



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



In the matter of:)	
)	
)	ISCR Case No. 08-06974
)	
)	
Applicant for Security Clearance)	

Appearances

For Government: Richard Stevens, Esquire, Department Counsel
For Applicant: Timothy Clay Kulp, Esquire

March 12, 2009

Decision

CREAN, Thomas M., Administrative Judge:

Applicant submitted a periodic update for his security clearance on April 3, 2007. On November 19, 2008, the Defense Office of Hearings and Appeals (DOHA) issued a Statement of Reasons (SOR) detailing security concerns for Applicant under Guideline B, Foreign Influence, and Guideline C, Foreign Preference. 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 November 25, 2008. He answered the SOR in writing on the same day, admitting the factual allegations with explanation. He requested a hearing before an administrative judge. Department Counsel was prepared to proceed on December 23, 2008. The case was assigned to me on January 2, 2009. DOHA issued a notice of hearing on January 8, 2009, for a hearing on February 6, 2009. I convened the hearing as scheduled. The government offered three exhibits, marked Government Exhibits (Gov. Ex.) 1 through 3, which were

received without objection. Applicant submitted one exhibit, marked Applicant Exhibit (App. Ex.) A, which was received without objection. Applicant and two other witnesses testified on Applicant's behalf. DOHA received the transcript of the hearing (Tr.) on February 23, 2009. Based upon a review of the case file, pleadings, exhibits, and testimony, eligibility for access to classified information is granted.

Procedural and Evidentiary Rulings

Request for Administrative Notice

Department Counsel submitted a formal request that I take administrative notice of certain facts relating to Iran. (Tr. 28-30, Court Exhibit I) The request and the attached supporting documents were not admitted into evidence but were included in the record as a Court Exhibit. Applicant had no objection to the request for administrative notice or the attached documents. The facts administratively noticed are set out in the Findings of Fact, below.

Findings of Fact

After a thorough review of the pleadings, transcript, and exhibits, I make the following essential findings of fact. Applicant admitted all the factual allegations in the SOR with explanation. He also provided additional information to support his request for eligibility for a security clearance.

Applicant is 54 years old and employed as a communications electronic engineer for a defense contractor. Applicant was born in Iran and received his elementary and high school education in Iran. He came to the United States in April 1978 on a student visa to pursue his education. At the time, the Shah was the ruler of Iran. The United States and Iran enjoyed friendly relations and were allies. Life in Iran at the time was very nice. The Shah was overthrown in 1979.

Applicant received a bachelor's degree in electronic engineering in 1984 from a United States university. He became a United States citizen on November 19, 1984. Applicant desired to continue his education but did not have the financial resources to fund his continued education. He enlisted in the United States Navy in March 1986. After extensive training and schooling, he served on two ships as an electronics technician. He served six years on active duty and received an honorable discharge upon completion of his enlistment in March 1992. He held a top secret clearance while in the Navy. He never informed his family in Iran that he was serving in the Navy or held a security clearance. He lived on the ship and only communicated with his family by telephone and not by mail (Tr. 30-34, 65-66; Gov. Ex. 1, Security Clearance Application, e-QIP, dated April 3, 2007).

Applicant sought positions in the private sector after his discharge from the Navy. He was offered a position as a communications engineer for a defense contractor. He

worked for this company from 1992 until 1995, and held a top secret security clearance. He only told his family that he was an engineer for a company (Tr. 35-36).

Applicant started working as an electronics engineer for a different defense contractor in 1995. He worked for this company until 2000 when he started working as a communications electronic engineer for the predecessor company of his present defense contractor employer. He held a top secret security clearance for all of his employers (Tr. 37-39).

Applicant has never traveled outside the United States, except for deployments on Navy ships since his arrival in the United States in 1978. When his mother died a few years ago, he did not return to Iran for her funeral. He did not trust the Iranian government and did not want to take chances because of their human rights record. Applicant admits his father, two brothers, and a sister are citizens and residents of Iran. His father is 87 years old and a former college professor. One brother sells construction equipment, and the other is not employed. His sister is a housewife. None of them have any political connections or work for the Iranian government. He used to talk to his father by telephone about every six months. After his father had a heart attack, he talked to him more frequently, about once a month. Since his father's health is now good, even though he has a heart condition, he again only talks to him about every six months. His last contact with his family was over a month ago when his brother in Iran called him with an update on his father's health. In 2006, he wanted to assist with his father's medical bills. He withdrew funds from his 401K account and wire transferred \$12,800 to his younger brother in Iran to help with his father's medical bills (Tr. 44-46; 66-67; Gov. Ex. 2, Statement, dated March 12, 1993; Gov. Ex. 3, Testimonies, dated August 15, 2007).

Applicant married a United States citizen who was a fellow student in 1981 while he attended college. The marriage ended in divorce in 1992. He married again in March 2004 to a woman who was born in Iran and is a dual citizen of Iran and Sweden. They had been high school sweethearts in Iran but lost touch when Applicant came to the United States. She was able to contact him in 2003. She has two daughters from a prior marriage who are citizens and residents of Sweden. One is a student in Sweden and the other a student in the United States. He has never spoken to his wife's mother who is a citizen and resident of Iran. His wife is a permanent resident and is seeking United States citizenship. She hopes her application for citizenship can be processed through the system and granted in two or three years. Applicant admits his wife's parents are citizens and residence of Iran (Tr. 63-66; Gov. Ex. 1, Security clearance application, e-QIP, dated April 3, 2007; Gov. Ex. 3, Testimonies, dated August 15, 2007, at 3).

Applicant talked to his production manager about visiting his family in Iran after his father had a heart attack. The production manager said he thought a trip would be fine and raised no issue with Applicant about travelling to Iran. Since there did not seem to be any issue with his travel to Iran, Applicant did not conceal the fact he intended to apply for an Iranian passport. His managers knew he anticipated applying

for an Iranian passport. He applied for an Iranian passport through the Pakistan Embassy. He received the Iranian passport on December 19, 2006. Afterward, he talked to others in his company to facilitate work schedules if he made a trip to Iran. While he talked about a trip, he did not make any travel plans. He asked his program manager if he was permitted to travel overseas since he possessed a security clearance. The program manager told him that he did not see any problem. Applicant also had discussed potential overseas travel with an acquaintance from Iran who was an engineer for another government agency. He was told that there did not seem to be a problem with traveling overseas. The individual had traveled to Iran and told Applicant that was permissible (Tr. 46-48).

Applicant advised his facility security officer (FSO) he had applied for and received an Iranian passport, and inquired if this was a security problem. The FSO inquired of the company's contact with the Defense Security Service about the possession of the Iranian passport. He suggested that she file a formal report. Since Applicant's five year periodic update for access to classified information was due, the FSO requested that Applicant submit a security clearance application in March 2007. Applicant disclosed on the application that he possessed an Iranian passport. Applicant was interviewed about the passport by a number of government investigation agencies including the Federal Bureau of Investigation (FBI) and the Naval Criminal Investigation Service (NCIS). Applicant answered all questions and cooperated with the investigators. No changes were made at the time to his access to classified information (Tr. 45-54).

Applicant turned his Iranian passport over to his FSO after she was advised in November 2008 by DSS to have Applicant give her the passport. He does not intend to ask for it back and stated she could destroy it if she wanted. He has no intent to travel to Iran even upon the death of his father. Applicant does not own property in Iran and does not have a bank account there. All of his finances are in the United States. His only house is one he purchased in the United States in 1996. He is not Muslim, and in fact is not religious. He does not consider himself an Iranian citizen. He decided never to return to Iran after he learned of their poor human rights record. He was not sure that if he went to Iran he would be allowed to leave. When he became a United States citizen in 1984, he cut all of his ties to Iran (Tr. 54-58, 66-68).

The FSO for Applicant's company testified that she has been the FSO for almost ten years, and has known Applicant for this entire time. She never had any reason to doubt his allegiance to the United States or his protection of national security information. Her employees receive annual training on their obligations and responsibilities for protecting classified information. As the FSO, she maintains liaison with the Defense Security Service. She was aware that Applicant had applied for and received an Iranian passport. Applicant informed her because he said he may decide to travel to Iran to visit his sick father. She informed DSS and was asked to initiate a full report. She initiated Applicant's five year periodic update of his security clearance. She filed a formal report with Applicant's security clearance application which started an investigation from various government investigative agencies. Applicant had sensitive

compartmented information (SCI) access in addition to his top secret clearance. After completion of the investigation, Applicant's security clearance status was not changed and he continued to have access to classified information. She expected that if there was any issue, the investigators would confiscate Applicant's Iranian passport, but they did not. Applicant voluntarily gave her his Iranian passport in November 2008. It is locked in a safe in her office. He has never requested return of the Iranian passport (Tr. 77-96)

The group senior vice-president for Applicant's company testified that he is a retired Navy Master Chief with degrees in electronics and physics, and engineering management. In the Navy, he served as a cryptologist and was the technical adviser for cryptology to the Chief of Naval Operations. He has held top level security clearances since 1969. He is aware of the security clearance requirements concerning foreign family members and spouses since he had family members that were citizens and residents of foreign countries when he first entered active duty, and he later married a foreign national. He retired from the Navy in 1991 and started working for the predecessor company of his present employer. As the business manager, he is responsible for the largest division in his company which includes Applicant's area. He has known Applicant since 1995 and had almost daily contact with him at the start of their relationship. As the company grew and Applicant worked in various positions in the general geographic area for the company, their contact has not been daily. He sees Applicant often and hears about his performance from Applicant's supervisors. Applicant's work product is excellent and he is known for the quality of his work performance. His technical skills are held in very high regard. He has been a valuable asset to the company.

The witness stated he has been interviewed a number of times for updates for Applicant's security clearance. He knows of Applicant's anger at the events of 9/11 and also knows about indignities he suffered because of his ancestry. The witness has been associated with people with very high security clearances and does not know of a more dedicated individual to the United States than Applicant. The witness received significant training in his career to detect those that might have issues of loyalty and allegiance to the United States. He has no questions about Applicant and would gladly serve with him in the most sensitive positions. It is possible for Applicant to be subject to foreign influence because he has family members in Iran. However, he is convinced Applicant would react only in ways favourable to the United States. Applicant would immediately report any problems. He is certain that Applicant has no preference or allegiance for Iran. He endorses Applicant for access to classified information (Tr. 98-110)

Applicant presented fourteen letters of recommendation. The letters were from supervisors and co-workers. All of these letters attested to Applicants excellent work performance. They all noted that he is a proud and valued United States citizen. They considered him trustworthy and reliable (App. Ex. A, Letters, various dates).

Iran is a country that has been hostile to the United States since the 1979 revolution that overthrew the former pro-western government. Iran's support for terrorist groups has long concerned the United States. Iran's human rights practices are also a concern for the United States. The Iranian theocratic government has repressed its people, pursued weapons of mass destruction, initiated a nuclear program that may include nuclear weapons, and continues to support terrorism in Iraq and around the world. Iran is known to conduct intelligence operations and economic espionage against the United States. There is no direct evidence in the record concerning Iranian espionage activity towards or within the United States, but this hostile relationship supports the inference that Iran would seek to damage or counter United States military capabilities by seeking to obtain classified or sensitive information when possible. The United States Department of State warns United States citizens, particularly United States citizens of Iranian origin, to consider carefully the risks of travel to Iran. Iran does not recognize renunciation of citizenship by those born there, and has detained and harassed naturalized United States citizens traveling there. Applicant is aware of the dangerous nature of the regime and intentionally has not returned to Iran. The continued support for terrorism and human rights violations contributed to President Bush's strong criticism of Iran in his 2002 State of the Union message and his designation of Iran as one of the "Axis of Evil." Iran is a nation whose interests are inimical to the United States.

Policies

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

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

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

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

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

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

Analysis

Guideline B: Foreign Influence

Foreign contacts and interests may be a security concern if the individual has divided loyalties, may be manipulated or induced to help a foreign person, group, organization, or government in a way that is not in the U.S. interests, or is vulnerable to pressure or coercion by any foreign interests. Adjudication under this guideline can and should consider the identity of the foreign country in which the foreign contact or financial interest is location, including but not limited to, such consideration as whether the foreign country is known to target United States citizens to obtain protected information and/or is associated with a risk of terrorism (AG ¶ 6). Applicant's family members and his relationship with them has been known for the over twenty years he has been granted access to classified information. Even though this relationship has been known and has not been considered a factor in denial of access to classified information, it does not mean it should not be considered now. However, his access to classified information in the past under these circumstances is a positive factor to consider in determining if access should be continued. The only factors that have changed from the previous granting of access to classified information is that Applicant applied for, received, and possesses an Iranian passport, and that he sent funds to Iran to help with his father's medical expenses.

Applicant has infrequent contact with his father and siblings who are citizens and residents of Iran. He has not visited Iran or seen his family members since he left Iran

in 1978. They have never visited the United States. He talks by telephone with his family members about every six months. The last contact he had with a family member in Iran was a telephone call from a brother about six weeks ago telling him of his father's medical condition. He sent his brother significant funds to assist with his father's medical expenses in June 2006. Even though his contact with his family in Iran has been minimal, it raises security concerns under Foreign Influence Disqualifying Conditions (FI DC) AG ¶ 79(a) "Contact with a foreign family member, business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion"; and FI DC AG ¶ 7(b) "Connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual's obligation to protect sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information".

The mere existence of a foreign family member is not sufficient. The nature of Applicant's contact with the family member must be examined to determine whether it creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion. "Heightened" is a relative term denoting increased risk over some normally existing risk that can be said to be inherent anytime a family member lives subject to a foreign government. One factor that heightens the risk in Applicant's case is the nature of the Iranian government and its hostility towards the United States.

Applicant raised facts to mitigate the security concerns for his family in Iran. I have considered Foreign Influence Mitigating Conditions (FI MC) AG ¶ 8(a) "the nature of the relationships with foreign persons, the country in which these persons are located, or the positions or activities of those persons in that country are such that it is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual, group, organization, or government and the interest of the U.S."; FI MC AG ¶ 8(b) "there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the U.S., that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest"; and FI MC AG ¶ 8(c) "Contact or communication with foreign citizens is so casual or infrequent that there is little likelihood that it could created a risk for foreign influence or exploitation".

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

permitted to apply a balancing test to assess the extent of the security risk. Under the new guidelines, however, the potentially conflicting loyalties may be weighed to determine if an applicant can be expected to resolve any conflict in favor of the U.S. interest.

The nature of the government of Iran, its disregard for human rights, and its intent to seek information on United States technology places a heavy burden on Applicant in mitigating the disqualifying conditions and the security concerns. There is a rebuttable presumption that Applicant's relationship with his father and siblings in Iran is close. His father is a retired 87 year old professor who has no contact or relationship with the Iranian government. His siblings have no position or relationship with the Iranian government. While the circumstances of his relationship with his family in Iran and their position in Iran may make it unlikely Applicant can be placed in a position to choose between them and his loyalty to the United States, there could be a circumstance where Applicant is placed in a position of having to choose between his family members and the interests of the United States because of the nature of the Iranian government. Accordingly, FI MC AG ¶ 8(a) does not apply.

It is clear from Applicant's testimony that he has a relationship with his family in Iran. Applicant realizes that there is a risk for him to go to Iran. Because of this realization, he has not returned to Iran since leaving in 1978, even when his mother died. Since Applicant is concerned about a visiting Iran, there is likelihood that his family in Iran could create the risk for him of foreign influence or exploitation. Even though the relationship is infrequent but more than casual, FI DC AG ¶ 8 (c) does not apply.

Applicant has little, if any, sense of loyalty to Iran. He spent only his early years in Iran. The revolutionary government of Iran came into being after he left Iran. The testimony of those that have known him for many years establishes that he has a deep sense of loyalty and admiration for the United States and its way of life. There was testimony from a retired military member who understands a sense of loyalty and obligation. There are letters recommending his continued access to classified information from colleagues and friends working in the defense industry who hold security clearances and understand the requirements to receive access to classified information. Applicant came to the United States as a teenager and received his professional education here. He became a United States citizen as soon as he could, and has been successful working in the defense industries. He served honorably in the United States Navy for six years and held a security clearance while on active duty. He sees the United States as offering him freedom, justice, and tolerance with an opportunity to reach his potential. He served in the defense industry for over 17 years with a top level security clearance the entire time. While he provided funds to assist with the medical care of his father, he sent the funds as a son and not to assist the government of Iran. He left it to the discretion of his family members as to how the funds should be used. Applicant's sense of loyalty or obligation is not to Iran but to the United States. A conflict of interest in this case is extremely unlikely. In balancing all of the factors mentioned and considered above, I am satisfied Applicant's loyalty to the

United States is such that he can be expected to resolve any conflict of interest in favor of the United States interest. FI MC AG ¶ 8(b) applies. Applicant has met his heavy burden to show that his contacts with his family in Iran do not cause a security concern. I conclude Applicant has mitigated security concerns rising from his contact with his family in Iran.

Guideline B, Foreign Preference

When an individual acts in such a way as to indicate a preference for a foreign country over the United States, then he may be prone to provide information or make decisions that are harmful to the interests of the United States (AG ¶ 9). Iran considers him an Iranian citizen because he was born in Iran. Applicant applied for an Iranian passport after obtaining United States citizenship. He applied for the passport to ease his entry into Iran should he travel to Iran upon the death of his father. He has never used the passport. He told the authorities in his company of his intent to obtain the passport and sought advice. He told his supervisors and FSO of the possession of the passport. He cooperated with security investigators concerning the passport. Even under these circumstances, his possession of the Iranian passport raises Foreign Preference Disqualifying Condition (FP DC) AG ¶ 10(a) "Exercise of any right, privilege, or obligation of foreign citizenship after becoming a United States citizen or through the foreign citizenship of a family member. This includes but is not limited to: (1) possession of a current foreign passport."

Applicant raised Foreign Preference Mitigating Conditions (FP MC) AG ¶ 11(b) "The individual has expressed a willingness to renounce dual citizenship", and FP MC AG ¶ 11(e) "The passport has been destroyed, surrendered to the cognizant security authority, or otherwise invalidated." Applicant does not know of any procedure accepted by the Iranian government to renounce his Iranian citizenship. He thought he renounced his Iranian citizenship when he became a United States citizen in 1984. He does not consider himself an Iranian citizen. The Iranian passport is a current passport but has been turned over to his Facility Security Officer, a cognizant security official. He has told her and others that the passport can be destroyed. He has no intention of asking for it to be returned to him. Applicant has mitigated security concerns for foreign preference raised by his current Iranian passport.

Whole Person Concept

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

- (1) the nature, extent, and seriousness of the conduct;
- (2) the circumstances surrounding the conduct, to include knowledgeable participation;
- (3) the frequency and recency of the conduct;
- (4) the individual's age and maturity at the time of the conduct;
- (5) the extent to

which participation is voluntary; (6) the presence or absence of rehabilitation and other permanent behavioral changes; (7) the motivation for the conduct; (8) the potential for pressure, coercion, exploitation, or duress; and (9) the likelihood of continuation or recurrence.

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

I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case. I carefully considered all of the circumstances discussed above in regard to disqualifying and mitigating conditions as well as the following factors in light of the “whole person” concept. The “whole person” concept requires consideration of all available information about Applicant, not a single item in isolation, to reach a common sense determination concerning Applicant’s security worthiness. Applicant has a relationship with his family members in Iran because he occasionally talks to them by telephone and has sent funds for his father’s medical care. These simple facts alone might be sufficient to raise security concerns over Applicant’s vulnerability to coercion, exploitation, or pressure. However, mere family ties with people in a foreign country are not, as a matter of law, disqualifying under Guideline B. Whether an applicant’s family ties in a foreign country pose a security risk depends on a common sense evaluation of the overall facts and circumstances of the family ties.

Applicant has strong loyalties to the United States and a strong lack of loyalty for Iran. He has been granted access to classified information for over 23 years even though his relationship with his family members was a known factor. He is regarded as loyal, trustworthy, and reliable by those that work with and know him. Many are former military and government officials. They know and understand the qualifications for access to classified information and have themselves made judgments on people for access to classified information. Applicant has established his deep loyalty to the United States. He established that he has no loyalty to Iran or its government. He relinquished control of his Iranian passport and turned it over to his FSO. He has informed her and all of his company officials that the passport can be destroyed and he does not want it back. Overall, on balance, the record evidence leaves me without questions or doubts as to Applicant’s eligibility and suitability for a security clearance. For all these reasons, I conclude Applicant has met the particularly heavy burden of mitigating all potential security concerns arising from his family member in Iran as well as his applying for and receiving a current Iranian passport. Accordingly I find that Applicant has mitigated the security concerns arising from foreign influence and foreign preference.

Formal Findings

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

Paragraph 1, Guideline C:	FOR APPLICANT
Subparagraphs 1.a - 1.c:	For Applicant
Paragraph 2, Guideline B:	FOR APPLICANT
Subparagraphs 2.a - 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.

THOMAS M. CREAN
Administrative Judge