



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



In the matter of:)
)
) ISCR Case No. 08-00984
)
)
Applicant for Security Clearance)

Appearances

For Government: John Bayard Glendon, Esquire, Department Counsel

For Applicant: John Sapienza, Personal Representative

May 29, 2009

Decision

ANTHONY, Joan Caton, Administrative Judge:

After a thorough review of the case file, pleadings, exhibits, and testimony, and after a whole person analysis that considered all relevant and material evidence, I conclude that Applicant mitigated the Government’s security concerns under the Foreign Preference and Foreign Influence adjudicative guidelines. Her eligibility for a security clearance is granted.

On December 5, 2006, Applicant signed and certified a Security Clearance Application (SF-86). On September 24, 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.

On November 7, 2008, Applicant answered the SOR in writing and elected to have a hearing before an administrative judge. On March 3, 2009, the case was assigned to me. I convened a hearing on April 8, 2009, 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 and introduced three exhibits (Ex.), which were marked as Applicant's Ex. 1 through 3, and admitted to the record without objection. The Government also offered facts in ten official U.S. government documents for administrative notice. (HE I.) Applicant did not object to administrative notice of facts in the Government's documents. Applicant introduced ten exhibits, which were marked as Ex. A through J. Exs. A through H and Ex. J were admitted to the record without objection. Ex. I was admitted conditionally, pending Applicant's submission of an English translation of the document. Applicant called one witness and testified on her own behalf.

At the conclusion of the hearing, I left the record open until close of business April 15, 2009, so that Applicant could, if she wished, submit additional information. Applicant timely submitted an English translation of Ex. I and three additional Exhibits, which were marked Ex. K, Ex. L, and Ex. M and admitted to the record without objection. On April 21, Applicant submitted an additional document, which was marked Ex. N and admitted to the record without objection. DOHA received the transcript (Tr.) of the hearing on April 15, 2009.

Findings of Fact

The SOR contains one allegation of a security concern under Guideline C, Foreign Preference (SOR ¶ 1.a.) and four allegations that raise security concerns under AG B, Foreign Influence (SOR ¶¶ 2.a. through 2.d.). In her Answer to the SOR, Applicant admitted all allegations in the SOR, with explanation. 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 40 years old, married, and the mother of two school-aged children. She is employed as an Arabic linguist by a government contractor. In this capacity, she has worked as a federal contractor since 2006. She seeks a security clearance. (Ex. 1.)

Applicant was born and raised in Algeria. She was educated in French and Arabic, and she received a Doctor of Veterinary Medicine degree from a university in Algeria. However, because she was a woman and lacked helpful political connections, she was unable to find employment in her profession. She acquired a job as an administrative assistant with an international company in Algiers and studied English.

After she acquired proficiency in English, she acquired a job with the U.S. Embassy in Algiers, where she worked for about a year. (Ex. 1; Ex. H; Ex. I; Tr.65-68.)

While she was employed at the Embassy, Applicant met the man who became her husband. Applicant and her husband, a U.S. military security guard, were married in the United States in 1998. Applicant's husband is a native-born U.S. citizen; their two children are also native-born U.S. citizens. Applicant became a naturalized U.S. citizen in 2004. Her husband, now a civilian, is employed in security. (Ex. 1; Ex. A; Tr. 49-50, 60-62, 70.)

In 2007, in order to avoid requesting and paying for an Algerian visa when she traveled to Algeria to visit her parents, Applicant renewed her Algerian passport. The renewed passport had an expiration date of 2012. Applicant was not aware that her dual citizenship with Algeria might create security concerns. When she learned of the government's possible security concerns, she surrendered her Algerian passport in March 2009 to her company's security specialist, for safekeeping. On April 15, 2009, Applicant requested that the security officer return the passport to her. She then surrendered her passport to a responsible official of the Algerian government, who acknowledged receipt of her passport in a written document. (Ex. A; Ex. K; Ex. L; Ex. N; Tr. 80-81.)

Applicant is the oldest of six children. Her parents are citizens and residents of Algeria. They were married when Applicant's mother was 14 years old and her father was 27 years old. Applicant's father is a retired national police officer, and her mother, also retired, was a homemaker and dressmaker. In 2007, Applicant's parents were divorced, and her father remarried. Applicant's step-mother is a homemaker and approximately the same age as her mother. (Ex. 1; Tr. 70-72, 92, 95-96.)

Applicant has two brothers, both of whom reside in France. One brother, a dual citizen of Algeria and France, is employed by a technical research organization in France. Applicant's other brother, an Algerian citizen, is employed as a physician in France. (Ex. 3; Tr. 75-77.)

Applicant also has three sisters. One of her sisters is a dual citizen of the United States and Algeria and resides with her husband and children in the United States. A second sister is a citizen of Algeria and resides and works in another Middle Eastern country. The third sister, a student, is a citizen and resident of Algeria and resides with Applicant's parents. (Ex. 3; Tr. 72-75.)

Other than her immediate family in Algeria, Applicant also has occasional contact with her grandmother and with an aunt, both citizens and residents of Algeria. She has occasional e-mail contact with the aunt and she goes to see her when she is in Algeria. (Tr. 78-79.)

When Applicant was a young adult in her parents' household in Algeria, she and her family witnessed brutal acts of terrorism in their community. She lost family

members in terrorist bombings, and her own father and younger sister were targeted because, as police department employees, they worked against terrorists. Because Applicant's father has been retired for many years, he is no longer targeted by terrorists. Her sister no longer lives in Algeria, and she is no longer a target. (Tr. 63-64.)

Applicant traveled to Algeria in 2001, 2002 and 2007. Now that Applicant, two of her brothers, and two of her sisters no longer live in Algeria, they find it more comfortable and convenient to avoid travel to Algeria and to meet, instead, in France or in another European country. In 2007, when Applicant's parents were divorcing, Applicant and her siblings met in Europe to discuss how they would care for their mother after the divorce. Her two brothers in France now provide for their mother's support. Applicant and her sister who lives in the United States sometimes provide their mother with lesser amounts of money on an irregular basis. Last year, Applicant met her mother in France for a visit. (Tr. 85-87, 98-100.)

Applicant is grateful for her opportunities as a U.S. citizen, and she believes her work for the government contractor who employs her has value in the war on terror. She stated: "It's very important for me to know that I'm useful, and I do it also for the U.S., because this country has provided me with everything." (Tr. 90-92.)

Applicant stated her fidelity to the United States as follows: "I love the USA and . . . I will never hurt its interests in any way, this country was good to me, it has offered me security, freedom and respect and I will never do anything to lose these privileges, never." (Ex. A.)

The Director of Applicant's office, a retired officer with nearly 30 years of experience in the United States military, appeared as her personal representative and as a witness on her behalf. He held a high level security clearance, had served as a military attaché, and supported the intelligence community. He stated:

I understand the Government's concern with regard to particular countries in the world, and I understand the Government's concern with regard to elements that operate within those countries. However, in order for the United States government and the United States national security apparatus to gain intelligence and to conduct meaningful analysis on that intelligence, the only way to do it, the best way to do it, is using a source from that country.

(Tr. 27.)

The Director characterized Applicant as "a gifted linguist and a wonderful employee" who performed her duties in a distinguished manner. Her linguistic expertise in classical Arabic and in French, and her knowledge of North African cultures, enabled her to provide in-depth analyses of great value to senior-level policy makers. (Ex. D.)

An official of one of the entities served by Applicant's Directorate offered the following evaluation of her character and her work:

It is my pleasure to write this letter of reference for [Applicant] in acknowledgement of her dedication to her profession and in the service of the United States Government. During my long professional association with [Applicant], she has consistently demonstrated the highest levels of commitment in providing mission critical support on substantive issues on North Africa, to include counterterrorism-related projects. [Applicant] has worked tirelessly to ensure that analysts and policymakers have received accurate and timely information while preparing her reports and translations. [Applicant's] in-depth knowledge of linguistic and cultural matters has proven invaluable to our customers, particularly given the current shortage of real expertise in Middle East study disciplines. [Applicant] has demonstrated discretion while working on projects and may be relied upon to use good judgment when supporting a variety of US Government and military customers.

To my knowledge, there are no issues of concern that would reflect negatively upon [Applicant's] character or her dedication to the United States and its interests. I recommend her without hesitation for a position of trust.

(Ex. J.)

I take administrative notice of the following facts about Algeria, as provided by Department Counsel from official documents of the United States government¹:

Algeria is a multi-party constitutional republic that has suffered from domestic terrorism throughout the 1990s and into the present. The Algerian government declared a state of emergency in 1992, which remains in effect to the present day, due to what government authorities

¹ The documents from which these facts are drawn are as follows: *Algeria, Country Specific Information*, United States Department of State, dated November 10, 2008 (4 pages); *Background Note: Algeria*, United States Department of State, Bureau of Near Eastern Affairs, dated October 2007 (11 pages); *Travel Warning: Algeria*, United States Department of State, Bureau of Consular Affairs, dated August 22, 2008 (2 pages); *Country Reports on Terrorism: Chapter 2 - Country Reports: Middle East and North Africa Overview*, United States Department of State, dated April 30, 2008 (24 pages); *Country Reports on Human Rights Practices – 2007: Algeria*, United States Department of State, dated March 11, 2008 (18 pages); *Algeria: Current Issues, Congressional Research Service Report for Congress*, Library of Congress, dated April 24, 2007 (6 pages); Press Statement, *U.S. Condemns Terrorist Attacks*, United States Department of State, released and dated April 11, 2007 (1 page); *Statement for the Record: National Counterintelligence Executive, The Honorable Michelle Van Cleave before the House Judiciary Subcommittee on Immigration, Border Security & Claims*, dated September 15, 2005 (9 pages); *Annual Threat Assessment of the Director of National Intelligence for the Senate Armed Services Committee*, dated February 27, 2008 (45 pages); and *The National Counterintelligence Strategy of the United States of America*, 2007 (13 pages).

call 'persistent terrorism.' Although making modest efforts toward democratic progress, Algeria's 16-year-old state of emergency has been reportedly used to justify governmental abuses of human rights. According to a 2007 United States Department of State report on human rights practices in Algeria, the government continued to fail to account for thousands of persons who disappeared in detention in the 1990s. Further, there were other significant human rights violations regarding abuse and torture, corruption and lack of government transparency, official impunity, prolonged pre-trial detention, as well as other due process issues. Restrictions of civil liberties such as privacy, freedom of speech, press, assembly, association and movement were also recorded, as were limitation on religious freedom, including increased regulation of non-Muslim worship. Gender discrimination and abuse, restrictions on workers' rights, child abuse, and human trafficking were also recorded among the human rights violations in Algeria.

Although the United States seeks to support the recent democratic efforts in Algeria, the U.S. Government has become increasingly concerned with the changing nature of terrorism in Algeria and its global effects. What was once primarily domestic terrorism aimed at Algerian government infrastructure has expanded to an affiliation with Al-Qaeda and international targets.

Approximately 35 known and suspected terrorist organizations throughout the world currently target the United States for intelligence gathering. Of these, Al-Qaeda is the terrorist organization that presents the greatest threat to U.S. interests, including the Homeland. Al-Qaeda continues to plot attacks against the United States and maintains active connections with affiliates throughout the Middle East and northern Africa, now to include Algeria. Moreover, terrorist threats to the United States remain the pre-eminent challenge to the Intelligence Community, both operationally and analytically.

A recent upsurge in terrorist attacks has only increase the U.S. Government concerns. Within Algeria, terrorist groups have targeted foreigners and remained active around the southern regions and borders of the country where approximately 1,100 American citizens live and work in oil and gas fields.

Although the United States has worked with the Algerian government to help combat terrorism in that country, the Algerian government projects inconsistent policies regarding its position on international terrorism, which are often in conflict with the United States. Despite publicly condemning the September 11, 2001, terrorist attacks on the United States by Al-Qaeda, as well as condemning international terrorism, Algerian officials distinguish between terrorism and what they consider to be legitimate

armed resistance by recognized terrorist groups such as Hamas, Palestinian Islamic Jihad and Hizballah in the Palestinian occupied territories. Moreover, Algeria is now considered to be a source of international terrorists, and many Algerian terrorists have been arrested in counter-terrorism operations in Europe and the United States.²

(HE 1, footnotes omitted.)

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

² I recognize that terrorist groups can conduct intelligence activities as effectively as state intelligence services.

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 potentially 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.

After becoming a U.S. citizen in 2004, Applicant renewed her Algerian passport in 2007. She did this to avoid purchasing a visa to enter Algeria with her U.S. passport and to make travel to Algeria more convenient in the future. She did not know that acquiring an Algerian passport after becoming a U.S. citizen might raise security concerns under Guideline C. Applicant's possession of an active Algerian passport raises a security concern under AG ¶ 10(a)(1).

There is one Foreign Preference mitigating condition that could apply in this case. If an individual's passport has been destroyed, surrendered to the cognizant security authority, or otherwise invalidated, then AG ¶ 11(e) might be applicable. On April 21, 2009, Applicant provided DOHA with notice that she had surrendered her Algerian passport to an appropriate authority of the Algerian government. In addition, she filed a copy of a letter from the Algerian authority acknowledging her surrender of her Algerian passport. I conclude that AG ¶ 11(e) applies to the facts of Applicant's case.

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.

Official U.S. government documents provided by Department Counsel emphasize that the United States supports the efforts of Algeria toward a more democratic government. The United States recognizes that Algeria is not a state sponsor of terrorism, is battling an increase in international terrorism within its borders, and is aware of the ascendancy of Al-Qaeda and its operatives within the country. The Algerian government does not target U.S. citizens in order to obtain classified information from them. However, despite the government of Algeria's actions to

suppress domestic and international terrorist groups within its borders, the threat of terrorism remains and terrorist groups threaten U.S. interests in Algeria.

Additionally, the U.S. government recognizes that Algeria has carried out human rights abuses against its own citizens. The government's human rights abuses include torture, prolonged pre-trial detention, and government corruption.

I have considered all of the disqualifying conditions under the Foreign Influence guideline. Applicant admitted the SOR allegation at ¶ 1.b., but she provided information that one of her two younger sisters is no longer a resident of Algeria but resides in another Middle Eastern country.

Applicant admitted the government's factual allegations that her parents are citizens and residents of Algeria; that one of her brothers is a dual citizen of Algeria and France and works for an organization funded by the French government; and that Applicant had traveled to Algeria in 2001, 2002, and 2007 to visit her family members there. She partially rebutted the allegation that two of her younger sisters are citizens and residents of Algeria by providing information that one of the sisters is no longer living in Algeria. These facts raise security concerns under disqualifying conditions AG ¶¶ 7(a) and 7(b). 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."³ 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."

When Applicant admitted these allegations, the burden shifted to her to mitigate the resulting security concerns. 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

³ 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).

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

Applicant is a dutiful daughter, and she has strong filial relationships with her parents and siblings. She stays in contact with her parents and with her siblings in Algeria and France and is concerned about their well-being. Her relationship with her family members in Algeria and France is based on long-standing family ties of affection and obligation.

Algeria cooperates with the United States in combating terrorism. The government of Algeria does not target U.S. citizens to acquire protected information. The positions and activities of Applicant’s family members in Algeria do not involve the government or the military, and they would have no interest in acquiring protected information. Only their physical presence in Algeria creates the potential that Applicant would confront a choice between their interests and the security interests of the United States. Thus, AG ¶ 8(a) has some application.

Applicant produced significant evidence establishing mitigating condition AG ¶ 8(b). Based on her relationship and depth of loyalty to the United States, she can be expected to resolve any conflict of interest in favor of U.S. interests. She has committed to a life as a U.S. citizen. She is married to a U.S. citizen, and she and her husband are raising their children as U.S. citizens. Significantly, Applicant sought work as an Arabic linguist and translator in order to assist the U.S. in its efforts to combat international terrorism and protect the homeland. Her supervisors attest to her unique abilities as a Arab linguist, translator, and expert on North African cultural matters.

Applicant was unable to establish the applicability of mitigating condition AG ¶ 8(c). Her contacts with her parents are familial and intense. While perhaps sporadic, her relationships with her brothers were on-going and familial and focused on providing for the well-being of her mother. Accordingly, AG ¶ 8(c) cannot be given full application.

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 relevant circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(a):

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

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

I considered the potentially disqualifying and mitigating conditions in light of the whole person concept and all the facts and circumstances surrounding this case. Two circumstances weigh against Applicant in the whole person analysis. First, even though Algeria is an ally of the United States, it has committed serious human rights abuses against its own citizens, and there is a serious problem with terrorists in Algeria. Second, three of Applicant's immediate family members are citizens and residents of Algeria, raising the possibility that they could be subject to such abuses or to coercion by terrorists, which could raise security concerns for Applicant.

Substantial mitigating evidence weighs in favor of granting Applicant a security clearance. Out of a sense of patriotism and love for the United States, Applicant sought work as an Arab-speaking linguist. She provides vital information to officials on terrorist operations in North Africa. Nothing in her record suggests that she has ever taken an action that would cause potential harm to the United States. She takes her loyalty to the United States seriously. As noted previously, Applicant has strong familial connections to the United States, and these connections are more substantial than her connections to her family members living in Algeria. Those who have witnessed her work as an Arab linguist and translator assessed her as trustworthy, conscientious, responsible, and dedicated.

After weighing the disqualifying and mitigating conditions, and all facts and circumstances in the context of the whole person, including Applicant's commendable performance as an Arab linguist and translator, I conclude Applicant has fully mitigated the security concerns pertaining to foreign preference and foreign influence.⁴ Overall, the record evidence leaves no doubt as to Applicant's eligibility and suitability for a security clearance. For all these reasons, I conclude that Applicant mitigated the security concerns arising under Guidelines C and B.

Formal Findings

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

Paragraph 1, Guideline C:	FOR APPLICANT
Subparagraph 1.a.:	For Applicant

⁴ I conclude that the whole person analysis weighs heavily toward approval of Applicant's security clearance. Assuming that a higher authority reviewing this decision determines the mitigating conditions articulated under AG ¶ 11 and AG ¶ 8 do not apply and severs any consideration of them, I conclude the whole person analysis standing alone is sufficient to support approval of a security clearance in this case.

Paragraph 2, Guideline B	FOR APPLICANT
Subparagraph 2.a.:	For Applicant
Subparagraph 2.b.:	For Applicant
Subparagraph 2.c.:	For Applicant
Subparagraph 2.d.:	For Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, it is clearly consistent with national security to grant Applicant eligibility for a security clearance. Eligibility for access to classified information is granted.

Joan Caton Anthony
Administrative Judge