



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



In the matter of:)
)
) ADP Case No. 08-08347
)
)
Applicant for Public Trust Position)

Appearances

For Government: Ray T. Blank, Jr., Esquire, Department Counsel
For Applicant: *Pro Se*

November 25, 2009

Decision

CREAN, THOMAS M., Administrative Judge:

Applicant submitted a Questionnaire for Public Trust Position (SF 85P), on December 3, 2007. On March 27, 2009, the Defense Office of Hearings and Appeals (DOHA) issued to Applicant a Statement of Reasons (SOR) detailing trustworthiness concerns for foreign influence under Guideline B, and foreign preference under Guideline C. 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); Department of Defense (DoD) Regulation 5200.2-R, *Personnel Security Program*, dated January 1987, as amended (Regulation); and the revised adjudicative guidelines (AG) promulgated by the President on December 29, 2005, and effective within the Department of Defense for SORs issued after September 1, 2006.

Applicant answered the SOR in writing on April 4, 2009. He admitted all of the factual allegations under both Guideline B and Guideline C. Applicant requested a hearing before an administrative judge. Department Counsel was prepared to proceed on June 5, 2009. The case was initially assigned to another administrative judge. DOHA issued a Notice of Hearing for that administrative judge on July 21, 2009, for a hearing on August 26, 2009. Applicant was not available for the hearing, and the case was

reassigned to me on July 24, 2009. DOHA issued a second Notice of Hearing on August 13, 2009, for a hearing on August 31, 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 did not submit any exhibits at the hearing. Applicant testified on his behalf. The record was held open for Applicant to submit documents. Applicant timely submitted three documents admitted as App. Ex. A through C. The Government had no objections to the documents and they were admitted as exhibits (Gov. Ex. 4, Letter, dated September 25, 2009). DOHA received the transcript (Tr.) of the hearing on September 8, 2009. Based on a review of the case file, pleadings, exhibits, and testimony, eligibility for access to sensitive information is granted.

Procedural Issues

Applicant did not receive the August 13, 2009 Notice of Hearing since he was on travel out of the country. However, he knew of the hearing since the original hearing had been postponed at his request from August 26, 2009. Applicant is entitled to 15 days notice of hearing (Directive E3.1.8). Applicant discussed with Department Counsel the setting of a hearing date after August 30, 2009, when he would be returning from a trip. Applicant never signed for the Notice of Hearing for August 31, 2009, but he stated he had sufficient notice of the hearing date and he waived the requirement for the 15 day notice requirement (Tr. 6-7).

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

Findings of Fact

After a thorough review of the pleadings, transcript, and exhibits, I make the following essential findings of fact. Applicant admitted all of the factual allegations raised in the SOR.

Applicant is a 36-year-old senior computer programmer and analyst for a defense contractor. He was born in Sudan. His family still resides in Sudan. Their home is in the middle of the country near the capital. He was educated in Sudan. He received his first college degree in petroleum engineering from a Sudanese university in 1998. He received another college degree in computer science from a United States university in 2002. He is married with one child (Tr. 21-25).

Applicant immigrated to the United States in 1999, and became a United States citizen in December 2006. When Applicant immigrated to the United States, he possessed and used a Sudanese passport which expired in 2006. He used this

passport for travel until he received his United States passport. He received a United States passport in 2006 shortly after becoming a United States citizen. After becoming a United States citizen and receiving a United States passport, he used his Sudanese passport only to establish for Sudanese authorities that he was originally from Sudan. He sends a copy of the first two pages of his expired Sudan passport to Sudanese authorities to establish he originally came from Sudan, which entitles him to a 50% discount on the Sudan entry visa fee. He has the expired passport only because he has a habit of maintaining all of his important documents and records, and to obtain the visa discount. The passport cannot be used as a basis to have a current passport issued by Sudan (Tr. 21-22).

Applicant comes from a large family. His parents, five sisters, and two brothers are citizens and residents of Sudan. His father is a retired school teacher and his mother is a homemaker. Since all schools were public schools run by the government when his father taught, he is considered to have worked for the government. Three of his sisters are married and are homemakers. Their husbands are a civil engineer and small business owners. One brother is a college student, and the other has graduated from college but is still seeking employment. He has another brother who is a citizen of Sudan, but a resident of Saudi Arabia, employed as an electrical engineer by an American company. Applicant has a close relationship with his family and they are all on good terms. Applicant talks to his parents by telephone at least weekly, and sends them \$300 monthly to assist with living expenses. He would call them more often if the telephone calls were not so expensive (Tr. 33-36).

Applicant's wife was also born in Sudan. Applicant and his wife have known each other since childhood since they grew up together. They married in Sudan before immigrating to the United States. Her parents and four brothers are citizens and residents of Sudan. Applicant's wife talks to her family weekly. Applicant talks to them often. The families are close and on good terms (Tr. 36-37).

Applicant traveled to Sudan in 2002, 2004, and 2006 to visit his family. He used his Sudanese passport on the first two trips because he was not yet a United States citizen in possession of a United States passport. After he became a United States citizen in December 2005 and received a United States passport in early 2006, he traveled solely on his United States passport. He and his family visited his family in Sudan in the summer of 2009 for six weeks. He used his United States passport to enter and leave the United States and Sudan. He sent a copy of his expired Sudanese passport to the Sudanese authorities to receive a discount on his visa application. He visited his family and in-laws and stayed with his parents during his visit (Tr. 35-36).

While a college student, Applicant did not join societies or organizations that were campus organizations affiliated with the government. Membership and activities in these organizations is a key element in finding employment in your chosen field after college. Applicant graduated as a petroleum engineer and all petroleum engineer jobs in Sudan are government positions. Since Applicant had not joined the societies, he could not find employment as a petroleum engineer. He and his wife decided to immigrate to the United States for more freedom and better opportunity. He does not like the

government of Sudan and does not support it. His family is not political or aligned with the government (Tr. 24-29, 42).

Applicant noted on his SF 85P, Application for a Position of Public Trust, that he was a dual citizen of the United States and Sudan. In response to questions asked by security adjudicators in Interrogatories, Applicant noted that he has an allegiance both to the United States and Sudan. Applicant stated at the hearing that he can do nothing about his dual citizenship with Sudan. He was born and raised in Sudan and spent the first 26 years of his life there. However, his chosen country for citizenship is the United States. As to his statement of allegiance to Sudan, he stated at the hearing that he was talking not about the government of Sudan but his family and friends in Sudan. Like any immigrant to the United States, he has a degree of affection for the land and people where he came from (Tr. 24-26).

Applicant presented letters from friends and co-workers attesting to his work ethic and character. The manager at his present employment states Applicant always displays excellent commitment to his work and is well regarded by his fellow employees (App. Ex. A, Letter, dated September 10, 2009). A fellow worker, who has known Applicant at two different companies, stated Applicant is always positive and up-beat. He keeps projects on track and is known as the person who is honest and truthful about the status of the projects. Applicant can always be counted on to exhibit a positive and happy attitude (App. Ex. B, Letter, undated). Another co-worker notes that Applicant displays a high degree of integrity, responsibility, and determination. He is always respectful to management and his co-workers. He is known as a dependable team player who uses sound judgment to arrive at logical and practical solutions to problems (App. Ex. C, Letter, dated September 7, 2009). Applicant is recommended by all three for a position of public trust.

Sudan was administered jointly by Egypt and Britain for a number of years, with Britain assuming management control and policy formulation in the late 1880s. In February 1953, Britain and Egypt concluded an agreement that assured self government and self determination for Sudan. Since gaining its independence, Sudan has endured continuous wars within its borders. Most of its civil strife is rooted in deep cultural and religious differences that have stunted the economic and political development of its non-Muslim peoples in the south and west of Sudan. Northerners who have controlled the country since independence have pursued uniting policies based on Arabism and Islam over the opposition of southerners and marginalized peoples in the south, east and west regions. Sudan has one of the most diverse populations in all of Africa, comprised mainly of two groups designated as Arabs and Black Africans/Christians, with hundreds of ethnic and tribal subdivisions and languages. This diverse population mix presents major challenges to collaborative efforts of government.

The Islam Army Faction group in Sudan mounted a military coup and installed the National Islamic Front. The commitment of this government to Islamism intensified regional conflicts. Sudan became less responsive to the grievances of populations outside of their northern political base. The government continued its internal political

repression against non-Muslim groups and added its support to Islamist groups in Algeria, and to Iraq's invasion of Kuwait.

Regional efforts to broker a cessation of the Sudanese civil war between the north and south/west provinces of the country were numerous throughout the 1990s. Implementation of key provisions of the peace agreement failed to materialize. With the collapse of the peace agreement, rebellion in the Darfur region of Sudan ensued, resulting in the deaths of tens of thousands of Darfur's inhabitants and mass internal displacement of two million persons in Sudan. The Sudanese government is complicit and bears principal responsibility in the bombing, murder, and rape of innocent civilians in the Darfur region.

Sudan was designated a state sponsor of terrorism by the U.S. State Department in August 1983, and remains on the State Department's list of State sponsors of terrorism. Sudan is under a broad U.S. embargo, and is subject to the Treasury Department's extensive trade restrictions on exports and re-exports to this country. These restrictions were eased, but not removed. Sudan's human rights abuses are cited as proof that the country poses an unusual continued threat to the national security and foreign policy of the United States.

Sudan today is governed under a power-sharing arrangement established in January 2005. This arrangement established an interim government of national unity, dominated by Islamists from the north. Human rights abuses continue to be a serious problem in Sudan. The State Department's report on human rights in the Sudan paints a grim picture. Sporadic violence continues to occur in the south. The government bears ultimate responsibility for extraordinary human rights abuses that have exploded on all fronts: rape, violence, hunger, displacement and looting. Human rights abuses include harsh prison conditions, arbitrary arrest and detention, including incommunicado detention of suspected government opponents and prolonged pre-trial detention, executive interference with the judiciary, denial of due process, widespread prostitution, trafficking in persons, and harassment of journalists and religious groups.

In recent years, Sudan became a cooperative partner in global counterterrorism efforts with the United States and other countries. In the past year, the Sudanese government continued to pursue terrorist operations directly involving threats to United States interests and personnel in Sudan. Sudanese officials have indicated that they view their continued cooperation with the United States as important and recognize the benefits of United States training and information sharing. Though the counterterrorism relationship remains solid, some hard-line Sudanese officials continued to express resentment and distrust over actions by the United States and questioned the benefits of the bilateral cooperation. Their assessment reflected disappointment that Sudan's counterterrorism cooperation has not resulted in its removal from the State Sponsors of Terrorism list. Nonetheless, there was no indication that the Sudanese government will curtail its counterterrorism cooperation with the United States (See, Hearing Exhibit 1, United States State Department Document on Sudan).

Saudi Arabia is a monarchy-ruled Middle East country. There are no political parties or elections. There are significant human rights problems. The religious police harass and abuse individuals to comply with religious actions and customs. However, Saudi Arabia and the United States share a common concern over regional security. The United States' relationship with Saudi Arabia was strained after September 11, 2001, because the overwhelming majority of terrorists were from Saudi Arabia. There have been other terrorist attacks against United States citizens since 2001. This required the State Department to issue a travel warning for Saudi Arabia because of the terrorist activities targeted against American citizens and interests. Saudi Arabia believes in fighting terrorism in its own country, and has taken steps to curtail terrorist and terror plans within its borders. It has had some successes (See Hearing Exhibit II. Background notes, Saudi Arabia, dated June 2007 and Saudi Arabia Country Report on Human Rights Practices, 2006).

Policies

Positions designated as ADP I and ADP II are classified as "sensitive positions." (See Regulation ¶¶ C3.1.2.1.1.7 and C3.1.2.1.2.3.) "The standard that must be met for assignment to sensitive duties is that, based on all available information, the person's loyalty, reliability, and trustworthiness are such that . . ." assigning the person to sensitive duties is clearly consistent with the interests of national security." (See Regulation ¶ C6.1.1.1.) The Deputy Under Secretary of Defense (Counterintelligence and Security) Memorandum, dated November 19, 2004, indicates trustworthiness adjudications will apply to cases forwarded to DOHA by the Defense Security Service and Office of Personnel Management. Department of Defense contractor personnel are afforded the right to the procedures contained in the Directive before any final unfavorable access determination may be made. (See Regulation ¶ C8.2.1.)

When evaluating an applicant's suitability for a public trust position, the administrative judge must consider the disqualifying and mitigating conditions in the AG. 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 overarching adjudicative goal is a fair, impartial and commonsense decision. According to AG ¶ 2(c), the entire process is a conscientious scrutiny of a number of variables known as the "whole person concept." The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision.

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that "[a]ny doubt concerning personnel being considered for access to [sensitive] 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, an 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 trustworthiness decision.

A person who seeks access to sensitive 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 sensitive information. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to protect or safeguard sensitive information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of sensitive information.

Analysis

Guideline B: Foreign Influence

Foreign contacts and interests may be a security concern if the individual has divided loyalties of foreign financial interests, 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 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 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 has frequent and extensive contact with his parents and siblings in Sudan. He talks to his parents weekly, and tries to visit Sudan every few years. He sends his parents funds monthly to assist them. He admits he and his family have a close relationship. He also admits to a close relationship with his brother, who is a citizen of Sudan but resides in Saudi Arabia. His contact with his family is extensive and raises security concerns under Foreign Influence Disqualifying Conditions (FI DC) AG ¶ 7(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 to raise the above disqualifying conditions. The nature of Applicant’s contact with his family in Sudan and Saudi Arabia 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 compared to some normally existing risk that can be inherent anytime a family member lives subject to a foreign

government. One factor that heightens the risk in Applicant's case is the extensive human rights abuses, terrorist activity, and on-going tribal conflict in Sudan.

Applicant raised facts to mitigate the security concerns for his family in Sudan and Saudi Arabia. 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 interests 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 create 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 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. There was no 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 United States interest.

The nature of the human rights abuses, terrorist threats, and conflicts in Sudan places a heavy burden on Applicant in mitigating the disqualifying conditions and the security concerns. Applicant's relationship with his family is close. He talks to his parents weekly and sends them funds to assist in their support. He tries to visit the family in Sudan every few years. His wife talks to her family frequently, and he talks to them when he can. His relationships with his family in Sudan is close and not casual so 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 conflict and threat of terrorism in Sudan. Accordingly, FI MC AG ¶ 8(a) and FI MC AG ¶ 8(c) do not apply.

Applicant has little, if any, sense of loyalty to Sudan and none to Saudi Arabia. His only contact with Saudi Arabia is his brother's presence in that country working for a United State company. He spent his early years in Sudan until he graduated from college. He came to this country because he could not find meaningful employment in his chosen field in Sudan. He refused to join certain organizations in college that were affiliated with the government that would ensure him government employment in his chosen field. He came to this country with his wife for freedom and an opportunity to better his life. He became a United States citizen as soon as he could, and has been successful as a computer programmer. He sees the United States as offering him

freedom, justice, and tolerance with an opportunity to reach his potential. While he provided funds to assist his parents, he sent the funds as a dutiful son and not to assist the government of Sudan or any terrorist element in the country. His visits back to Sudan were in the ordinary course of visiting family. Applicant's sense of loyalty or obligation is not to Sudan or terrorists 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 contact with his family in Sudan and Saudi Arabia does not cause a security concern. I conclude Applicant has mitigated security concerns rising from his contact with his family in Sudan and his brother in Saudi Arabia.

Guideline C, 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). The principal goal of the Foreign Preference assessment is to determine the risk, based on foreign associations, that information may be compromised if access to sensitive information is approved. It is not a measure of Applicant's loyalty to the United States.

Sudan considers Applicant to be a Sudanese citizen because he was born and raised in Sudan. Applicant came to the United States as a Sudanese citizen on a Sudanese passport to find employment and better his life. When he became a United States citizen in 2005, he retained his Sudanese passport, which expired in 2006. He kept it because it was his habit to keep old documents and he could use the passport to establish he was from Sudan and receive a discount when he applied for a visa to enter Sudan. He did send to Sudanese officials a copy of the passport this year to receive a discount on a visa for his most recent visit to Sudan. His possession of the Sudanese 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).

In response to this disqualifying condition, 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 has denounced his citizenship with Sudan and his only citizenship is with the United States. He still possesses his old passport but it is not current or valid. It cannot be used as a document to receive a current Sudanese passport. The Sudanese passport is invalid, and not held by Applicant to enable him to enter or leave any country. Applicant has, therefore, mitigated security concerns for access to classified information raised by possession of a Sudanese 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 access to sensitive information must be an overall commonsense 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 determination concerning Applicant's eligibility for access to sensitive information. Applicant has a close relationship with his family in Sudan. There is extensive terrorist activity in Sudan and it is an area in which major terrorist organizations operate. 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 an evaluation of the overall facts and circumstances of the family ties.

Applicant has established his strong loyalties to the United States. He also established he has no real loyalty to Sudan or to any terrorist organization or activity operating in Sudan. His loyalty to the United States counters the fact his family members are citizens and residents of Sudan and Saudi Arabia. Overall, on balance, the record evidence leaves me without questions or doubts as to Applicant's eligibility and suitability for a trustworthiness position. Applicant's connections to Sudan or Saudi Arabia do not create a heightened risk related to national security. For all these reasons, I conclude Applicant has met the heavy burden of mitigating all potential security concerns arising from his family in Sudan and Saudi Arabia, as well as his possession of his expired Sudanese passport. Accordingly, I find that Applicant has mitigated the security concerns arising from foreign influence and foreign preference. He should be granted access to sensitive information.

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 B:	FOR APPLICANT
Subparagraph 1.a:	For Applicant
Subparagraph 1.b:	For Applicant
Subparagraph 1.c:	For Applicant
Subparagraph 1.d:	For Applicant
Subparagraph 1.e:	For Applicant
Paragraph 2, Guideline C:	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 position of public trust. Eligibility for access to sensitive information is granted.

THOMAS M. CREAN
Administrative Judge