



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



In the matter of:)
)
) ISCR Case No. 07-14082
SSN:)
)
Applicant for Security Clearance)

Appearances

For Government: John Bayard Glendon, Esquire, Department Counsel
For Applicant: *Pro Se*

April 23, 2009

Decision

HENRY, Mary E., Administrative Judge:

Based upon a review of the case file, pleadings, exhibits, and testimony, I conclude that Applicant's eligibility for access to classified information is denied.

Applicant submitted his Security Clearance Application (SF 86), on October 9, 2006. On November 30, 2007, the Defense Office of Hearings and Appeals (DOHA) issued a Statement of Reasons (SOR) detailing security concerns under Guideline 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.

Applicant received the SOR in December 2007. He answered the SOR in writing on December 20, 2007 and requested a decision on the record. On July 31, 2008,

Department Counsel prepared and mailed an amended SOR, with four additional allegations under Guideline B (1.f through 1.i) and a new Guideline C, with two allegations (2.a and 2.b). Applicant received the Amended SOR on August 14, 2008 and responded in writing on September 19, 2008. He requested a hearing before an administrative judge from DOHA. Department Counsel was prepared to proceed on February 12, 2008, and I received the case assignment on February 17, 2009. DOHA issued a notice of hearing on February 23, 2009, and I convened the hearing as scheduled on March 26, 2009. The government offered two exhibits (GE) 1 and 2, which were received and admitted into evidence without objection. Applicant and one witness testified on his behalf. He submitted nine exhibits (AE) A through I, which were received and admitted into evidence without objection. The record closed on March 26, 2009. DOHA received the transcript of the hearing (Tr.) on April 9, 2009.

Procedural and Evidentiary Rulings

Request for Administrative Notice

Department Counsel submitted a formal request that I take administrative notice of certain facts relating to Iran. (Tr. 16-17) Applicant did not object to any of the documents submitted by Department Counsel. The request and the attached documents were not admitted into evidence but were included in the record as Administrative Exhibits I through XVII. The facts administratively noticed will be limited to matters of general knowledge and matters not subject to reasonable dispute. The facts administratively noticed are set out in the Findings of Fact, below.

Findings of Fact

In his Answers to the SOR, dated November 30, 2007, and the amended SOR, dated July 31, 2008, Applicant admitted the factual allegations in ¶¶ 1.a through 1.i of the SOR, with explanations. He denied the factual allegations in ¶¶ 2.a and 2.b of the SOR.¹ He also provided additional information to support his request for eligibility for a security clearance.²

Applicant is 58 years old. He was born in Iran and attended schools in Iran through college. He graduated from college in 1972 with honors. When the Shah of Iran led Iran in the 1970s, he required all young men upon graduation from high school or college to serve in the military. Although he received the rank of Lieutenant in the Iranian military, Applicant never actually served in the Iranian Army because he had

¹When SOR allegations are controverted, the government bears the burden of producing evidence sufficient to prove controverted allegations. Directive, ¶ E3.1.14. That burden has two components. First, the government must establish by substantial evidence that the facts and events alleged in the SOR indeed took place. Second, the government must establish a nexus between the existence of the established facts and events and a legitimate security concern. See ISCR Case No. 07-18525 (App. Bd. Feb. 18, 2009), (concurring and dissenting, in part).

²Response to SOR.

graduated from college as the first honor student. The policies in Iran in 1972 allowed Applicant to teach at the university for two years in lieu of military service, which is what Applicant did. He completed his teaching requirement in 1974.³

Applicant emigrated from Iran to the United States (U.S.) in 1975 to attend graduate school. Two years later, he graduated from a major U.S. university with a Master of Science degree in mechanical engineering and a second degree in nuclear engineering. The Iranian government under the Shah provided him with a scholarship, which paid for the cost of his masters degree education. He returned to Iran in 1977 for a few months. In December 1977, Applicant came back to the U.S. to begin work on his Ph.D. at another major U.S. university. This university awarded him a scholarship, which paid much of the cost of his education. He also worked in a job similar to a teaching assistant in the nuclear engineering department. He received his Ph.D. in nuclear engineering and science in 1983.⁴

Upon his graduation in 1983, Appellant began work in the nuclear industry. He worked for private companies in this industry until 1997. He did not hold a security clearance of any type during these years, although he had access to nuclear data. He had no incidents which compromised this data. In 1997, after his son was born, Applicant switched his job focus. He began working for a federal government contractor. Since he began this employment, he has worked for two federal agencies. In 2000, he returned to school part-time. In 2004, he received a masters degree in information systems management from a major U.S. university. In his most recent contract position, the federal agency investigated him and granted him an access certification, which is not the same as a security clearance.⁵

Applicant married his wife in Iran in 1978. She came with him to the U.S. and has lived with him in the U.S. since their marriage. They have three children, two daughters, ages 28 and 22, and a son, age 12. His son is autistic. All three children are U.S. citizens by birth. His wife does not work outside their home.⁶

Applicant's 78-year-old mother and 86-year-old father are citizens and residents of Iran. His oldest sister is 62 years old, a widow with two grown children, a citizen of Iran, and a resident of Iran. His younger sister is 53 years old, a citizen of Belgium, and a resident of Belgium. His wife's sister and one brother are citizens and residents of Iran.⁷ His wife has two brothers who live in the U.S. Applicant talks with his mother about once a month. He talks with his older sister and father less often and usually

³GE 1 (SF-86) at 1, 16; Tr. 26, 32-42.

⁴Tr. 26-27, 42-47.

⁵AE G; Tr. 27-29, 48-52.

⁶GE 1, *supra* note 3, at 9-10; Tr. 26, 30, 46, 79-80, 92.

⁷Applicant's wife's parents are deceased. GE 1, *supra* note 3, at 14-15.

when he talks with his mother. He communicates with his family members in Iran by telephone only. He occasionally talks with his sister in Belgium. Applicant has not spoken with his sister-in-law or brother-in-law for many years. His wife does talk with her sister, but not with her brother in Iran.⁸

Applicant's father owned a stone business, but sold the business when he retired. He does not receive a pension from the Iranian government. His mother never worked outside their home. His older sister is a retired teacher, who lives with his mother. His mother is sickly and his older sister cares for her. He does not know the source of his sister's income. His sister-in-law is married to a retired physician. His brother-in-law in Iran retired from the Iranian Air Force at the rank of Colonel after 22 years of service.⁹

Applicant became a U.S. citizen in 1993. At that time, he held an Iranian passport. In 1996, he obtained his first U.S. passport, which he has renewed. His wife became a U.S. citizen in 2006.¹⁰

In December 2003, Applicant traveled to Iran for his grandfather's funeral, and in August 2006, he traveled to Iran for his grandmother's funeral. For both trips, he used his Iranian passport to enter into and travel in Iran. The Iranian Section at the Pakistan Embassy advised Applicant that he could not use his U.S. passport to enter into and travel in Iran because as Iranian-born, Iran considers him only an Iranian citizen. Iran does not recognize his decision to renounce his Iranian citizenship and become a U.S. citizen. Applicant considers the U.S. his home country, not Iran. His Iranian passport has expired and he does not intend to renew it.¹¹

During his visits to Iran, Applicant visited with his parents and sister. His wife last traveled to Iran seven or eight years ago. His daughters have been to Iran at least once. He recently advised his parents that he would not be traveling to Iran in the future because he needs to spend his time with his son.¹²

Applicant has never voted in an Iranian election, but he has voted in the U.S. Presidential elections since becoming a U.S. citizen. He does not own property or have bank accounts in Iran. His family in Iran does not know what type of work he does. To the best of his knowledge, the Iranian government does not know about his educational and work background. He has never been approached by the Iranian government or an

⁸GE 1, *supra* note 3, at 12-15; Tr. 61-72.

⁹Tr. 62-72.

¹⁰GE 1, *supra* note 3, 2-3; Tr. 58-59.

¹¹Administrative Notice II (Iran Country Specific Information) at 1; GE 1, *supra* note 3, at 17-18; GE 2, Interrogatory answers and attachments; Tr. 30-31, 59-60, 73-75, 83-85.

¹²Tr. 73, 75-77.

agent of the Iranian government. He owns several pieces of property in the U.S. His financial ties are with the U.S. As the only son, under Iranian law, he would inherit the majority of his parents' property upon their death. To claim his inheritance, he must travel to Iran. He does not plan to travel to Iran and asked his parents to make arrangements for his older sister to inherit their property. He does not know what actions his parents have taken.¹³

Applicant participates in his neighborhood homeowner association, coaches his son in soccer and works with Special Olympics. His oldest daughter testified on his behalf. She attributes her strong academics to her father's support. He encouraged her and her sister to be well-rounded individuals. Two co-workers and one friend highly recommend Applicant for a security clearance.¹⁴

I take administrative notice of the following facts. In 1979, the Iranian Revolution occurred, which ended the rule of the Shah of Iran. In December 1979, Iranian rulers prepared a new constitution which defines the political, economic and social order of this Islamic Republic. Iran is now an authoritarian, constitutional, theocratic republic, dominated by Shi'a Muslim clergy.¹⁵ Although human rights violations are prohibited by law, the Iranian government does not enforce the law. Human rights violations continue, particularly against journalists who speak out against Iran's current government, minority religions, such as the Baha'i faith, and political activists, who oppose the current ruling regime.¹⁶ Serious mistreatment of prisoners occurs.¹⁷ Because Iran does not recognize dual citizenship, Iranian-born, naturalized U.S. citizens are considered solely Iranian citizens by the Iranian authorities, and are required to enter and exit Iran on an Iranian passport. While traveling or residing in Iran, they are subject to surveillance, search, harassment, arrest, and imprisonment. More recently, Iran has prevented a number of Iranian-American citizens from leaving Iran and in some cases has charged individuals with espionage and being a threat to the regime.¹⁸

Iran's government is hostile to the U.S. Current U.S. concerns about Iran are based on its efforts to acquire nuclear weapons and weapons of mass destruction, support for and involvement in international terrorism, and support of violent opposition to the Middle East peace process. Iran has provided guidance, training, and weapons to Shia political and militant groups in Iraq. It also provides encouragement, training, funding, and weapons to anti-Israeli terrorist groups in its efforts to undermine the Arab-

¹³AE H; AE I; *Id.* 77-83, 87-88.

¹⁴AE A; AE B; AE C; AE D; AE E; AE F; Tr. 29, 92-97.

¹⁵Administrative Notice I (U.S. Department of State, Background Note: Iran: March 2008).

¹⁶Administrative Notice IV (U.S. Department of State, Iran, Country Reports on Human Rights Practices 2007).

¹⁷*Id.*

¹⁸Administrative Notice II, *supra* note 11, at 1.

Israeli peace process, as well as advocating the destruction of Israel. The U.S. has designated Iran as a state sponsor of terrorism.¹⁹ In 1979 in Executive Order 12170, the President declared a national emergency with respect to Iran pursuant to the International Emergency Powers Act (50 U.S.C. 1701-1706). The national emergency continues.²⁰ The U.S. continues to have significant concerns about Iran's plans to develop nuclear weapons and weapons of mass destruction.²¹

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 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.

¹⁹Administrative Notice V (Country Reports on Terrorism, April 30, 2008) at 1-2; Administrative Notice VI.

²⁰Administrative Notices VII and VIII.

²¹Administrative Notice IX (National Intelligence Estimate Iran: Nuclear Intentions and Capabilities, November 2007); Administrative Notice X (Annual Threat Assessment of the Director of National Intelligence for the Senate Select Committee on Intelligence, February 5, 2008).

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 B, Foreign Influence

AG ¶ 6 expresses the security concern regarding foreign influence:

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.

AG ¶ 7 describes conditions that could raise a security concern and may be disqualifying:

(a) contact with a foreign family member, business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion;

(b) connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual's obligation to protect sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information; and

(d) sharing living quarters with a person or persons, regardless of citizenship status, if that relationship creates a heightened risk of foreign inducement, manipulation, pressure, or coercion.

Applicant, his wife and his children are all U.S. citizens and reside together in the family home in the U.S. Applicant does not claim Iranian citizenship and neither do his children. His wife became a U.S. citizen about three years ago. His relationships with his wife and children are not a security concern. However, his elderly parents and older sister are citizens and residents of Iran. He talks by telephone with his mother monthly. He talks less frequently with his father and sister. He visited his parents and sister when he returned to Iran for his grandparents' funerals in 2003 and 2006. He does not talk with his wife's sister or brother, but his wife does talk with her sister. Neither he nor his wife speak with her brother and have not for many years. He does not provide any financial support to his family members in Iran. His family relationships and his wife's family contacts are not *per se* a reason to deny Applicant a security clearance, but his and his wife's contacts with family members must be considered in deciding whether to grant Applicant a clearance. The government must establish that these family relationships create a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion or would create a potential conflict of interest between his obligations to protect sensitive information and his desire to help his family members.

In determining if a heightened risk exists, I must look at Applicant and his wife's relationship and contacts with family members as well as the activities of the government of Iran and terrorists organizations receiving Iranian support. See ISCR Case No. 07-05809 (App. Bd. May 27, 2008). The risk that an Applicant could be targeted for manipulation or induced into compromising classified information is real, not theoretical. Applicant's relationship and contacts with his parents and sister in Iran raises a heightened risk of security concerns because Iran supports and actively sponsors terrorism, especially against the U.S., continues to have a strong interest in obtaining nuclear weapons, and sometimes refuses to allow Iranian-Americans, who have entered Iran for personal reasons, to leave. Iran has imprisoned some Iranian Americans without good cause.

Under the new guidelines, the potentially conflicting loyalties may be weighed to determine if an applicant can be expected to resolve any conflict in favor of the U.S. interests.²² Concerning Applicant and his wife's contacts with family members in Iran, I have considered that Iran is a state sponsor of terrorism, provides refuge for members of terrorist organizations, maintains stringent control over the lives of its citizens through

²²Under the old adjudicative guidelines, a disqualifying condition based on foreign family members could not be mitigated unless an applicant could establish that the family members were not in a position to be exploited. The Appeal Board consistently applied this mitigating condition narrowly, holding that its underlying premise was that an applicant should not be placed in a position where he is forced to make a choice between the interest of the family member and the interest of the United States. (See ISCR Case No. 03-17620 (App. Bd, Apr. 17, 2006); ISCR Case No. 03-24933 (App. Bd. Jul. 28, 2005); ISCR Case No. 03-02382 (App. Bd. Feb. 15, 2005); and ISCR Case No. 03-15205 (App. Bd. Jan. 21, 2005)). Thus, an administrative judge was not permitted to apply a balancing test to assess the extent of the security risk.

intense physical and electronic surveillance, denies its citizens basic freedoms enjoyed by U.S. citizens, and violates basic human rights. Iran is a hostile country, whose interests are inimical to the U.S. The U.S. is a large democracy and Iran is a authoritarian and theocratic government. Because Iran and the U.S. are adversaries, Iran would act against U.S. interests if given an opportunity. While none of these considerations by themselves dispose of the issue, they are all factors to be considered in determining Applicant's vulnerability to pressure or coercion because of his family members in Iran. His two recent trips to Iran and his contacts with his family members establish that there is a heightened risk that Applicant will be targeted by Iranian authorities or terrorists sponsored by Iran. AG ¶¶ 7(a) and 7(b) apply.

In deciding if Applicant has established mitigation, under AG ¶ 8 (a), I must consider:

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.

and under AG ¶ 8(b), I must consider whether Applicant has established:

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. interests.

Applicant's normal relationship with his family members is not a basis to deny him a security clearance; however, his burden of proof on mitigation requires more than statements about the limited scope of his conversations with his parents and sister and no conversations with his wife's sister and brother. See ISCR Case No. 07-02485 (App. Bd. May 9, 2008). Applicant's parents and sister have never held a political position in Iran. His parents' retirement income does not come from the Iranian government; however, it is unclear whether his sister's retirement income comes from the Iranian government. Even though Iran is an authoritarian state and seeks to harm the U.S., Applicant's family has not been targeted by the Iranian government. His family members have never been arrested or imprisoned. The Iranian government has not made any overt contacts with him when he visited his family in 2003 and 2006. His closest family members are residents of the U.S. Since he became a U.S. citizen in 1993, he has exercised the rights and privileges of citizenship. Balancing these factors against Iran's support of terrorism, poor human rights record, especially towards Iranian-Americans, its strong interest in nuclear weapons, and Applicant's expertise in nuclear engineering, while I believe Applicant would prefer to resolve any conflict in favor of the U.S. interests, I find that Iran's conduct towards Iranian-Americans and interest in nuclear weapons places Applicant in a very difficult position to resolve conflicting loyalties

should Iran attempt to harm his parents and sister in Iran. Because of his and his wife's lack of contact with her brother, I find that Applicant would resolve any conflict involving his wife's brother in favor of the U.S. Applicant has mitigated the government's security concerns as to SOR allegation 1.a, 1.e, 1.h, 1.i, and partially to 1.d under AG ¶¶ 8(a) and 8(b). He has not mitigated the government's security concerns for the remaining allegations in SOR ¶ 1.

Guideline C, Foreign Preference

Under AG ¶ 9 the security concern involving foreign preference arises, "[W]hen an individual acts in such a way as to indicate a preference for a foreign country over the United States, then he or she may be prone to provide information or make decisions that are harmful to the interests of the United States."

Under AG ¶ 10, the following conditions could raise a security concern in this case and may be disqualifying:

(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; and

(2) military service or a willingness to bear arms for a foreign country.

Applicant continued to retain his Iranian passport after he became a U.S. citizen in 1993. He used his passport to enter into and travel in Iran, his country of birth. Although the Iran government listed him as having the rank of Lieutenant in its military, Applicant never served in the Iranian military. He obtained an exemption because of his outstanding academic performance as an undergraduate student. The government has established a security concern under AG ¶ 10(a)(1).

Under AG ¶ 11, the following conditions may mitigate the government's security concerns in this case:

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

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

Applicant does not claim Iranian citizenship, and he considers the United States his homeland. Other than an Iranian passport, he has no benefits from the citizenship status conferred on him by Iran after becoming a U.S. citizen. He does not hold property or bank accounts in Iran nor has he voted in Iranian elections. Rather, he has exercised the rights of U.S. citizenship. He owns property in the U.S. and votes in its elections. By

so doing, he has shown a preference for the U.S. Applicant's Iranian passport has expired and he has not attempted to renew it. He told his parents that he does not intend to travel to Iran in the future. Applicant has mitigated the government's security concerns under Guideline C.

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) 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.

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. The decision to grant or deny a security clearance requires a careful weighing of all relevant factors, both favorable and unfavorable. In so doing, an administrative judge must review all the evidence of record, not a single item in isolation, to determine if a security concern is established and then whether it is mitigated. A determination of an applicant's eligibility for a security clearance should not be made as punishment for specific past conduct, but on a reasonable and careful evaluation of all the evidence of record to decide if a nexus exists between established facts and a legitimate security concern.

In reaching a conclusion, I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case. Applicant left Iran nearly 34 years ago. He decided to remain in the U.S. and to become a U.S. citizen. He owns property in the U.S. and votes in U.S. elections. He raised his family in the U.S., and his wife and children are U.S. citizens. His actions reflects his strong ties to the U.S.

The evidence against granting a clearance is substantial. Applicant is highly educated and very intelligent. He worked in the nuclear industry for 14 years and has two degrees in nuclear engineering. His expertise in nuclear engineering, if known, would be very valuable to Iran as Iran still has a strong interest in obtaining nuclear weapons. Iran's attitude towards the U.S., its strong desire to have nuclear weapons, and its treatment of Iranian-Americans raises serious concerns about the actions Iran might take to obtain classified information from Applicant. While I believe Applicant has

strong ties to the U.S., I have a concern about the extent of pressure Iran may place on him if he had access to classified information.

Overall, the record evidence leaves me with questions or doubts as to Applicant's eligibility and suitability for a security clearance. For all these reasons, I conclude Applicant mitigated the security concerns arising under Guideline C, but he has not mitigated the government's security concerns arising under Guideline B.

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:	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:	Against Applicant
Subparagraph 1.h:	For Applicant
Subparagraph 1.i:	For Applicant
Paragraph 2, Guideline C:	FOR APPLICANT
Subparagraph 2.a:	For Applicant
Subparagraph 2.b:	For 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.

MARY E. HENRY
Administrative Judge