Center (NACIC)’s 2000 Annual Report to Congress on Foreign Economic Collection and Industrial Espionage lists Taiwan as being among the most active collectors of U.S. economic and proprietary information. The 2000 Report highlights specific incidents wherein Taiwan engaged in attempts to acquire export-restricted products.

These collection activities are ongoing, as evidenced by the January 2006 conviction and four-year prison sentence of Jonathan C. Sanders on charges related to the theft of sensitive and proprietary information by and for Taiwanese companies. Additionally, in December 2005, Donald Keyser, the Principal Deputy Assistant Secretary of State for East Asian and Pacific Affairs, pled guilty to illegally removing classified materials and to providing false statements to the U.S. Government. Mr. Keyser was engaged in a relationship with, and met with, an intelligence officer employed by the National Intelligence Bureau, the foreign intelligence agency of the government of Taiwan.

The PRC maintains active intelligence operations in Taiwan utilizing PRC nationals with Taiwan connections. The PRC is a nuclear power with vast resources, and the PRC aggressively competes with the United States in a variety of areas. PRC’s competitive relationship with the United States exacerbates the risk posed by Applicant’s connections to Taiwan.

Policies

In an evaluation of an applicant’s security or trustworthiness suitability, an administrative judge must consider the “Adjudicative Guidelines for Determining Eligibility For Access to Classified Information” (AG(s)). The AGs include brief introductory explanations for each AG, and provide specific disqualifying conditions and mitigating conditions.

These Guidelines are not inflexible ironclad rules of law. Instead, recognizing the complexities of human behavior, an administrative judge should apply these guidelines in conjunction with the factors listed in the adjudicative process. AG ¶ 2. An administrative judge’s over-arching 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 should consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision. AG ¶ 2(c).

Specifically, an administrative judge should consider the nine adjudicative process factors listed at AGs ¶ 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) the 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 [or sensitive] information will be resolved in favor of national security.” AG ¶ 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, the Government has the initial burden of establishing controverted facts by “substantial evidence,”² demonstrating, 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 produce 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).³

A person seeking access to classified or sensitive information enters into a fiduciary relationship with the government predicated upon trust and confidence. This

² “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 ¶ 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 (4th Cir. 1994).

³The 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).

relationship transcends normal duty hours and endures throughout off-duty hours. It is because of this special relationship the government must be able to repose a high degree of trust and confidence in those individuals to whom it grants access to such 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 or sensitive information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of such 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

Guideline B, Foreign Influence

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:

AG ¶ 6 explains the Government's concern about "foreign contacts and interests" stating:

If the individual has divided loyalties or foreign financial interests, [he 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.

AG ¶ 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

(e) a substantial business, financial, or property interest in a foreign country, or in any foreign-owned or foreign operated business, which could subject the individual to heightened risk of foreign influence or exploitation.

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. See ISCR Case No. 03-02382 at 5 (App. Bd. Feb. 15, 2006); ISCR Case No. 99-0424 (App. Bd. Feb. 8, 2001). Applicant has frequent contacts with his mother and siblings, who are resident citizens of Taiwan. Applicant visited his family numerous times since he emigrated to the U.S. in 1994, and owns property in Taiwan. Applicant's close relationship with his immediate family creates a significant risk of foreign pressure or attempted exploitation because Taiwan has an active information collection program.

The Government produced substantial evidence of these two disqualifying conditions as it pertains to Applicant's family and Taiwanese property, 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.

Three Foreign Influence Mitigating Conditions under AGs ¶ 8⁴ 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.;

⁴ Dual citizenship and service in the Taiwanese Army would have been more correctly alleged under Guideline C (Foreign Preference) inasmuch as those concerns are specifically addressed either in the disqualifying and/or mitigating conditions. Applicant's dual citizenship is based solely on his parents' citizenship and birth in Taiwan. He expressed a willingness to renounce his Taiwanese citizenship as well as offering un rebutted evidence that he lost his Taiwanese citizenship by operation of Taiwanese law when he became a U.S. citizen. His mandatory military service in the Taiwanese Army occurred before he became a U.S. citizen. If alleged under Guideline C, these facts allow application of AGs 11(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 (c) "exercise of the rights, privileges, or obligations of foreign citizenship occurred before the individual became a U.S. citizen or when the individual was a minor." Applying the Guidelines, I find for Applicant on SOR ¶¶ 1.a. and 1.e.

(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.

AGs ¶¶ 8(a) and 8(c) do not apply to his relationships with his parents and two siblings in Taiwan. Applicant maintains frequent contact with these immediate relatives, some more than others, and this frequent contact supports the conclusion his relationship with them is close. In 1999, he returned to Taiwan for approximately five months after learning his father was diagnosed with liver cancer. Since 2000, he has visited Taiwan eight times. These facts are indicia of the nature of his relationship with these family members, and that such contact is not casual and infrequent.

Applicant did not establish "it is unlikely [he] will be placed in a position of having to choose between the interests of [his immediate family members] and the interests of the U.S." His frequent contacts with them could potentially force him to choose between the United States and Taiwan. He did not meet his burden of showing there is "little likelihood that [his relationship with his immediate family members] could create a risk for foreign influence or exploitation."

AG ¶ 8(b) partially applies because Appellant has developed a significant relationship and loyalty to the U.S. He has continuously lived in the United States since 1994. He and his wife are U.S. citizens. His two children are U.S. born citizens. He received a graduate degree in the U.S. He is heavily vested in the U.S., professionally, financially and emotionally.

"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."⁵ The directive lists nine adjudicative process factors (APF) which are used for "whole person" analysis. Because foreign influence does not involve

⁵ 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)).

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.⁶ 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 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. Applicant has lived in the United States for 14 years, and he has been a naturalized citizen for almost three years. When he became a U.S. citizen, he swore allegiance to the United States. His wife is also a naturalized U.S citizen and his two children are U.S. born citizens. He has emphasized his loyalty to the U.S. and how much he values and enjoys his life in the U.S. There is no evidence he has ever taken any action which could cause potential harm to the U.S. He takes his loyalty to the U.S. very seriously, and he has worked diligently for a defense contractor for seven years. His financial in the U.S. are much more substantial than his financial ties to Taiwan. No derogatory evidence was developed against him. The evidence points to the fact that Applicant is a decent, honest, loyal and productive member of society.

Five circumstances weigh against Applicant in the whole person analysis. First, Taiwan actively seeks classified and industrial/economic information. Taiwan may attempt to use his immediate relatives who live in Taiwan to obtain such information. This may occur notwithstanding his family members’ assertion that they would resist such overtures. Second, Applicant had significant connections to Taiwan before he emigrated to the U.S. in 1994 at age 26. He was born there and spent his formative years there. Third, he has immediate family members consisting of his mother and two siblings, who are resident citizens of Taiwan. Fourth, Applicant has frequent and non-casual contact with his immediate family members as evidenced by his frequent telephone contact as well as his eight visits to Taiwan since 2000. These contacts are manifestations of his strong affection and regard for his immediate family members, especially his mother. Fifth, he owns property in Taiwan.

⁶ 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).

“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 (9th Cir. 1990). After weighing the disqualifying and mitigating conditions, all the facts and circumstances, in the context of the whole person, I conclude Applicant has not mitigated the security concerns pertaining to foreign influence. This is a close case, but ultimately the evidence leaves me with doubts as to Applicant’s security eligibility and suitability.

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”⁷ 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 not 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:	AGAINST APPLICANT
Subparagraph 1.a.:	For Applicant
Subparagraph 1.b. – 1.d.:	Against Applicant
Subparagraph 1.e.:	For Applicant
Subparagraphs 1.f. - g.:	Against Applicant

Conclusion

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

Robert J. Tuidier
Administrative Judge

⁷See ISCR Case No. 04-06242 at 2 (App. Bd. June 28, 2006).