



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



In the matter of:)
)
) ISCR Case No. 09-04308
)
)
Applicant for Security Clearance)

Appearances

For Government: Gregg A. Cervi, Esq., Department Counsel
For Applicant: Joseph Testan, Esq.

April 21, 2011

Decision

HENRY, Mary E., Administrative Judge:

Based upon a review of the pleadings, exhibits, and testimony, Applicant's eligibility for access to classified information is granted.

Statement of the Case

Applicant signed an Electronic Questionnaire for Investigations Processing (e-QIP) version of a security clearance application (SF-86) on February 23, 2009. The Defense Office of Hearings and Appeals (DOHA) issued Applicant a Statement of Reasons (SOR) on August 6, 2010, detailing security concerns under Guideline B, Foreign Influence, and Guideline C, Foreign Preference, that provided the basis for its preliminary decision to deny him a security clearance. 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 *Adjudicative Guidelines For Determining Eligibility for Access to Classified Information* (AG) implemented on September 1, 2006.

Applicant received the SOR on August 11, 2010. He answered the SOR in writing on August 16, 2010. Applicant requested a hearing before an administrative judge and retained counsel. DOHA received the request, and Department Counsel was prepared to proceed on November 8, 2010. This case was originally assigned to another administrative judge, but for workload reasons, I received the case assignment on January 3, 2011. DOHA issued a notice of hearing on January 6, 2011 for a hearing on January 25, 2011. I cancelled the hearing on January 21, 2011. DOHA issued a second notice of hearing on January 28, 2011, and I convened the hearing as scheduled on February 15, 2011. The Government offered exhibits marked as GE 1 through 4, which were received and admitted into evidence without objection. Applicant testified. He submitted exhibits marked as AE A through G, which were received and admitted into evidence without objection. DOHA received the transcript of the hearing (Tr.) on February 24, 2011. I held the record open until March 2, 2011, for Applicant to submit additional matters. Applicant timely submitted AE H, without objection. The record closed on March 2, 2011.

Procedural and Evidentiary Rulings

Notice

Applicant received the hearing notice on February 4, 2011, less than 15 days before the hearing. (Tr. 7) I advised Applicant of his right under ¶ E3.1.8 of the Directive to receive the notice 15 days before the hearing. After consulting with counsel, Applicant affirmatively waived his right to the 15-day notice. (*Id.*)

Request for Administrative Notice

Department Counsel and Applicant's counsel submitted a formal request that I take administrative notice of certain facts relating to Colombia. The request and the attached documents were not admitted into evidence, but were included in the record as Hearing Exhibits 1A-1E and 2A. The facts administratively noticed will be limited to matters of general knowledge and matters not subject to reasonable dispute, and are set out in the Findings of Fact below.

Findings of Fact

In his Answer to the SOR, Applicant admitted the factual allegations in ¶¶ 1.a, 1.b, 2.a-2.c, and 2.e-2.l of the SOR with explanations. His admissions are incorporated herein as findings of fact. He denied the factual allegations in ¶ 2.d of the SOR. After a complete and thorough review of the evidence of record, I make the following additional findings of fact.

Applicant, who is 34 years old, works as computer consultant with a Department of Defense contractor. He began working for his employer five years ago. His production manager and general manager describe him as a highly skilled, responsible, honest, and trustworthy software engineer, who has displayed the highest regards for company proprietary information and designs. Coworkers and friends also describe him as an excellent worker, whom they trust. All believe he has a strong allegiance to the United States.¹

Applicant was born and raised in Colombia, South America. His parents, two sisters,² grandmothers, aunts, uncles, and cousins are residents and citizens of Colombia. His one brother is a citizen of Colombia, but a legal resident of the United States and is married to an American-born woman. He communicates by e-mail or telephone on a daily basis with his parents and siblings in Colombia. He also communicates regularly with his extended Colombian family members. His wife communicates with her parents on a daily basis and other family members on a regular basis.³

Applicant graduated from high school in Colombia. After high school graduation, he completed one-year of mandatory military service for Colombian citizens. He enrolled in a Colombian university in 1995 and graduated in 1999 with a bachelor of science degree in electrical engineering. He immigrated to the United States in 1999 and became a U.S. citizen in December 2008. After arriving in the United States, he attended a U.S. university and received a certification in management and administration in December 2004.⁴

Applicant married his first wife, a U.S. and Colombian citizen, in Colombia in September 1999. They divorced in Colombia in 2003, even though they were living in the United States. They obtained their divorce in Colombia because they married in Colombia. Later, he obtained an annulment of the marriage through the Catholic Church. He married his second wife in 2007 in the United States. She was born and raised in Colombia. She has her resident alien card (green card) and intends to become a U.S. citizen when she is eligible in approximately 18 months. They have a son, who was born in the United States and is nine months old. They have not taken any steps to make him a Colombian citizen. His wife does not work. Applicant's father-in-law and mother-in-law are citizens and residents of Colombia. His wife's brother is a citizen and resident of Colombia.⁵

¹AE G.

²One sister lived in Spain, but has returned to live in Colombia. Response to SOR; GE 1, GE 3.

³Response to SOR; Tr. 28-29, 63.

⁴GE 1; GE 3; Tr. 20-23.

⁵GE 1; GE 3; Tr. 23-24, 53-58.

Applicant's family members and his wife's family members do not work for the Colombian government. They are not members of the Colombian military, although his brother served his mandatory one-year military duty 20 years ago. Applicant's father is an economist, who worked in the family insurance business until he retired around 2002. After he retired, a friend, the Colombian ambassador to Spain, asked Applicant's father to work at the embassy in Spain. His father accepted the position and worked as the second highest ranking official in the Colombian embassy in Spain for two years. His father left this position in 2004. His father now works and resides on a ranch he owns in Colombia. His father has no current connections with the Colombian government. Except for an aunt, who is a school teacher, all other family members work in private industry. Likewise, his friends work in private industry.⁶

Since arriving in the United States, Applicant has traveled frequently to Colombia to visit family and friends. He travels two or more times a year to Colombia. He sees his family members on each trip and his friends at Christmas time.⁷

Before he became a U.S. citizen, Applicant always traveled on his Colombian passport. Applicant traveled to Colombia in August 2009, his first trip after becoming a U.S. citizen. He took his U.S. passport. When he arrived in Colombia, a customs official advised him that it would be easier to enter and exit Colombia if he had a Colombian passport. He spoke with his sister, a lawyer in Colombia, about the passport. She researched the issue and advised him that under Colombian law, he was required to enter and exit Colombia on a Colombian passport because he was still considered a Colombian citizen, even though he had become a U.S. citizen. He obtained a Colombian passport before he returned to the United States in August 2009. He indicated on his e-QIP that he had dual citizenship with Colombia.⁸

For over a year, Applicant continued to use his Colombian passport to enter and leave Colombia. He understood from his facility security officer (FSO) and the investigator that he would need to give up his Colombian passport when he received his permanent security clearance. He also understood that using his Colombian passport while he held an interim security clearance was not an issue. When he learned that his dual citizenship with Colombia and his Colombian passport presented a problem for obtaining a security clearance, he decided to give up both. His FSO destroyed his Colombian passport on October 8, 2010, and he formally renounced his Colombian citizenship on November 15, 2010.⁹ When he travels to Colombia, he shows his renunciation papers and has no problem entering Colombia on his U.S. passport.¹⁰

⁶GE 3; Tr. 26-30.

⁷Tr. 57-58.

⁸HE 1b; GE 3; Tr. 33-35.

⁹AE E; AE F

¹⁰GE 3; Tr. 35-39.

When he was a young child, Applicant's parents opened a bank account for him. This bank account remains in his name, and he continues to keep funds in the account. The funds come from his properties in Colombia. By having this account in Colombia, he has easier access to money when visiting Colombia. The account has between \$2,500 and \$4,000 at any given time.¹¹

Applicant owns several properties in Colombia. He and his wife own a vacation home worth \$60,000. He owns 40% and his mother owns 60% of a house valued at \$40,000. He, a cousin, and a friend own equal shares of a commercial property valued at \$60,000. Until recently, he owned equal shares of a vacation suite with his sister and a friend valued at \$50,000. He transferred his interest in this property to his sister. The value of his property interests in Colombia totals \$66,000. He does not have any mortgages on these properties. He pays taxes on these properties to the Colombian government. His wife owns a house with her mother. He has no interest in this property.¹²

Applicant and his wife own a house in the United States, which he values at \$650,000, a bank account valued at \$30,000, a car valued at \$14,000, and stocks valued at \$12,500. He and his wife have a mortgage on their house in the amount of \$524,000 and a \$12,000 car loan. He owns separately a car valued at \$14,000, a lot valued at \$4,000, and a 401(k) account valued at \$47,000. He has a \$12,000 loan on his car. His net assets in the United States are valued at approximately \$223,500. Applicant pays property and other required taxes in the United States.¹³

Applicant has an account with a brokerage firm in Colombia. His account in Colombia can be and is traded in the world stock markets. He or any American can invest funds through his brokerage firm, but all must use a Colombian broker. His accounts with this firm are valued at approximately \$6,500.¹⁴

Applicant described Colombia as a safe country. In the last eight years, Colombia has changed. It is a major tourist destination. When he grew up, Colombia was a dangerous place because of the drug lords and terrorists. His family would not travel in the countryside, as they were afraid of being kidnaped. He acknowledged that there are still some terrorist activities and kidnappings in the jungle area of the countryside, which is nine hours from where his family lives.¹⁵

¹¹GE 3; GE 4; Tr. 30, 60-61. Applicant provided a copy of his Colombian bank statement, which is calculated in Colombian pesos. GE 4; Tr. 68.

¹²GE 2; Tr. 31-32, 58-62.

¹³GE 2; AE A; AE B; Tr. 32, 61.

¹⁴AE I; Tr. 32-33, 52-63.

¹⁵Tr. 45-46, 70-71.

When asked what he would do if someone tried to pressure him to reveal classified information, he indicated he would call the FBI. He also stated that if he was pressured about his property in Colombia, he would tell the person trying pressure him to take his property in Colombia.¹⁶

Applicant does not provide financial support to his family. His immediate and extended family are financially able to provide for themselves.¹⁷

Colombia

Colombia is a constitutional, multiparty democracy with extensive strategic ties to the United States. Colombian citizens enjoy rights similar to U.S. citizens. International observers described the May 2006 elections as free and fair, despite efforts by terrorist groups to interfere in the election process. Colombia is a free market economy with major commercial and investment ties to the United States.

In the past, Colombia had significant internal problems because of the powerful drug cartels. With strong support from the United States, the drug cartel problems have been reduced. The citizens of Colombia and other countries face serious threats from terrorist and paramilitary organizations within Colombia, but not the Colombian government. The United States is fully committed to supporting the Colombian government in its efforts to defeat Colombian-based Foreign Terrorist Organizations. In recent years, Colombia has expanded its role as a regional leader in counter-terrorism.

The Colombian government cooperates with United States and international organizations on human rights issues. Despite this fact, arrests of suspected terrorists and paramilitary can lead to human rights violations for these detainees. In Colombia, human rights violations are often committed, not by the government, but by terrorist organizations. In response to these problems, the Colombian government successfully improved human rights and security issues, for example a reduction in massacres and kidnaping, through effective law enforcement supported by an active judiciary. Again, through effective judicial decisions, the prosecutors successfully investigated and prosecuted links between politicians and paramilitary groups.

Policies

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

¹⁶*Id.* 29, 32.

¹⁷GE 3.

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 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.

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. . . ." An applicant has the ultimate burden of persuasion for 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 an 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, then he or she may be prone to provide information or make decisions that are harmful to the interests of the United States."

Under the potential disqualifying conditions described in AG ¶ 10, the following conditions could raise a security concern and may be disqualifying in this case:

(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; and

(2) military service or a willingness to bear arms for a foreign country.

Applicant emigrated from Colombia to the United States in 1999. He traveled on his Colombian passport. After he became a U.S. citizen, he retained dual citizenship with Colombia. As a continuing citizen of Colombia, he continued to travel into and out of Colombia on his Colombian passport. He acknowledged dual citizenship with Colombia when completing his security clearance application. A security concern has been raised in disqualifying condition AG ¶ 10(a)(1). However, because Applicant served in the Colombian military as a young man and prior to becoming a U.S. citizen, AG ¶(a) (2) does not apply.

AG ¶ 11 provides conditions that could mitigate security concerns. I have considered mitigating factors AG ¶ ¶ 11(a) through 11(f), and especially the following:

(b) the individual has expressed a willingness to renounce dual citizenship;

(c) exercise of the rights, privileges, or obligations of foreign citizenship occurred before the individual became a U.S. citizen or when the individual was a minor; and

(e) the passport has been destroyed, surrendered to the cognizant security authority, or otherwise invalidated.

Applicant mitigated the Foreign Preference concerns about use of his passport. Applicant lives in the United States and intends to continue living in the United States. His FSO destroyed his Colombian passport in October 2010, and Applicant formally renounced his Colombian citizenship in November 2010. There is no evidence that he has exercised any other rights of Colombian citizenship or received any benefits from the Colombian government. He owns property and other assets in the United States. He has shown a preference for the United States. Guideline C is found for Applicant.

Guideline B, Foreign Influence

The security concern relating to the guideline for Foreign Influence is set out in AG ¶ 6:

Foreign contacts and interests may be a security concern if the individual has divided loyalties or foreign financial interests, may be manipulated or induced to help a foreign person, group, organization, or government in a way that is not in U.S. interests, or is vulnerable to pressure or coercion by any foreign interest. Adjudication under this Guideline can and should consider the identity of the foreign country in which the foreign contact or financial interest is located, including, but not limited to, such considerations as whether the foreign country is known to target United States citizens to obtain protected information and/or is associated with a risk of terrorism.

Under the potential disqualifying conditions described in AG ¶ 7, the following conditions could raise a security concern and may be disqualifying in this case:

- (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;
- (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;
- (d) sharing living quarters with a person or persons, regardless of citizenship status, if that relationship creates a heightened risk of foreign inducement, manipulation, pressure, or coercion; and
- (e) a substantial business, financial, or property interest in a foreign country, or in any foreign-owned or foreign-operated business, which could subject the individual to heightened risk of foreign influence or exploitation.

Applicant became a U.S. citizen in December 2008. His wife is a citizen of Colombia, but resides with him in the United States. She plans on becoming a U.S. citizen when she is eligible. His infant son was born in the United States and is not a citizen of Colombia. His brother is a permanent U.S. resident and is married to a U. S. citizen. His brother lives in the United States. Thus, these relationships are not a security concern. However, Applicant's parents, sisters, and in-laws are citizens and residents of Colombia. Applicant and his wife communicate daily with their parents and siblings. They maintain a normal familial relationship with these family members. He

also communicates with his aunts, uncles, and cousins on an intermittent basis and sees these relatives when he visits Colombia. He maintains regular contact with three friends who are residents and citizens of Colombia. He does not provide financial support to his family members in Colombia. He travels to Colombia at least twice a year to visit with family and friends. His family relationships and wife's family contacts are not *per se* a reason to deny Applicant a security clearance, but he and his wife's contacts with family members must be considered in deciding whether to grant Applicant a clearance. The Government must establish that these family relationships create a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion or would create a potential conflict of interest between his obligations to protect sensitive information and his desire to help his family members.

In determining if a heightened risk exists, I must look at Applicant and his wife's relationship and contacts with family members as well as the activities of the government of Colombia and terrorists organizations in Colombia. See ISCR Case No. 07-05809 (App. Bd. May 27, 2008). The risk that an Applicant could be targeted for manipulation or induced into compromising classified information is real, not theoretical. Under the new guidelines, 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. interests. In determining if Applicant and his wife's contacts in Colombia cause security concerns, I considered that Colombia and the United States have a close relationship, are allies in the fight against terrorism, and the citizens of Colombia enjoy basic freedoms similar to U.S. citizens. There is no evidence that the Colombian government targets U.S. citizens for protected information. The human rights issues in Colombia arise from the terrorist organizations and paramilitary groups, not the Colombian government. Because of the activities of terrorist organizations and paramilitary groups in Colombia, Applicant's relationship and contacts with his parents, siblings, and friends, as well as his wife's relationship with her parents and brother in Colombia raise a heightened risk concern under AG ¶¶ 7(a), (b), (d), (e).

Applicant owns shares of three properties in Colombia. He also has a bank account and a stock account in Colombia. His investments are worth over \$70,000. These assets are substantial and raise a heightened security concern under AG ¶ 7(e).

In deciding if Applicant has established mitigation under AG ¶ 8, I have considered mitigating factors AG ¶ 8(a) through 8(f), and especially the following:

(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.;

(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. interests; and

(f) the value or routine nature of the foreign business, financial, or property interests is such that they are unlikely to result in a conflict and could not be used effectively to influence, manipulate, or pressure the individual.

Applicant's normal relationship with his family members is not a basis to deny him a security clearance; however, his burden of persuasion on mitigation requires the consideration of all the evidence of record to determine if it is "clearly consistent with the interests of national security" to grant him a clearance. See ISCR Case No. 07-02485 (App. Bd. May 9, 2008). Applicant's parents, siblings, and in-laws work in private industry and not for the Colombian government or military. For two years, Applicant's father served in the Colombian embassy in Spain. Outside of these two years, Applicant's father has not been associated with the Colombian government. His other family members have never held a political position in Colombia. His family members have never been arrested or imprisoned. Applicant's family has not been targeted by the Colombia government or terrorists. Colombia is a strong ally of the United States and has a free market economy. With the help of the United States, the Colombian government successfully reduced the power of the drug cartels and restored safety and peace in Colombia. Terrorists groups remain somewhat active in the jungle areas of Colombia, a long distance from the homes of Applicant's family. His closest family members are residents of the United States. Applicant is close to his family in Colombia as shown by his daily contacts with them and his frequent trips to Colombia to visit them. Colombia is the regional leader in anti-terrorism activities. Should anyone try to pressure him, Applicant would call the FBI. Balancing these all the factors and the lack of evidence that Colombia targets U.S. citizens for protected information, I find that Applicant would resolve any conflict in favor of the U.S. interests. His loyalties are to the United States, not Colombia.

Concerning his financial interest, while Applicant has substantial investments in Colombia, his financial investments in the United States are more than twice what he has in Colombia. Should anyone attempt to use his properties to pressure him into revealing classified information, he would give them the property before he would reveal classified information. Overall, Applicant has provided sufficient evidence to mitigate the government's security concerns as to his family contacts specified in SOR ¶ 2 under AG ¶¶ 8(a), (b), and (f).

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 an 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 commonsense judgment based upon careful consideration of the guidelines and the whole-person concept. The decision to grant or deny a security clearance requires a careful weighing of all relevant factors, both favorable and unfavorable. In so doing, an administrative judge must review all the evidence of record, not a single item in isolation, to determine if a security concern is established and then whether it is mitigated. A determination of an applicant's eligibility for a security clearance should not be made as punishment for specific past conduct, but on a reasonable and careful evaluation of all the evidence of record to decide if a nexus exists between established facts and a legitimate security concern.

Applicant has close ties to his family in Colombia. He remains in daily contact with his parents and siblings, and his wife does the same with her parents and brother. In the years since he left Colombia, Applicant has acquired property in Colombia with family members and in the United States with his wife. His strong attachment to his family and his financial ties in Colombia are balanced with his closest family members living in the United States, his financial ties in the United States, and the close relationship between the Colombian government and the U.S. government. Given his family is not involved in governmental politics in Colombia and they live many hours from where terrorist activity takes place, there is little likelihood that terrorist would be able to pressure Applicant through his family members. He would call the FBI and give up his Colombian property before he would reveal classified information. The Colombian government does not target Americans for information. Rather, it works with the United States on terrorism. Applicant's family ties and assets in Colombia are not a security concern.

After he became a U.S. citizen, Applicant continued to remain a citizen of Colombia as he had not formally renounced his Colombian citizenship. Under Colombian law, he is required to use a Colombian passport to enter and exit Colombia if he is a Colombian citizen. Thus, he followed the legal requirements of Colombia when he entered and exited Colombia on his Colombian passport after becoming a U.S. citizen. When he realized his Colombian citizen impacted his ability to obtain a security clearance, he renounced his Colombian citizenship and destroyed his Colombian passport. By so doing, he has shown a clear allegiance to the United States. With his renunciation papers, he has no problems entering and exiting Colombia on his U.S. passport.

Overall, 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 mitigated the security concerns arising under the guidelines for foreign preference and foreign influence.

Formal Findings

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

Paragraph 1, Guideline C:	FOR APPLICANT
Subparagraph 1.a:	For Applicant
Subparagraph 1.b:	For Applicant
Paragraph 2, Guideline B:	FOR APPLICANT
Subparagraph 2.a-2.l:	For Applicant

Conclusion

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

MARY E. HENRY
Administrative Judge