



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



In the matter of:)
)
) ISCR Case No. 07-15546
)
)
Applicant for Security Clearance)

Appearances

For Government: Braden M. Murphy, Esq., Department Counsel
For Applicant: *Pro Se*

August 29, 2008

Decision

DAM, Shari, Administrative Judge:

Based upon a review of the case file, pleadings, exhibits, and testimony, eligibility for access to classified information is denied.

History of Case

On November 11, 2006, Applicant submitted his Security Clearance Application (SF 86). On February 12, 2008, the Defense Office of Hearings and Appeals (DOHA) issued Applicant a Statement of Reasons (SOR) detailing the security concerns under Guideline C (Foreign Preference) and 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.

Applicant answered the SOR in writing on February 27, 2008, and requested a hearing before an administrative judge. The case was originally assigned to me in April 2008 and then reassigned to another administrative judge on June 19, 2008. DOHA issued a Notice of Hearing on June 25, 2008, scheduling the hearing for July 15, 2008. On July 14, 2008, the assigned administrative judge had a medical emergency that necessitated the cancellation of the hearing. The hearing was rescheduled to July 18, 2008, and reassigned to me. I convened the hearing on said date. The Government offered Exhibits (GE) 1 and 2 into evidence, which were admitted without objection. Applicant testified and offered Exhibits (AE) A through D into evidence that were admitted without objection. At the conclusion of the hearing, I left the record open until August 1, 2008, to give Applicant an opportunity to submit additional information. On July 28, 2008, he submitted three documents that I marked as AE E through G and admitted into the record without objection. DOHA received the transcript of the hearing (Tr.) on July 29, 2008.

Procedural and Evidentiary Rulings

Request for Administrative Notice

Department Counsel submitted a formal request that I take administrative notice of certain facts relating to Palestine and Jordan. (Tr. 7-8) The request and the attached documents are included in the record as Hearing Exhibits Group A (HE A) I through VI (Palestine) and Hearing Exhibits Group B (HE B) I through IV (Jordan). Applicant did not object to my consideration of those Exhibits. Hence, the facts administratively noticed are 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 Answer to the SOR, dated March 25, 2008, Applicant admitted the factual allegations contained in SOR ¶ 1 and ¶ 2, and offered explanations in support of his request for a security clearance.

Applicant is 47 years old. He was born in Jerusalem and went to high school there. (Tr. 25). In 1979, he came to the United States on a student visa to attend undergraduate school. In 1984, he graduated with a degree in mechanical engineering and physics. The same year, he began a graduate program. In August 1986, he earned a Master of Science in Mechanical Engineering. Six months later, he returned to Palestine where he stayed until September 1989. He then returned to the United States to begin work on a doctorate. In June 1994, he completed a Ph.D. in Mechanical Engineering. (Tr. 27). He became a naturalized citizen in July 1996.

While in his doctoral program, Applicant married his wife, who was enrolled in the College of Pharmacy at the university he was attending. She was born in Jordan and became a naturalized U.S. citizen in April 1992. She holds dual citizenship with Jordan

and the United States. (Tr. 56). They have three young children, all born in the United States.

Applicant's parents were born in Palestine. His mother died in 2005. His father is a dual citizen of the United States and Palestine. He became a naturalized U.S. citizen about three years ago, having periodically spent a number of years in the United States, along with Applicant's mother. (Tr. 57). He resides in Palestine where he works as a tailor. Applicant tries to call him weekly. The last time he saw his father was in October 2007, when he visited Applicant in the United States. (Tr. 65). He previously saw him in 2006 when the family met for a reunion in Jordan and Palestine. (Tr. 60).

Applicant's four sisters were born in Palestine. All of them are married and three of them are citizens and residents of Palestine, along with their families. One sister's husband owns a hardware store in Palestine. She does not work. Applicant speaks to her every couple months. (Tr. 61). Another sister works for the Irish government, which has an office in Palestine. Her husband works for a Jordanian bank with a branch office in Palestine. Applicant speaks to her every couple months. Applicant's third sister is a homemaker and her husband works as a jeweler in Palestine. Applicant has not spoken to her for a few months. (Tr. 64). His fourth sister moved to Canada with her husband several years ago. She is a housewife and her husband is a hotel manager. Applicant speaks to her weekly and spent last Christmas with them in Canada. (Tr. 62-63).

Applicant's in-laws were born in Jordan. His father-in-law died in Jordan in March 2007. His mother-in-law is a resident of Jordan. Both in-laws worked as pharmacists and obtained dual citizenship with Jordan and the United States. (Tr. 65; GE 1 at 24-25). His mother-in-law visits Applicant in the United States every summer and spends a month or longer. (Tr. 51; 66). His wife attended her father's funeral.

Neither Applicant nor members of his family have been harassed or threatened by any government while living in Palestine. (Tr. 84). He has never been questioned by any governmental authority regarding his work while traveling in Jordan or Palestine. (Tr. 85).

In September 1994, Applicant began working for his current employer, a federal contractor. He is an engineering section manager. He has held a Secret security clearance since 1996. He has not worked with classified information to date, but may need access to it in the future. (Tr. 31). According to performance evaluations, covering periods between 1994 and 2007, Applicant has consistently received "Exceeds" or "Significantly Exceeds" in many rating areas. (AE G). Applicant's current supervisor has known him for over ten years. He notes that Applicant "takes his job seriously and supports the company's policies on security." (AE E). His former supervisor stated that Applicant's "performance of day to day work activities, strategic thinking, and leadership skills are superior. He is highly dependable, conscientious and a goal seeker." (AE F).

Applicant owns two homes in the United States and has U. S. bank accounts. (Tr. 75). He does not own property in any foreign country. (Tr. 74). When his father dies,

he and his four sisters may inherit some property in Jordan valued at \$100,000. (Tr. 39). He recently executed a Power of Attorney to one of his sisters residing in Palestine to act on his behalf as to any matter that may arise regarding a potential inheritance. (Answer; AE C). There is no derogatory information in the record concerning his police or financial records. He has never been fired from a job. He has never been arrested. He has never used illegal drugs, or been involved in an alcohol-related incident. (GE 1).

Applicant obtained a U.S. passport sometime in 1996. It was renewed in September 2006. (GE 1). At the time he completed his first security clearance application, he had a temporary Jordanian passport. (AE D). In January 2005 he obtained a Palestinian passport that expired in January 2008. (GE 2). Because he was born in Palestine, he has a Palestinian identification card that is on file with the Palestinian and Israeli governments. (Tr. 69).

In December 1997, July 2000, January 2005, and April 2006, Applicant returned to Palestine for family visits, including his mother's funeral in 2005. He used his U.S. passport to enter Jordan. He used his Palestinian passport and identification card to enter and exit Palestine via Jordan, because Israeli authorities will not permit him to enter through Israel because of his Palestinian heritage. (Tr. 68). He could have used his U.S. passport to enter Palestine, but did not because of the delay and inconvenience it would cause him, as the Palestinian Authority may spend time questioning him and looking up his identification number. (Tr. 72). He does not intend to renew his Palestinian passport and will use his U.S. passport when he returns to Palestine for future family visits. (Tr. 73).

Until the SOR issued, Applicant did not know that possession of a foreign passport could create a security clearance problem. He understood that the United States permits one to maintain dual citizenship. (Answer). Prior to traveling to the Middle East, he generally notified his facility security officer (FSO) or his supervisor of his travel plans. (Tr. 82). He does not recall ever being advised by the FSO that traveling on a foreign passport could create a security concern. (Tr. 82-83). He renounces his Palestinian citizenship. (Tr. 91). Applicant strongly identifies with the United States, the country he chose to live in 30 years ago. (Tr. 78).

There is no evidence in the record that Applicant breached any security policies or procedures while holding a security clearance.

Jordan

Jordan is a small, Middle Eastern country governed by a constitutional monarchy. It has a developing economy. Jordan has a pro-Western foreign policy, and has had close relations with the United States for more than forty years. Torture, arbitrary arrest, prolonged detention, denial of due process, and restrictions on freedom of speech are Jordanian human rights problems. Despite aggressive governmental action against terrorists, the threat of terrorism in Jordan remains high. Jordan cooperates with the United States in fighting international terrorism. Terrorists in Jordan target U.S. interests

to exploit and undermine U.S. national security interests. Terrorist groups conduct intelligence activities as effectively as state intelligence services.

Palestine

The Palestinian Authority is the legitimate representative of the Palestinian people who live in the Gaza Strip and the West Bank area of the former British League of Nations and United Nations' mandate area known as Palestine at the eastern end of the Mediterranean Sea. This area abuts Israel. The population of these two areas is about 3.8 million people.

There are two main political parties within the Palestinian territory, Fatah and Hamas. Fatah is a secular political party and the largest party of the two. It supports a negotiated two-state solution with Israel. After the June 2007 fighting between Fatah and Hamas, Fatah controls only the West Bank area of Palestine. Hamas opposes the two-state solution. It combines Palestinian nationalism with Islamic fundamentalism, and wages a periodic terrorist campaign to undermine the Palestinian peace process. Hamas is designated a Foreign Terrorist Organization (FTO) by the U.S. Government. Hamas fires missiles into Israel from the Gaza Strip on occasion as part of their effort. Hamas controls the Gaza Strip after the June 2007 fighting with Fatah.

Other terrorist groups operate in the West Bank and the Gaza Strip, such as the al-Aksa Martyrs Brigade, the Palestinian Islamic Jihad, and the Popular Front for the Liberation of Palestine. These three organizations, along with another three, have also been designated FTOs by the U.S. Government. As a result of the presence of these groups, the threat of terrorism continues to be significant in Palestine and the surrounding areas. In a April 2008 Department of State Travel Warning, the U.S. government reminds travelers to be careful in their travels to the West Bank and Gaza Strip because of the continuing threat of terrorist attacks and violence. It "urges U.S. citizens to defer travel to the West Bank and to avoid all travel to the Gaza Strip." Kidnappings of foreigners, including American citizens, have occurred in both areas of Palestine, perpetrated by the various terrorist groups. (HE B III).

The Travel Warning cautions U.S. citizens of Palestinian origin that when attempting to enter the country, they may face "time consuming, questioning by immigration and border authorities." (HE B III).

The relationship between the United States and certain Palestinian groups remains complicated and adversarial. Terrorists target U.S. citizens for kidnapping and ways to exploit and undermine U.S. national security interests. Terrorist groups conduct intelligence activities as effectively as state intelligence services.

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 commonsense 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.

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 the applicant or proven by Department Counsel, and has the ultimate burden of persuasion as to obtaining a favorable clearance 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 an applicant may deliberately or inadvertently fail to protect or safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified information.

Section 7 of Executive Order 10865 provides that decisions adverse to an applicant 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* Executive Order 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

Analysis

Guideline C, Foreign Preference

The security concern relating to the guideline for foreign preference is set out in AG ¶ 9:

When an individual acts in such a way as to indicate a preference for a foreign country over the United States, then he or she may be prone to provide information or make decisions that are harmful to the interests of the United States.

AG ¶ 10 describes four conditions that could raise a security concern. Department Counsel argued that the evidence in this case established two of them:

(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

(b) action to acquire or obtain recognition of a foreign citizenship by an American citizen.

The evidence established both disqualifications. Applicant renewed his Palestinian passport after becoming a U.S. citizen. He used it to enter Palestine on four separate trips, from December 1997 to April 2006 for purposes of convenience.

After the Government produced substantial evidence of those conditions, the burden shifted to Applicant to produce evidence and prove mitigation of the resulting security concerns. AG ¶ 11 provides eleven conditions that could mitigate security concerns. Two of them are potentially applicable 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 renounced his Palestinian citizenship and his passport expired in January 2008, invalidating it. He does not intend to renew it. Both mitigating conditions apply.

Guideline B, Foreign Influence

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

Foreign contacts and interests may be a security concern if the individual has divided loyalties or foreign financial interests, may be manipulated or induced to help a foreign person, group, organization, or government in a way that is not in U.S. interests, or is vulnerable to pressure or coercion by any foreign interest. Adjudication under this Guideline can and should consider the identity of the foreign country in which the foreign contact or financial interest is located, including, but not limited to such considerations as whether the foreign country is known to target United States citizens to obtain protected information and/or is associated with a risk of terrorism.

AG ¶ 7 describes three 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.

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 and a close relationship with his father, who is a resident and citizen of Palestine. He has less frequent contacts with three sisters, who are residents and citizens of Palestine. He has a close relationship with his mother-in-law, who is a citizen and resident of Jordan, and visits him every summer. Applicant shares living quarters with his wife, who is a dual citizen of Jordan, who returns to Jordan periodically. Applicant's connections to his family in Palestine and Jordan could

create a potential conflict of interest between his security obligations and his desire to help them, in a situation where they were taken hostage or otherwise threatened with harm if he did not cooperate. None of them have any government connection or other position in which they could otherwise benefit from his access to sensitive information or technology. However, under disqualifying conditions AG ¶ 8(a) and AG ¶ 8(c), security concerns in this case could arise in connection with the potential that hostile forces and terrorists might seek protected information from Applicant by threatening harm to his family members in the Middle East. All three of the above disqualifications are raised.

Applicant may inherit property from his father upon his death. The property is valued at \$100,000, and would be divided among five siblings, leaving him about \$20,000. He has given his sister in Palestine legal authority to manage any interest that he has or may have in the future. Because his interest in the property is speculative at this time, and minimal in amount, the record does not raise AG ¶ 7(f) that applies when there is evidence that an applicant owns property in a foreign country and the “value or routine nature of the foreign business, financial, or property interests is such that they are unlikely to result in a conflict and could not be used effectively to influence, manipulate, or pressure the individual.”

Three Foreign Influence Mitigating Conditions under AG ¶ 8 are potentially applicable in this case:

(a) the nature of the relationships with foreign persons, the country in which these persons are located, or the positions or activities of those persons in that country are such that it is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual, group, organization, or government and the interests of the U.S.;

(b) there is no conflict of interest, either because the individual’s sense of loyalty or obligation to the foreign person, group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the U.S., that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest; and

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

Applicant maintains a close relationship with his father, through telephone calls and periodic visits to Palestine, and the father’s visits to the United States. Although his relationships with his sisters are not as significant as that with his father, he has consistently communicated with them over the years and sees them when he returns to Jordan and Palestine for family reunions. His mother-in-law visits him in the United States every summer. The positions and activities of Applicant’s family members in Jordan and Palestine do not involve the government or military, and they would have no

interest in acquiring protected information. However, his father's and sisters' physical presence in Palestine, an area wracked with terrorism and violence, and a multitude of competing terrorist groups, some of which are FTOs, create a security concern. His personal visits to Palestine also raise a security concern. Both of these situations create a heightened potential that his family could be threatened to the point that Applicant would confront a choice between their interest and those of the United States. He maintains a close relationship with his mother-in-law, who resides in Jordan and spends summers with him. Because of the presence of terrorists in Jordan, this relationship also creates a security concern. It is unlikely that his wife would be threatened by terrorists, as she is a naturalized U.S. citizen, permanently residing with him in the United States and returning to Jordan very sporadically. Hence, AG ¶ 8(a) and AG ¶ 8(c) do not apply to SOR ¶¶ 2.a, 2 .b, and 2.d, but do apply to AG ¶. 2.c.

Applicant established application of AG ¶ 8(b). He has lived in the United States for over 28 years. Since leaving Palestine in 1979, he returned to Palestine for two years, after completing his undergraduate and graduate degrees. He then returned to the United States to pursue a doctoral degree which he finished in 1994. Three months after receiving it, he started a successful career with his current employer. His wife and young children are U.S. citizens, residing in the United States. He owns property and holds bank accounts in the United States. He made a conscious decision to live in the United States while a young man. There is no evidence that he has connections or contact with any people other than his family members in Jordan or in Palestine. Although this mitigating condition is applicable, it is insufficient to overcome the security concerns as discussed in the "whole person" analysis, *infra*.

"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.

According to AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole person concept. The Appeal Board requires the whole person analysis address "evidence of an applicant's personal loyalties; the nature and extent of an applicant's family ties to the U.S. relative to his [or

her] ties to a foreign country; his or her 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 in favor of granting Applicant a security clearance. Applicant has lived in the United States for twenty-eight years and has been a naturalized citizen for twelve years. When he became a U.S. citizen, he swore allegiance to the United States. His spouse is also a naturalized citizen, and his children are U.S. citizens by birth. His ties to these family members are stronger than his ties to family members in Palestine and Jordan. His closest family members are his wife and children. Because they reside with him, they are not vulnerable to coercion or exploitation by a foreign power. The realistic possibility of pressure, coercion, exploitation or duress with regard to his wife and young children are low. He owns his home in the United States, and his financial interests in the United States are solid, whereas, any interest in his parent’s estate in Palestine is speculative. His Palestinian passport has expired. There is no evidence he has ever taken any action which could cause potential harm to the United States. He testified credibly that he takes his loyalty to the United States very seriously, and he has worked diligently for a defense contractor since 1994. His supervisors assess him as loyal and trustworthy.

Six circumstances weigh against Applicant in the whole person analysis. First, Palestine is an area with a long history of terrorism and hostile to the United States because of its relationship to Israel. More importantly for security purposes, Palestinian terrorist groups routinely engage in violent activities directed at the United States and its allies. Palestinian terrorist groups kidnap people, including U.S. citizens, and actively seek information they think will be useful to them in attaining their terrorist goals. They may attempt to use his father and siblings in Palestine to obtain such information. Second, he had significant connections to Palestine before he immigrated to the United States in 1979. He was born there and attended high school there. Third, his three sisters and families are Palestinian citizens and residents. Fourth, he has frequent and non-casual contact with his father and some communication with his three sisters. Since 1996, he has visited Palestine, via Jordan, four times: 1997, 2000, 2005 and 2006. He intends to return for family visits in the future, despite his awareness of the potential security risks it poses for him when entering the country. Fifth, he obtained a Palestinian passport after he became a U.S. citizen in 1996. He maintained it until it expired in January 2008. He used it to enter and exit Palestine from Jordan in 1997, 2000, 2005 and 2006, in order to bypass the inconvenient questioning and delays at the border for travelers using passports issued by countries other than Palestine. Sixth, his wife maintains dual citizenship with Jordan, where her mother resides. She returns there periodically.

“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 he mitigated the security concerns pertaining to foreign preference, but not to foreign influence. Nothing in this case suggested Applicant was not a loyal American citizen and a credit to his adopted country. His allegiance, loyalty, and patriotism are not at issue in these proceedings, but rather the presence of his family in an area known for violence and terrorism and the heightened security risk it creates.¹ This is a close case, but ultimately the evidence leaves me with doubts as to Applicant's security eligibility and suitability.

Formal Findings

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

| | |
|--------------------------------|-------------------|
| Paragraph 1, Guideline C: | FOR APPLICANT |
| Subparagraphs 1.a through 1.d: | For Applicant |
| Paragraph 2, Guideline B: | AGAINST APPLICANT |
| Subparagraphs 2.a through 2.e: | Against Applicant |

Conclusion

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

SHARI DAM
Administrative Judge

¹ See ISCR Case No. 02-26130 at 3 (App. Bd. Dec. 7, 2006) in which the Appeal Board noted that an administrative judge's opinion was "deficient in a vital aspect. It fails to take adequate account of the situation in and nature of the areas in which Applicant's West Bank relatives reside. The record includes official U.S. documents regarding the activities of US-designated foreign terrorists' organizations."