



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



In the matter of:)
)
) ISCR Case No. 07-15558
)
)
Applicant for Security Clearance)

Appearances

For Government: Emilio Jaksetic, Esquire, Department Counsel
For Applicant: *Pro Se*

November 20, 2008

Decision

ANTHONY, Joan Caton, Administrative Judge:

After a thorough review of the case file, pleadings, testimony, and exhibits, I conclude that while Applicant rebutted security concerns under the Personal Conduct adjudicative guideline, he failed to mitigate security concerns under the Foreign Preference and Foreign Influence adjudicative guidelines. His eligibility for a security clearance is denied.

On July 5, 2006, Applicant signed and certified an Electronic Questionnaires for Investigations Processing (e-QIP). On April 30, 2008, the Defense Office of Hearings and Appeals (DOHA) issued Applicant a Statement of Reasons (SOR) detailing security concerns under Guideline C, Foreign Preference, Guideline B, Foreign Influence, and Guideline E, Personal Conduct. The action was taken under Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive), and the revised adjudicative guidelines (AG) promulgated by the President on December 29, 2005, and effective within the Department of Defense for SORs issued after September 1, 2006.

On May 24, 2008, June 14, 2008, and July 3, 2008, Applicant answered the SOR in writing and elected to have a decision without a hearing. With his answer, he provided additional explanatory material, including several photocopied pages from his U.S. and Sudanese passports. By memorandum dated July 10, 2008, Department Counsel requested a hearing under ¶ E3.1.7 of Enclosure 3, Additional Procedural Guidance, of the Directive. On August 21, 2008, the case was assigned to me. I convened a hearing on October 1, 2008, to consider whether it is clearly consistent with the national interest to grant or continue a security clearance for Applicant. The Government called no witnesses, introduced four exhibits (Ex. 1 through 4), and offered facts in twelve official documents of the U.S. Government for administrative notice. (HE I.) The Government's exhibits were admitted without objection. Applicant did not introduce exhibits. He testified on his own behalf and called no other witnesses. *Sua sponte*, I corrected a typographical error in the delineation of the allegations under SOR ¶ 2. The corrected delineation of allegations under SOR ¶ 2 reads: 2(a), 2(b), 2(c), 2(d), and 2(e). I also, on my own motion, revised SOR ¶ 2.(c) to read: "Your six brothers are residents and citizens of Sudan." I made this change pursuant to ¶ E3.1.17 of Enclosure 3 to render the allegation in conformity with the evidence adduced at the hearing.¹ DOHA received the transcript (Tr.) of the hearing on October 10, 2008.

Findings of Fact

The SOR contains three allegations that raise security concerns under AG C, Foreign Preference (SOR ¶¶ 1.a. through 1.c.), five allegations that raise security concerns under AG B, Foreign Influence (SOR ¶¶ 2.a. through 2.e.), and one allegation that raised a security concern under AG E, Personal Conduct. In his Answer dated May 23, 2008, Applicant denied all allegations under Guidelines C, B, and E. In his answers dated June 14, 2008 and July 3, 2008, Applicant admitted the five allegations under AG B, Foreign Influence. Applicant's admissions are admitted herein as findings of fact.

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

Applicant is 47 years old. He was born and raised in Sudan. He began to study English when he was 15 years old. He learned to speak English from Sudanese speakers of English. During the hearing, I sometimes found it difficult to understand what Applicant was saying. He is employed as a security officer by a government contractor and seeks a security clearance (Ex. 1; Tr. 32-34, 37.)

Applicant is the youngest of eight children. He has six living brothers and one sister, who is deceased. He is the only member of his family to immigrate to the United States. His mother and his six brothers are citizens and residents of Sudan. None of

¹ Applicant's e-QIP lists no sisters and seven brothers, one of whom is deceased. The deceased sibling listed on the e-QIP appears to have a feminine first name. At his hearing, Applicant testified that he has six living brothers and that his only sister is deceased. (Ex. 1, 28-32; Tr. 70-71.)

Applicant's brothers works for the government of Sudan. They all earn their livings as small businessmen and commercial traders. (Applicant's Answer to SOR; Tr. 52, 61-62, 71-72.)

From 1981 to 1986, Applicant attended a university in a Middle Eastern country and received a bachelor's degree in agriculture. In 1996 and 1997, he pursued a master's degree in industrial science at a university in Sudan. He discontinued his studies when he was selected in a lottery to immigrate to the United States. (Tr. 34-35.)

When Applicant immigrated to the United States in 1998, he possessed a Sudanese passport issued in February 1998. Applicant's Sudanese passport expired in 2000. He did not renew his Sudanese passport after it expired. From January 2001 through May 2005, he studied for a master's degree in computer science at a U.S. university. He became a U.S. citizen in August 2004. (Documents attached to Applicant's Answer to SOR; Ex. 1; Tr. 36, 38, 44.)

Applicant was married for the first time in Sudan in February 1996. He divorced his wife in 2001. In 2004, he acquired a U.S. passport and obtained a Sudanese travel visa. He traveled first to Saudi Arabia for religious observances. He then used his U.S. passport to enter and exit Sudan. In December 2004, while in Sudan, Applicant married for the second time. His second wife is the daughter of Applicant's uncle. His wife remained behind when he returned to the United States. (Ex. 1; Tr. 38-41, 57.)

In August 2005, Applicant acquired a Sudanese travel visa and traveled again to Sudan to visit his wife and other family members. He used his U.S. passport to enter and exit Sudan. He did not remember if he also carried his expired Sudanese passport with him on this trip.² Applicant and his wife also traveled to Egypt. In October 2005, Applicant returned to the United States and his wife remained in Sudan. In July 2006, Applicant's wife received permission from the U.S. immigration service to enter the United States. She resides with Applicant in the United States and is a citizen of Sudan. She holds resident alien status. Applicant's father-in-law and mother-in-law are citizens and residents of Sudan. (Tr. 38-40, 52-53.)

On October 1, 2008, the day of Applicant's hearing, his wife was in Sudan visiting her family. In December 2008, Applicant plans to travel to Saudi Arabia for religious observances. He then intends to travel to Sudan to visit his family members. (Tr. 42-43, 53.)

Applicant provides some support to his mother and brothers in Sudan, but not on a regular basis. If they tell him they need money, he tries to send them whatever he can. Applicant also stays in touch with his mother and communicates with her by telephone. He estimated that he called her once or twice a month. Applicant's mother lives with one of his brothers, and so when Applicant calls his mother, he also speaks

² In response to interrogatories from DOHA, Applicant stated that he had surrendered his expired Sudanese passport to his employer's security officer on February 14, 2008. (Ex. 3 at 4; Tr. 44-45.)

with that brother. His telephone contacts with his other brothers are not as frequent as those with the brother with whom his mother lives. Even so, Applicant considers his relationships with his brothers to be close. Applicant also has telephone contact with his wife's parents. When his wife calls her parents, Applicant also speaks with them. (Tr. 53-61.)

When he was interviewed by an authorized investigator from the Office of Personnel Management, Applicant told the interviewer that he had maintained dual citizenship with Sudan because dual citizen status made it easier for him to travel to Sudan to visit his relatives. He also said he would relinquish his Sudanese citizenship if that were necessary. At his hearing, Applicant stated he believed himself to be an American. He noted, however, that he had come to the United States at the age of 37, after living in Sudan all of his life. Thus he could not deny he was Sudanese, "because my family is there." He also stated in his Answer to the SOR that he felt a loyalty to the United States because his future and his family's future were in the United States. (Ex. 2, at 4; Tr. 64; Answer to SOR.)

Applicant completed and signed his e-QIP on July 5, 2006. Question 17(d) on the e-QIP reads as follows: "In the last 7 years, have you had an active passport that was issued by a foreign government?" Applicant answered "no" to Question 17(d). (Ex. 1 at 33.)

Applicant denied he had deliberately failed to disclose he had an active passport in the last seven years. He said he had answered the e-QIP on his own and without consulting anyone else. He stated he thought the relevant date for marking the seven year time frame was February 1998, when his Sudanese passport was issued and not February 2000, when the Sudanese passport expired. Thus, when he answered Question 17(d), on or about July 5, 2006, he concluded that more than seven years had passed since the passport had been issued. (Tr. 65-68.)

I take administrative notice of the following facts offered by the Government and derived from official U.S. publications:

In February 1953, the United Kingdom and Egypt concluded an agreement that provided for Sudanese self-government, with a transitional period toward independence. Sudan achieved independence on January 1, 1956, under a provisional constitution. A mutiny of army officers led to seventeen years of civil war (1955-1972). A peace agreement was reached in 1972, but civil war began again in January 1983 when soldiers mutinied. Through the 1990s, there were a series of regional efforts to bring the Sudanese civil war to an end. By mid-2001, prospects for peace in Sudan appeared to be remote. On January 9, 2005, a Comprehensive Peace Agreement was signed, establishing a new Government of National Unity and the interim Government of Southern Sudan, and stipulating a six-year interim period to allow for implementation of the Comprehensive Peace Agreement and elections at all levels. Although some progress

was achieved, meaningful implementation of key provisions of the Comprehensive Peace Agreement has faltered. (HE 1: U.S. Department of State, *Background Note: Sudan*, dated July 2008, at 3-5.)

A rebellion in Darfur has resulted in the deaths of tens of thousands of persons in Darfur, and has led to an estimated two million internally displaced persons in Sudan and close to 250,000 refugees in neighboring Chad. The Sudanese Government 'is complicit in the bombing, murder, and rape of innocent civilians' in Darfur, and the Sudanese President has demonstrated a 'continued refusal to honor his commitments to end the violence in Darfur.' The United States government continues to be 'deeply concerned about the violence in Darfur, which includes unconscionable attacks against innocent civilians, humanitarian workers, and peacekeepers.' (HE 1: U.S. Department of State, *The U.S. Response to the Darfur Crisis*, dated October 1, 2007, at 1; U.S. Department of State: *The U.S. Response to the Situation in Darfur*, dated April 23, 2008, at 1.

In August 1993, Sudan was designated by the Secretary of State as a state sponsor of terrorism. Although Sudan has 'pursu[ed] terrorist operations directly involving threats to U.S. interests and personnel in Sudan, the terrorist threat level has 'remained high in Khartoum and Darfur,' and Sudan remains on the State Department list of State Sponsors of Terrorism. (HE 1: U.S. Department of State, *State Sponsors of Terrorism*; U.S. Department of State, *Country Reports on Terrorism, Chapter 3 – State Sponsors of Terrorism Overview*, dated April 30, 2008, at 2.)

Sudan is under a broad U.S. embargo, with extensive trade restrictions on exports and reexports to Sudan. In 1997, President Clinton issued Executive Order 13067, which declared that the policies and actions of the Government of Sudan 'constitute an unusual and extraordinary threat to the national security and foreign policy of the United States.' In 2006, President Bush issued Executive Order 13412, which cited 'the continuation of the threat to the national security and foreign policy of the United States created by certain policies and actions of the Government of Sudan,' and reaffirmed and supplemented Executive Order 13067. (HE 1: U.S. Department of State, *Overview of Treasury and Commerce Regulations Affecting U.S. Exports to Sudan*, dated March 23, 2007, at 1. See also U.S. Department of State, *U.S. Sanctions on Sudan*, dated April 23, 2008; Executive Order 13067, *Blocking Sudanese Government Property and Prohibiting Transactions with Sudan*, published in 62 *Federal Register* 59989-59990 (November 5, 1997); Executive Order 13412, *Blocking Property of and Prohibiting Transactions With the Government of Sudan*, signed October 13, 2006, published in 71 *Federal Register* 61369-61371 (October 17, 2006.)

The U.S. Department of State 'continues to warn against all travel to Sudan.' The travel warning states: 'Travelers are reminded that the U.S. Government has received indications of terrorist threats aimed at American and western interests in Sudan. Terrorist actions may include suicide operations, bombings, or kidnappings.' Two U.S. Embassy employees were killed by unknown assailants on January 1, 2008, and the U.S. State Department has indicated that '[t]errorists are known to operate in Sudan, and continue to seek opportunities to carry out attacks against U.S. interests,' and '[a]nti-American sentiment is prevalent and Americans should exercise caution at all times.' (HE 1: U.S. Department of State, *Travel Warning, Sudan*, dated March 14, 2008, at 1; U.S. Department of State, *Country Specific Information, Sudan*, dated March 12, 2008, at 2.)

Policies

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

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

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that "[a]ny doubt concerning personnel being considered for access to classified information will be resolved in favor of national security." In reaching this decision, I have drawn only those conclusions that are reasonable, logical and based on the evidence contained in the record. Likewise, I have avoided drawing inferences grounded on mere speculation or conjecture.

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

A person who seeks access to classified information enters into a fiduciary relationship with the Government predicated upon trust and confidence. This

relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it grants access to classified information. Decisions include, by necessity, consideration of the possible risk the Applicant may deliberately or inadvertently fail to protect or safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified information.

Section 7 of Executive Order 10865 provides that decisions shall be “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See *also* EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

Analysis

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.” Such an individual “may be prone to provide information or make decisions that are harmful to the interests of the United States.”

AG ¶ 10 describes several conditions that could raise a security concern and may be disqualifying. These disqualifying conditions are as follows:

(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;
- (2) military service or a willingness to bear arms for a foreign country;
- (3) accepting educational, medical, retirement, social welfare, or other such benefits from a foreign country;
- (4) residence in a foreign country to meet citizenship requirements;
- (5) using foreign citizenship to protect financial or business interests in another country;
- (6) seeking or holding political office in a foreign country; and
- (7) voting in a foreign election;

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

(c) performing or attempting to perform duties, or otherwise acting, so as to serve the interests of a foreign person, group, organization, or government in conflict with the national security interest; and

(d) any statement or action that shows allegiance to a country other than the United States: for example, declaration of intent to renounce United States citizenship; renunciation of United States citizenship.

The SOR alleged that Applicant exercised dual citizenship with Sudan by maintaining a Sudanese passport after becoming a United States citizen on August 13, 2004 (SOR ¶ 1.a.) and exercising dual citizenship with Sudan by using his Sudanese passport instead of his U.S. passport to travel to Sudan (SOR ¶ 1.b.). The SOR also alleged, ungrammatically and inartfully, that “you ultimate loyalty is to Sudan because it is the country of his birth.” (SOR ¶ 1.c.)

Applicant provided documentation to show that he possessed an active Sudanese passport from February 1998 to February 2000. He provided documentation to show that he had not renewed the Sudanese passport when it expired in February 2000 and that he used his U.S. passport when he traveled to Sudan in 2004 and 2005. Accordingly, I conclude that Applicant rebutted SOR allegations 1.a. and 1.b.

Applicant has deep affection for and loyalty to his family members in Sudan. For him, family is paramount. In his testimony and demeanor, he credibly distinguished between his loyalty to his family in Sudan and the allegation that he valued his Sudanese citizenship above his adopted U.S. citizenship. I conclude that the Government failed to establish by substantial evidence that Applicant demonstrated a preference for the government of Sudan over the government of the United States.

Guideline B, Foreign Influence

Under Guideline B, Foreign Influence, “[f]oreign contacts and interests may be a security concern if the individual has divided loyalties or foreign financial interests, may be manipulated or induced to help a foreign person, group, organization, or government in a way that is not in U.S. interests, or is vulnerable to pressure or coercion by any foreign interest.” AG ¶6.

Additionally, adjudications under Guideline B “can and should consider the identity of the foreign country in which the foreign contact or financial interest is located, including, but not limited to, such considerations as whether the foreign country is known to target U.S. citizens to obtain protected information and/or is associated with the risk of terrorism.” AG ¶6.

I have considered all of the disqualifying conditions under the Foreign Influence guideline. The following facts raise security concerns under disqualifying conditions AG ¶¶ 7(a), 7(b), and 7(d):³

The Government of Sudan allows violence, murder, rape, and mayhem to continue unabated in Darfur. Sudan is also a state sponsor of terrorism. Terrorists operating in Sudan continue to seek opportunities to carry out attacks against U.S. interests. The U.S. Department of State has warned U.S. citizens to avoid all travel to Sudan. In this environment hostile to U.S. interests, American citizens with immediate family members who are citizens or residents of Sudan could be vulnerable to coercion, exploitation, or pressure.

Applicant's mother, six brothers, mother-in-law and father-in-law are citizens and residents of Sudan. He traveled to Sudan to visit his Sudanese relatives in 2004 and 2005. His wife was in Sudan visiting her family in October 2008. Applicant plans to travel to Sudan to visit family in December 2008.

Applicant shares his home with his wife, who is a citizen of Sudan. He feels a special loyalty and obligation to his family members in Sudan. He communicates frequently by telephone with his mother and at least one of his brothers. He also communicates less frequently by telephone with his wife's parents and his other five brothers. When he can afford to, he sends his family members money when they ask him. While none of Applicant's relatives are employed by the government of Sudan, they live in an environment that is chaotic, violent, and opposed to U.S. security interests. Applicant's foreign contacts and interests raise security concerns under the foreign influence adjudicative guideline.

Several mitigating conditions under AG ¶ 8 might be applicable to Applicant's case. If "the nature of the relationships with foreign persons, the country in which these persons are located, or the positions or activities of those persons in that country are such that it is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual, group, organization, or government and the interests of the U.S.," then AG ¶ 8(a) might apply. If "there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the U.S., that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest," then AG ¶ 8(b) might apply. If "contact or communication with foreign citizens is so casual and infrequent that

³ AG ¶ 7(a) reads: "contact with a foreign family member, business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion." AG ¶ 7(b) reads: "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." AG ¶ 7(d) reads: "sharing living quarters with a person or persons, regardless of citizenship status, if that relationship creates a heightened risk of foreign inducement, manipulation, pressure, or coercion."

there is little likelihood that it could create a risk for foreign influence or exploitation,” then AG ¶ 8(c) might apply.

Applicant’s relationships with his Sudanese family members are not casual or infrequent. To the contrary, they are strong and charged with emotion. He feels a filial obligation to his mother, and he tries to respond to his brothers’ needs and concerns. When he can, he provides them with monetary support. His relationships with his family members who are Sudanese citizens and residents are based on long-standing family ties of affection and obligation. Applicant is a dutiful husband, son, brother, and son-in-law who looks after the welfare of his many family members in Sudan, a country that poses special dangers to U.S. citizens. Applicant’s relatives’ citizenship and residency in Sudan create a heightened risk that he could be targeted for exploitation, pressure, or coercion by government sponsored terrorist groups. These groups might also threaten U.S. security interests. Applicant failed to provide sufficient information to rebut or mitigate these security concerns. I conclude that the mitigating conditions under AG ¶¶ 8(a), 8(b), and 8(c) are inapplicable.

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

Personal Conduct

AG ¶ 15 explains why personal conduct is a security concern:

Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual’s reliability, trustworthiness and ability to protect classified information. Of special interest is any failure to provide truthful and candid answers during the security clearance process or any other failure to cooperate with the security clearance process.

Appellant answered “no” to Question 17(d) on his e-QIP. When he signed his e-QIP in July 2006, he had, in fact, been issued an active passport by a foreign government. The passport had expired six years previously, in February 2000. This information raises a security concern under AG ¶ 16(a), which reads as follows: “deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine security clearance eligibility or trustworthiness, or award fiduciary responsibilities.”

Applicant denied his answer was a deliberate falsification, and he explained that when he answered the question, he focused on the date of issue as the time marking

the effective life of the passport. If the passport was issued in 1998, he reasoned, it had been issued more than seven years before July 2006. Applicant explained he had not consulted anyone before answering the question. I also note that Applicant's English language skills, both written and spoken, reflected usages not common in the United States. I conclude that under these circumstances, Applicant's response to Question 17(d) was credible and his falsification was not deliberate.

Whole Person Concept

Under the whole person concept, the Administrative Judge must evaluate an Applicant's eligibility for a security clearance by considering the totality of the Applicant's conduct and all the circumstances. The Administrative Judge should consider the nine adjudicative process factors listed at AG ¶ 2(a):

- (1) the nature, extent, and seriousness of the conduct;
- (2) the circumstances surrounding the conduct, to include knowledgeable participation;
- (3) the frequency and recency of the conduct;
- (4) the individual's age and maturity at the time of the conduct;
- (5) extent to which participation is voluntary;
- (6) the presence or absence of rehabilitation and other permanent behavioral changes;
- (7) the motivation for the conduct;
- (8) the potential for pressure, coercion, exploitation, or duress; and
- (9) the likelihood of continuation or recurrence.

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall common sense judgment based upon careful consideration of the guidelines and the whole person concept.

I considered the potentially disqualifying and mitigating conditions in light of the whole person concept and all the facts and circumstances surrounding this case. Applicant is an adult of 47 years of age. He cares deeply for his mother and brothers, who are citizens and residents of Sudan. He feels additional bonds of affection for his wife, who is a citizen of Sudan and who resides with him in United States, and his mother-in-law and father-in-law, who are residents and citizens of Sudan. As the only family member who has emigrated, he feels obligated to use the resources he has acquired as a United States citizen to help his family members in Sudan. His deep sense of obligation suggests he may also be vulnerable to exploitation or manipulation.

Sudan is a country split by ethnic and religious division, violence, and lawlessness. Its leaders sponsor terrorism and target U.S. security interests. Because they may be targeted by terrorists, U.S. citizens are warned not to travel to Sudan. Under these circumstances, Applicant's current plan to travel to Sudan, while motivated by family loyalty and concern, might also expose him to the possibility of exploitation, pressure and inducement. His sense of obligation and desire to help his Sudanese relatives could make him vulnerable to exploitation and create a conflict of interest with his obligation to protect classified information.

Overall, the record evidence leaves me with questions and doubts as to Applicant's eligibility and suitability for a security clearance. For these reasons, I conclude that while Applicant mitigated security concerns arising under the foreign preference and personal conduct adjudicative guidelines, he failed to mitigate security concerns arising under the foreign interest adjudicative guideline.

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
Subparagraph 1.a:	For Applicant
Subparagraph 1.b:	For Applicant
Subparagraph 1.c:	For Applicant
Paragraph 2, Guideline B:	AGAINST APPLICANT
Subparagraph 2.a:	Against Applicant
Subparagraph 2.b:	Against Applicant
Subparagraph 2.c:	Against Applicant
Subparagraph 2.d:	Against Applicant
Subparagraph 2.e:	Against Applicant
Paragraph 3, Guideline E:	FOR APPLICANT
Subparagraph 3.a:	For Applicant

Conclusion

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

Joan Caton Anthony
Administrative Judge