



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



In the matter of:)	
)	
-----)	ISCR Case No. 07-17884
SSN: -----)	
)	
Applicant for Security Clearance)	

Appearances

For Government: Eric H. Borgstrom, Esq., Department Counsel
For Applicant: *Pro se*

September 24, 2008

Decision

FOREMAN, LeRoy F., Administrative Judge:

This case involves security concerns raised under Guideline B (Foreign Influence), based on Applicant's contacts with the People's Republic of China (PRC) and the Republic of China (Taiwan). Eligibility for access to classified information is denied.

Statement of the Case

Applicant submitted a security clearance application on February 27, 2007. On April 11, 2008, 2008, the Defense Office of Hearings and Appeals (DOHA) issued a Statement of Reasons (SOR) detailing the basis for its preliminary decision to deny his application, citing 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 acknowledged receipt of the SOR on April 21, 2008; answered it on May 7, 2008; 2008, and requested an administrative determination without a hearing. By email message on June 30, 2008, Applicant requested a hearing (Hearing Exhibit (HX II)). Department Counsel was ready to proceed on July 14, 2008, and the case was assigned to me on July 23, 2008. On the same day, DOHA issued a notice of hearing, scheduling the hearing for August 18, 2008. I convened the hearing as scheduled. Government Exhibits (GX) 1 through 3 were admitted in evidence without objection. Applicant testified on his own behalf and submitted Applicant's Exhibits (AX) A through DD, which were admitted without objection. The record closed upon adjournment of the hearing. DOHA received the transcript (Tr.) on August 27, 2008.

Administrative Notice

Department Counsel requested that I take administrative notice of relevant facts about the PRC and Taiwan (HX I). Without objection from Applicant, I took administrative notice as requested by Department Counsel (Tr. 20-21). The facts administratively noticed are set out below in my findings of fact.

Findings of Fact

In his answer to the SOR, Applicant admitted all the allegations in the SOR. His admissions in his answer and at the hearing are incorporated in my findings of fact.

Applicant is a 33-year-old assistant professor at a prestigious U.S. university and a consultant on defense-related research. He was born and educated in the U.S., receiving bachelor's degrees in discrete mathematics and computer science in 1997 and a doctorate in computer science in 2005. He worked as a research assistant at various institutions from 1996 to 2004, and he has been an assistant professor since 2004. He has held an interim clearance in the past, but he has never been granted a final security clearance.

According to a senior professor at Applicant's university, Applicant was a "rising star" when he was hired in 2004, and he now "commands the respect of peers and students alike." The professor states, "When [Applicant] speaks faculty listen, even those who have decades more experience." Applicant's wedding was attended by "a literal Who's Who in mobile computing research." He has a reputation as an ideal mentor and an "incredibly hard worker," with high ethics and integrity (AX X).

A lifetime friend described Applicant as a reliable, trustworthy person of high morals and ethics, who has always demonstrated good sense and judgment (AX Y). A fellow professor considers Applicant exceptionally talented, dedicated, creative, reliable, and hard-working (AX Z).

Applicant's parents were born in Taiwan. They both attended college in Taiwan and graduated in 1965. They came to the U.S. on a date not reflected in the record, and

his father obtained his Ph.D. from a U.S. university in 1973. They became U.S. citizens in June 1979. Applicant's mother is a retired accountant, drawing a pension from her employment in the U.S. (Tr. 89). Applicant's father specializes in veterinary oncology. He worked at the National Institutes of Health from 1977 to 1988 and taught at a medical university. They returned to Taiwan in 1988 so that his father could accept a better-paying scientific research position and to be closer to Applicant's grandparents (Tr. 60; AX CC). He was an employee of the Taiwanese government from December 1988 to June 1998, an adjunct university professor in Taiwan from December 1989 to January 2008, an adjunct professor at a medical school in Taiwan from August 1995 to January 2008, and has served on an advisory committee for the Taiwan government since September 2003. Applicant's parents are financially independent (Tr. 63). Applicant's father submitted a statement promising that he will not request restricted or classified information from his son (AX AA).

According to Applicant, his parents are not politically active in Taiwan (Tr. 76). He does not believe they have decided whether they will return to the U.S. (Tr. 107-08); AX AA). He talks to his parents by telephone or email every two or three weeks (Tr. 105).

Applicant and his brother are U.S. citizens, born while their parents were in the U.S. His brother also resides in the U.S., works as a hedge fund trader, and is independently wealthy (Tr. 63-64; AX CC).

Applicant has three uncles and three aunts who are citizens and residents of Taiwan. One uncle is a retired colonel in the Taiwanese Army. Another uncle is a citizen of Taiwan who resided in the PRC while working in a Taiwanese-owned factory. He has since returned to Taiwan (Tr. 66).

Applicant has little contact with his Taiwanese relatives, because his ability to speak Chinese is poor and his relatives speak little English. He sees them every two or three years when he visits Taiwan, usually visiting them in a large family group (Tr. 65).

Applicant married a citizen of the PRC in June 2006. She obtained her bachelor's degree in the PRC and entered the U.S. in 2001 on a student visa. Applicant met her through an on-line dating service in November 2004, while, she was a graduate student at a nearby university (Tr. 49). She obtained her doctorate in chemical engineering in May 2007, and she is now performing post-doctoral research in nanotechnology for a nearby university (Tr. 79). She received her green card in January 2008 and intends to become a U.S. citizen (AX W; Tr. 75). She has no siblings (GX 2 at 13).

Applicant's friends describe his spouse as loving, devoted, kind, caring, and not a person who would ask Applicant to compromise his values (AX Y and BB). His brother knows his spouse and believes she shares his values (AX CC). She did not testify at the hearing.

Applicant's mother-in-law and father-in-law are citizens and residents of the PRC. His mother-in-law is a former factory supervisor but has no current income (Tr. 81). She

visited Applicant and his wife from March to May 2008. His father-in-law has been a professor at a publicly-funded university in the PRC for about 20 years and intends to retire in the near future, as soon as Applicant and his wife have children (Tr. 67). Applicant's wife talks to her parents by telephone at least once a week (Tr. 67).

Applicant's spouse's aunt, uncle, grandfather, and grandmother are citizens and residents of the PRC. Her grandfather is an oncologist engaged in cancer research. He is near retirement and works only about one day a week (Tr. 69). Her aunt and uncle are pediatricians employed by the PRC government (Tr. 68). She also has a cousin who is a citizen and resident of the PRC and is employed as a low-level medical technician in a government hospital (Tr. 69). The record does not reflect how often Applicant's spouse contacts her extended family or the level of affection or obligation she feels for them.

Applicant owns stock worth about \$3,000 in several PRC-based companies: a search engine company, an online game company, an outsourcing and telephone services company, a telecom equipment company, and an index fund for foreign investments (AX M, N, and O). He testified he is losing money on these stocks and would be willing to sell them to avoid any security concerns arising from them.

Applicant worked as a paid consultant for a PRC-based internet company in July 2005, receiving \$8,000 for presenting a three-day course on designing user interfaces. The company focuses on online game services, advertising services, and value-added services such as access to news and other information, downloading ring tones and logos for mobile phones, and interactive games (AX I; Tr. 58-59).

Applicant traveled to Taiwan in July 2005 and June 2008 to visit his family. He traveled to the PRC in May 2001 to present a research paper at a conference in Hong Kong, in February 2002 for a family vacation, in July 2005 to visit his in-laws for the first time, and in June 2008 to visit his in-laws and present lectures at universities about his current research. The visit to his in-laws in July 2005 coincided with his three-day presentation to the PRC-based internet company (Tr. 66).

Applicant's job requires frequent world-wide travel for business and conferences (Tr. 76). He takes his university-issued laptop with him, but he does not store any classified information on his laptop (Tr. 104). He often is a panel member or a lecturer at international conferences (Tr. 100). His curriculum vitae lists his many publications, honors, and research grants, including grants from the National Science Foundation and the Department of Defense (AX S). He frequently receives unsolicited email from PRC students who want to come to the U.S. and participate in his "cutting edge" computer science research (Tr. 103). He participates in collaborative research with other institutions, but he has not been invited to collaborate with any university faculty members in the PRC or Taiwan (Tr. 103).

Applicant is politically active in the U.S., votes in every election, and contributes to a political party (AX T, U, and V; Tr. 74). He owns his home, worth about \$490,000,

and he earns a gross annual salary of more than \$116,000. He has about \$153,000 in investments, \$36,000 in a money market account, and an average balance in his checking account of about \$6,000 (Tr. 53; AX A through H).

Applicant testified he achieved his current position by years of hard work and his reputation for honesty, trustworthiness, and reliability (Tr. 42-43, 48). He testified he would not be a good intelligence target because of his longstanding ties to the U.S. and his low opinion of the PRC government. He cited the protests at Tiananmen Square as a “defining moment” of his youth and one of the reasons he would never consider helping the PRC government (Tr. 72).

I have taken administrative notice of the following facts. The PRC has an authoritarian government dominated by the Communist Party. It has large and increasingly sophisticated military forces. The U.S. and the PRC have been rivals since the Cold War, with particular disagreement on Taiwan. Despite political disagreements, the U.S. and the PRC have become major economic and trading partners. The PRC is one of the most aggressive practitioners of industrial espionage, targeting sensitive and protected U.S. technology and military information with its worldwide intelligence operations, including those in Taiwan. U.S. citizens of Chinese ancestry are considered prime intelligence targets. The PRC’s approach to intelligence collection differs substantially from the U.S. or Russian approach. The PRC’s approach is focused less on exploiting a perceived vulnerability and more on appealing to an individual’s desire to help the PRC. Although the PRC has a large professional intelligence apparatus, a significant portion of its collection efforts are conducted directly by students, delegations, and commercial enterprises, who do not attempt to acquire information directly, but simply identify what information is needed and invite knowledgeable individuals to make reciprocal visits to the PRC. The PRC relies on collecting small amounts of information from many people. It attempts to recruit or at least befriend as many PRC sympathizers as possible. PRC intelligence agents use social or professional situations to elicit indiscrete or inadvertent disclosures of sensitive information.

I have also taken administrative notice that the PRC has a poor human rights record. It suppresses political dissent, and it practices arbitrary arrest and detention, forced confessions, torture, and mistreatment of prisoners. Travelers to the PRC can expect to be placed under surveillance, with their hotel rooms, telephones, and fax machines monitored and personal possessions, including computers, searched without their knowledge or consent. PRC intelligence agents use sophisticated technology to break commercial code systems used to encrypt data on laptop computers.

Finally, I have taken administrative notice that Taiwan is a multi-party democracy, established as a separate, independent government by refugees from mainland China in 1949. The People’s Republic of China (PRC) does not recognize Taiwan’s independence and insists there is only one China. The U.S. recognized Taiwan as an independent government until January 1979, when it formally recognized the PRC government as the sole legal government of China. Taiwan has developed a strong

economy and has significant economic contacts with the PRC, but it also maintains a large military establishment to protect itself from the PRC. For many years, Taiwan has been an active collector of U.S. economic intelligence, and there have been numerous instances of efforts to export sensitive, dual-use technology to Taiwan.

Policies

“[N]o one has a ‘right’ to a security clearance.” *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). As Commander in Chief, the President has the authority to control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information.” *Id.* at 527. The President has authorized the Secretary of Defense or his designee to grant applicants eligibility for access to classified information “only upon a finding that it is clearly consistent with the national interest to do so.” Exec. Or. 10865, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended and modified.

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the revised adjudicative guidelines (AG). These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with an evaluation of the whole person. An administrative judge’s over-arching adjudicative goal is a fair, impartial and common sense decision. An administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable.

The government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. 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.

Clearance decisions must be “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See Exec. Or. 10865 § 7. Thus, a decision to deny a security clearance is not necessarily a determination as to the loyalty of the applicant. It is merely an indication the applicant has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance.

Initially, the government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The government has the burden of establishing controverted facts alleged in the SOR. See *Egan*, 484 U.S. at 531. “Substantial evidence” is “more than a scintilla but less than a preponderance.” See *v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994). The guidelines presume a nexus or rational connection between proven conduct under any of the

criteria listed therein and an applicant's security suitability. See ISCR Case No. 95-0611 at 2 (App. Bd. May 2, 1996).

Once the government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. An applicant "has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance." ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). "[S]ecurity clearance determinations should err, if they must, on the side of denials." *Egan*, 484 U.S. at 531; see AG ¶ 2(b).

Analysis

Guideline B, Foreign Influence

The SOR alleges Applicant's wife, father-in-law, and mother-in-law are citizens and residents of the PRC (SOR ¶¶ 1.a and b); his father-in-law is a PRC government employee working as a professor at a university in the PRC (SOR ¶ 1.c); and his wife's grandfather, grandmother, aunt, uncle, and cousin are citizens and residents of the PRC and her cousin works in a government hospital (SOR ¶¶ 1.i, 1.l, and 1.m). It also alleges Applicant's parents are dual U.S.-Taiwanese citizens and reside in Taiwan (SOR ¶ 1.d); his father has been employed by the Taiwanese government in several positions (SOR ¶¶ 1e-1.h); his three uncles and three aunts are citizens and residents of Taiwan (SOR ¶ 1.j); one uncle is a retired colonel in the Taiwanese Army (SOR ¶ 1.k); and one uncle is a Taiwanese citizen residing in the PRC (SOR ¶ 1.n). It further alleges Applicant owns stock worth about \$3,000 in three PRC-based companies and was a paid consultant for a PRC-based company in July 2005 (SOR¶¶ 1.o and p). Finally, it alleges Applicant traveled to the PRC in May 200a, February 2002, July 2005, and June 2008 and traveled to Taiwan in July 2004 and June 2008 (SOR ¶¶ 1.q and r).

The security concern under this guideline is set out in AG ¶ 6 as follows:

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.

Guideline B is not limited to countries hostile to the United States. "The United States has a compelling interest in protecting and safeguarding classified information from any person, organization, or country that is not authorized to have access to it,

regardless of whether that person, organization, or country has interests inimical to those of the United States.” ISCR Case No. 02-11570 at 5 (App. Bd. May 19, 2004).

Furthermore, friendly nations can have profound disagreements with the United States over matters they view as important to their vital interests or national security. Finally, we know friendly nations have engaged in espionage against the United States, especially in the economic, scientific, and technical fields. See ISCR Case No. 00-0317, 2002 DOHA LEXIS 83 at **15-16 (App. Bd. Mar. 29, 2002). Nevertheless, the nature of a nation’s government, its relationship with the U.S., and its human rights record are relevant in assessing the likelihood that an applicant’s family members are vulnerable to government coercion. The risk of coercion, persuasion, or duress is significantly greater if the foreign country has an authoritarian government, a family member is associated with or dependent upon the government, or the country is known to conduct intelligence operations against the U.S.

Four disqualifying conditions under this guideline are relevant to this case. First, a disqualifying condition may be raised by “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(a). Second, a disqualifying condition may be raised by “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(b). Third, a security concern may be raised if an applicant is “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” AG ¶ 7(d). When family members are involved, the totality of an applicant’s family ties to a foreign country as well as each individual family tie must be considered. ISCR Case No. 01-22693 at 7 (App. Bd. Sep. 22, 2003). Finally, a security concern also may be raised by “a substantial business, financial, or property interest in a foreign country, or in any foreign-owned or foreign-operated business, which could subject the individual to heightened risk of foreign influence or exploitation.” AG ¶ 7(e).

Applicant’s three-day training course for a PRC-based company in July 2005 involved subject matter often targeted by PRC intelligence-gathering activities. Although Applicant held an interim clearance for some period in the past, the record does not reflect whether he held a clearance before or at the time of his three-day presentation. While Applicant was at risk during the three-day period, his association with the company ended in July 2005 and does not raise any current “heightened risk” of exploitation.

Applicant’s spouse is a citizen of the PRC. Her parents reside in the PRC, and her father is associated with a university in the PRC, a common conduit for intelligence gathering. “[T]here is a rebuttable presumption that a person has ties of affection for, or obligation to, the immediate family members of the person’s spouse.” ISCR Case No.

01-03120, 2002 DOHA LEXIS 94 at * 8 (App. Bd. Feb. 20, 2002). Applicant has not rebutted this presumption. It appears that Applicant has little contact with his wife's grandparents, aunt, uncle and cousin, and his wife's contact is primarily with her parents. Applicant's parents are U.S. citizens, but appear to prefer living in Taiwan. His father is a government employee and associated with two universities. He has three aunts and three uncles in Taiwan, one of whom is a retired Taiwanese Army colonel. While some of Applicant's family ties with his extended family and his wife's extended family, standing alone, might not create the "heightened risk" at issue under this guideline, I conclude that the totality of Applicant's family ties to two countries that target the U.S. for intelligence gathering are sufficient to raise the "heightened risk" within the meaning of AG ¶¶ 7(a) and (d), and a potential conflict interest under AG ¶ 7(b). Accordingly, I conclude the disqualifying conditions in AG ¶¶ 7(a), (b), and (d) are raised.

Applicant's investment in PRC-based companies was not based on any affinity for the PRC, but was made simply as an investment strategy. The amount of his investment, compared to his entire portfolio and his other assets, is small, and he is willing to sell his stocks to eliminate any security concerns. Considering his net worth, the size of his entire investment portfolio, and his willingness to dispose of it, I conclude his \$3,000 investment in PRC-based companies is insufficient to raise a "heightened risk" under AG ¶ 7(e).

Applicant's travel to the PRC and Taiwan was either to visit family members, to work as a paid consultant, or to participate in conferences in connection with his teaching and consulting work at the university. It has no independent security significance. See ISCR Case No. 02-26978 (App. Bd. Sep 21, 2005).

Since the government produced substantial evidence to raise AG ¶ 7(a), (b), and (d), the burden shifted to Applicant to produce evidence to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. An applicant has the burden of proving a mitigating condition, and the burden of disproving it never shifts to the government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

Security concerns under this guideline can be mitigated by showing that "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." AG ¶ 8(a). Applicant is close to his parents and his wife is close to hers. Both the PRC and Taiwan target the U.S. I conclude AG ¶ 8(a) is not established.

Security concerns under this guideline also can be mitigated by showing "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." AG ¶ 8(b). His

loyalty and sense of obligation to his parents is not minimal, nor is his loyalty, affection and sense of obligation to his wife and her parents. Applicant has lived his entire life in the U.S. and has a strong attachment to the U.S., but his wife is a relative newcomer to the U.S. and is not yet a citizen. His parents' ties to the U.S. are uncertain. I am not convinced that he would resolve any conflict of interest in favor of the interests of the U.S. This is a close case, but Applicant has the burden of proof, and he has not carried that burden. Doubtful cases must be resolved in favor of national security. I conclude AG ¶ 8(b) is not established.

Security concerns under this guideline also may be mitigated by showing that "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." AG ¶ 8(c). There is a rebuttable presumption that contacts with an immediate family member in a foreign country are not casual. ISCR Case No. 00-0484 at 5 (App. Bd. Feb. 1, 2002). Applicant has not rebutted this presumption for the contacts with his parents. I conclude AG ¶ 8(c) is not established.

Whole Person Concept

Under the whole person concept, an 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. An 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. Some of the factors in AG ¶ 2(a) were addressed above, but some warrant additional comment.

Applicant is a relatively young, very intelligent, well-educated adult. He is a brilliant computer scientist. He is internationally known as a leader in "cutting edge" computer science research. His curriculum vitae is extensive and widely circulated, and it lists funding by the National Science Foundation and the Department of Defense. He testified he receives email inquiries from students in the PRC seeking to participate in his research. He regularly participates in international conferences. While his brilliance and dedication offer much to the Department of Defense, his reputation makes him an attractive intelligence target, and his participation in numerous seminars and

conferences makes him vulnerable to an unguarded off-hand comment or inadvertent disclosure.

Applicant has been married for a relatively short time, and his relationships with his wife and her family are still evolving. Her connections to the PRC are deep and strong, but Applicant believes his wife's devotion to him and their shared values would resolve any conflict of interests in his favor.

Applicant's parents are ambivalent about where they wish to reside permanently. His father and father-in-law both work in academia, a venue often exploited by the PRC for intelligence purposes.

Applicant was candid and sincere at the hearing. His reputation for reliability and integrity are impeccable. He is justifiably proud of his prominent position at a prestigious university, enthusiastic about his "cutting edge" research, and enjoys collaborating and sharing his research with other institutions. He has spent all his adult life in the academic world. He believes he can and would resist any attempts at exploitation, but I am not convinced he has acquired the savvy to recognize sophisticated exploitation when it happens.

After weighing the disqualifying and mitigating conditions under Guideline B, and evaluating all the evidence in the context of the whole person, I conclude Applicant has not mitigated the security concerns based on foreign influence. Accordingly, I conclude he has not carried his burden of showing that it is clearly consistent with the national interest to grant him eligibility for access to classified information.

Formal Findings

I make the following formal findings for or against Applicant on the allegations set forth in the SOR, as required by Directive ¶ E3.1.25:

Paragraph 1, Guideline B (Foreign Influence):	AGAINST APPLICANT
Subparagraphs 1.a-1.n:	Against Applicant
Subparagraphs 1.o-1.r:	For Applicant

Conclusion

In light of all of the circumstances, 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.

LeRoy F. Foreman
Administrative Judge