



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



In the matter of:)	
)	
)	ISCR Case No. 09-04996
SSN:)	
)	
Applicant for Security Clearance)	

Appearances

For Government: Francisco Mendez, Esquire, Department Counsel
For Applicant: Alexei M. Silverman, Esq.

April 6, 2010

Decision

HOGAN, Erin C., Administrative Judge:

Applicant submitted a Questionnaire for Sensitive Positions, (SF 86), on December 4, 2008. On October 9, 2009, the Defense Office of Hearings and Appeals (DOHA) issued a Statement of Reasons (SOR) detailing the security concerns under Guideline B, Foreign Influence, and Guideline C, Foreign Preference, for Applicant. 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 (AG) effective within the Department of Defense for SORs issued after September 1, 2006.

On October 17, 2009, Applicant answered the SOR and requested a hearing before an administrative judge. Department Counsel was prepared to proceed on December 15, 2009. The case was assigned to me on December 16, 2009. On January 7, 2010, a Notice of Hearing was issued scheduling the hearing for February 3, 2010. On January 30, 2010, the hearing was cancelled. On February 17, 2010, a notice was sent out rescheduling the hearing for March 9, 2010. The hearing was held on that date. The Government offered Government Exhibits (Gov) 1 - 5, which were admitted without objection. The

Government requested that administrative notice be taken of one document with 16 attachments. The document was marked as Administrative Notice Document I (Admin Not I) without objection. Applicant testified and submitted nine exhibits which were admitted as Applicant Exhibits (AE) A - I without objection. DOHA received the transcript (Tr.) of hearing on March 17, 2010. Based upon a review of the case file, pleadings, exhibits, and testimony, eligibility for access to classified information is granted.

Procedural Issue

On January 21, 2010, Applicant's counsel moved to continue the hearing scheduled for February 3, 2010 until late February or March 2010 because he intended to call an expert witness on Iran and the Middle East. The expert was not available on the date of the hearing. The Motion for Continuance is marked as Hearing Exhibit (HE) I. On January 21, 2010, Department Counsel submitted a response objecting to the continuance and opposing the testimony of the expert witness. (HE II) On January 22, 2010, Applicant's counsel submitted a reply to the Department Counsel's opposition to the Motion for Continuance and provided a copy of the expert's curriculum vitae. (HE III) On January 22, 2010, I granted the Motion for Continuance and the hearing was rescheduled for March 9, 2010.

Administrative Notice

Iran is a theocratic Islamic republic. The United States has not had diplomatic relations with Iran since April 7, 1980. The U.S. Department of State has set forth concerns of the United States with Iran's policies as: (1) Iran's efforts to acquire nuclear weapons and other weapons of mass destruction; (2) Iran's support for and involvement in international terrorism; (3) Iran's support for violent opposition to the Middle East peace process; and (4) Iran's dismal human rights record. (Admin Not 1, Doc I at 8-9; Doc V at 19-21) The United States has designated Iran as a state sponsor of terrorism. (Admin Not 1, Doc VI; Doc VII)

The Iranian government has also sought to illegally obtain U.S. military equipment and other sensitive technology. (Admin Not 1, Doc XIII; Doc XIV; Doc XV; Doc XVI)

The government of Iran's human rights abuses against the Iranian people include summary executions, lack of fair public trials, disappearances, torture, arbitrary arrest and detention, political prisoners and detainees, severe restrictions on freedom of religion, discrimination against women, and severe restrictions on civil liberties including speech, press, assembly, association, movement and privacy. (Admin Not 1, Doc IX; Doc X)

The U.S. State Department continues to warn U.S. citizens and U.S.-Iranian dual citizens to consider carefully the risks of travel to Iran. Some

elements of the Iranian regime remain hostile to the U.S. and U.S. citizens. U.S.-Iranian dual citizens may be subject to harassment or arrest while residing in Iran. In 2009, Iranian authorities prevented a number of Iranian-American citizens who travelled to Iran for personal or professional reasons from leaving, in some cases for several months. Because the U.S. government does not have diplomatic or consular relations with Iran, it cannot provide protection or routine consular services to American citizens in Iran. The Swiss government, acting through its Embassy in Tehran, serves as a protecting power for U.S. interests in Iran. However, the Iranian government does not recognize dual citizenship and will not allow the Swiss government to provide protective services for U.S. citizens who are also Iranian nationals. Iranian born, naturalized U.S. citizens, and the children of such persons, are considered solely Iranian citizens by Iranian authorities, and have been detained and harassed by Iranian authorities. (Admin Not 1, Doc III; see also Docs IX; X; XI; XII)

Findings of Fact

In his Answer to the SOR, Applicant admitted to all the SOR allegations.

Applicant is a 50-year-old software developer employed with a Department of Defense contractor. He has worked for the same employer since February 2008. He has worked as a contractor for various federal agencies since 1988. He was granted a Secret security clearance in 1998 and 2002. (Tr. 36 - 38; Gov 2, #18; Gov 3, #26A; Gov 5) He disclosed that he possessed a valid Iranian passport on a security clearance application dated May 8, 1996. This apparently did not raise a security concern in a previous investigation. (Gov 1, question 15)

Applicant was born and raised in Iran. In 1977, he immigrated to the United States. When he first arrived, he attended a language school to improve his English. He then became a full-time student at a U.S. university. In 1983, he graduated from a U.S. university earning a bachelor's degree in chemistry. In 1985, he was awarded a master's degree in chemical engineering from another U.S. university. He has worked for various U.S. companies since 1985. (Tr. 36-38; Gov 4; AE A)

Applicant became a U.S. citizen in 1990. In 1993, he married a woman who was born and raised in the United States. They have a nine-year-old son. They divorced in September 2007. Applicant's ex-wife has primary custody of their son. They live in the same metropolitan area where Applicant resides. (Tr at 36, 68)

Applicant's brother and sister are dual citizens of Iran and the United States. They have lived as permanent residents in the United States for years. They both became U.S. citizens in 1998. They live in the same metropolitan area where Applicant lives. Applicant contacts his brother and sister on average of a couple times a week by phone, e-mail, and in person. They both work in the

information technology career field. Neither has traveled to Iran within the past ten years. (Tr. 29-30, 41-42, 63; Gov 3, section 14-15; Gov 4 at 24)

Applicant's parents are dual citizens of Iran and the United States. His father is 83. His father earned his bachelors and masters degrees at U.S. universities in the 1940s. After graduating, he returned to Iran and worked as a petroleum chemical engineer for the Iranian National Oil Company. He retired in 1979 as a deputy managing director of an Iranian oil firm, just before the cultural revolution. Appellant's mother is 83 and a homemaker. His parents moved to the United States in the early 1980s. His father became a U.S. citizen in 1999. His mother became a U.S. citizen in 2001. His parents reside part of the year in the United States and part of the year in Iran. They live with Applicant about ninety percent of the time when they are in the United States. The other ten percent of the time, they live with Applicant's brother or sister. They usually spend three months in the United States and then three months in Iran. They live in Iran approximately six months out the year. They own their own home in Iran. When his parents are in Iran, Applicant speaks with them a couple of times a week by phone or e-mail. His parents are currently in Iran and will return to the United States in May 2010. (Tr. 30-35, 48, 60, 65; Gov 4 at 24)

Applicant has traveled to Iran on two occasions. In 1996, he traveled to Iran out of curiosity. He had not been there for close to 20 years and wanted to see how life had changed. He stayed at his parents' house and they traveled to various tourist sites in Iran. In 1999, he and his then-wife traveled to Iran because his wife wanted to see where he grew up and learn more about Iranian culture. The 1999 trip was the last time he traveled to Iran. He used his Iranian passport when he traveled to Iran on these two trips. (Tr. 45-47, 63; Gov 4 at 23)

Applicant possessed a valid Iranian passport with an expiration date of October 2012. He renewed his Iranian passport every five to ten years. He maintained his Iranian passport in order to visit family. The government of Iran requires Iranian citizens to travel on their Iranian passport. He was not aware of the security issues with possessing an Iranian passport. He is willing to renounce his Iranian citizenship. On January 15, 2010, he destroyed his valid Iranian passport in the presence of his facility security officer. He does not intend to apply for an Iranian passport in the future. He is not interested in Iranian politics and has no allegiance to the Iranian government. His main ties are to the United States. (Tr. 42-43, 57; Gov 4 at 23-24; AE B)

Applicant has extended relatives who are citizens of, and reside, in Iran. He has had no contact with his extended relatives since his visit in 1999. He keeps in touch with a childhood friend who is a dual citizen of the United States and Iran, who resides in Iran. They call each other on their birthdays. (Tr. 36, 52)

Applicant owns a home in the United States. All of his investments are in the United States. His net worth is approximately \$600,000. (Tr at 54-55; Gov 4

at 7; AE D) He runs marathons in his spare time. His goal is to run a marathon in all 50 states. So far, he has run marathons in 23 states. (Tr. 56)

Dr. N. testified as an expert on Iranian and Middle Eastern Affairs. Dr. N. was born in Iran. He immigrated to the United States in 1976 to pursue graduate school. He intended to return to Iran once he graduated. In 1979, after the fundamentalist revolution, he decided to remain in the United States. He became a U.S. citizen 12 years ago. He was awarded a PhD in International-Intercultural Studies at a university located in the southeastern part of the United States. From 2008-2009, he served as an advisor to CENTCOM on cultural-political issues related to Iran and its neighbors. He has an active Top Secret security clearance. He has also consulted on Middle Eastern affairs with the U.S. intelligence community, the U.S. military, and several media organizations. Dr. N. is a full-time professor at a local university. His area of research and study includes sociology, religion, and Middle Eastern studies. He has over 30 years of research and teaching experience in political, cultural, and security issues of the Middle East with a concentration on Iran. (Tr. 80-90; see AE E)

Dr. N. testified that the Iranian government is the most nefarious regime in the world. They are an enemy to their own people as evidenced by the uprising in Iran over the past seven months when young people took to the streets to oppose the regime. Iran's animosity towards the U.S. is well known. In his profession, Dr. N. looks at trends of the behavior of the Iranian regime. Based on trends, Iran has been involved in acts of terrorism in their own country and in the Middle Eastern region including Lebanon, Gaza, Iraq, Afghanistan. The Iranian government has acted against former Iranian nationals in Europe. There is only one known case where the Iranian government has acted against former Iranian nationals in the United States. Iran is not actively involved in acts of terrorism in the United States. (Tr. 95 – 97)

Dr. N. states that there is a tremendous respect for elderly people in Iranian culture. It is rare that the Iranian government would bother elderly people. He admits that there are cases where the Iranian government has gone against elderly political activists. Two days before the hearing, the Iranian government detained the greatest Iranian poetess, who is 82, at the airport because she intended to participate in a women's conference in Europe. He also believes the Iranian government treats Iranian-Americans they have detained with better care than Iranian nationals. He gives the example of Roxanna Saberi, a Iranian American journalist who was detained by the Iranian government and was ultimately released after pressure from the U.S. State Department. (Tr. 99-107, 116-118)

Dr. N. believes it is unlikely that the Iranian government would target Applicant's parents. They are not politically active. They have been able to travel freely back and forth to the United States for years. He admits to having no inside

information from the Iranian government verifying this. His conclusions are based on trends. (Tr. 120 – 124)

Dr. N. agrees that, in the past, Iranian authorities have prevented a number of American citizens, who traveled to Iran for personal reasons, from leaving. He agrees that Iran has sought to illegally obtain U.S. military equipment and other sensitive technology. He agrees the Iranian government has provided aid, including weapons, training, and funding, to Hamas and other Palestinian terrorist groups, Hezbollah in Lebanon, Iraq-based militants, and Taliban fighters in Afghanistan. He agrees that Iran's judiciary systematically jails dissidents, intimidates members of parliament, and shuts down newspapers. (Tr. 124 - 129) Dr. N. agrees that thousands of non-prominent individuals are currently jailed in Iran. (Tr. 134)

Applicant's supervisor has worked with Applicant since 2004. He has been his direct supervisor for over a year. He describes Applicant as "organized, efficient, and an extremely hard worker." He also considers Applicant a friend that he can rely on and trust. He highly recommends Applicant's security clearance be renewed. (AE C at 3)

The director of the department where Applicant works has worked with Applicant for five years on various software projects. He attests to Applicant's work ethic and character. He states Applicant is "hard-working, professional, and a very level-headed contractor employee." (AE C at 10)

Applicant's task order manager has worked with Applicant since February 2008 in multiple capacities. He states Applicant has always displayed a high degree of integrity and responsibility. He is reliable and dependable. Applicant is a valuable member of the organization. (AE C at 11)

The deputy task order manager has worked with Applicant on a daily basis for over a year. He states Applicant displays the highest degree of integrity and responsibility. His conduct is above reproach. Applicant is well-liked and respected by all. He adapts readily to change and takes the lead in emergency or short suspense projects. Applicant is a role model in the office who is regularly sought out for his technical knowledge and advice. He is described as a "natural leader" who routinely exceeds expected standards. (AE C at 1)

The military lead in the office where Applicant works supports Applicant's security clearance. He has known Applicant for five years. For the past two years, Applicant has supported his team's work supporting DoD weapon system developmental testing. Applicant has been instrumental in the team's efforts at achieving success. He hopes Applicant will continue to be a part of his team. (AE C at 2)

One of Applicant's coworkers testified during the hearing. He has worked with Applicant since 2004. He and Applicant work together on a daily basis. Applicant's coworker deals with the engineering issues. Applicant deals with the software issues. Applicant plays a lead role and has handled his responsibilities adequately. (Tr. 69-78) Several of Applicant's personal friends and coworkers have also written letters attesting to his integrity, good character, and trustworthiness. (AE C at 4 -10)

Policies

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines (AG). In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which must be used when 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 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, 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 to obtain 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 safeguard classified information. Such decisions entail a

certain degree of legally permissible extrapolation of 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

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 foreign influence the SOR alleges Applicant's parents are dual citizens of the United States and Iran who reside in Iran for approximately half the year. Applicant's visits to Iran in 1996 and 1999 are also alleged under foreign influence. The guideline notes several disqualifying conditions that could raise security concerns. Of the Foreign Influence Disqualifying Conditions (FI DC), the following apply to Applicant's case.

FI DC ¶ 7(a) (*contact with a 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 ¶ 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*).

Both disqualifying conditions 7(a) and 7(b) apply because Applicant's parents maintain their Iranian citizenship and reside in Iran, a country that is

clearly hostile to the U.S., for a substantial part of the year, The Iranian government has committed serious human rights abuses against its people. Although the Iranian government has not harassed Applicant's parents in the past, the fact that they reside in Iran for approximately half of the year creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion. It also creates a potential conflict of interest for Applicant regarding his obligation to protect sensitive information or technology and the likelihood that he may desire to help his parents by providing that information.

I find SOR ¶ 1(c) for Applicant. The fact that he traveled to Iran in 1996 and 1999 does not raise security concerns under foreign influence. It is a factor that can be considered when considering Applicant's ties to his family members in Iran or may be potentially relevant under foreign preference issues but does not raise a guideline B concern on its own.

The guideline also includes conditions that could mitigate security concerns arising from Foreign Influence. I find the following Foreign Influence Mitigating Conditions (FI MC) potentially apply to Applicant's case.

FI MC ¶ 8(a) (*the nature of the relationship with foreign persons, the country in which these persons are located, or the position 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 ¶ 8(b) (*there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, group, or 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 ¶ 8(c) (*contact or communication with foreign citizens is so casual and infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation*).

Family contacts and ties with persons in a foreign country are not automatically disqualifying but require the applicant to present evidence in mitigation and extenuation that he qualifies for a security clearance. Iran's hostile relationship with the United States and the country's poor human rights record place "a heavy burden of persuasion on applicant to show his family members do not pose a security risk. (See, ISCR Case No. 04-11463 at 4 (App. Bd. Aug 4, 2006).

FI MC ¶¶ 8(a) and 8(c) do not apply because Applicant is close to his parents. When his parents reside in the United States, they reside with Applicant for ninety percent of the time. He calls them regularly when they are living in Iran.

His relationship with his parents cannot be considered casual and infrequent. There is a heightened risk that Applicant can be exploited when Applicant's parents reside in Iran because of the nature of the Iranian government and Iran's hostile relationship with the United States. Applicant could potentially be forced to choose between the interests of his parents or the interests of the United States.

For FI MC ¶ 8(b) to apply, it must be determined "there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, group, government, or country 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." The first prong of FI MC ¶ 8(b) does not apply because while I find Applicant does not have a sense of loyalty or obligation to the Iranian government or country, he has a strong sense of obligation to his parents.

I find Applicant meets the second prong of FI MC ¶ 8(b). He has lived in the United States since 1977. He earned his undergraduate and master's degrees at U.S. universities. He married a U.S. citizen. Now divorced, he and his ex-wife have a nine-year-old son who was born and raised in the United States. His brother and sister also immigrated to the United States in the late 1980s. They are U.S. citizens and live and work in the United States.

Applicant held a security clearance in the past with no security incidents. His superiors, co-workers, and friends attest to his integrity and work ethic. While Applicant's parents live in Iran for a substantial part of the year, they have never been targeted by the Iranian authorities. Both parents are elderly. His mother is a homemaker. His father, an former executive in the Iranian oil industry, retired in the late 1970s. Neither parent is involved in Iranian politics or dissident organizations located in Iran or the United States.

During the 33 years Applicant has lived in the United States, he has traveled to Iran only twice. He traveled to Iran in 1996 because he was curious to see the country and was told the environment was changing. He traveled to Iran in 1999 because his wife wanted to see the place where he grew up. He has not traveled to Iran in over 11 years. He has no intention of traveling to Iran in the future. The destruction of his Iranian passport demonstrates Applicant's willingness to resolve a potential conflict of interest in favor of the United States. The fact that Applicant's parents reside in Iran for a substantial part of the year creates a security risk. I have not taken this factor lightly. However, Applicant has deep and longstanding ties and loyalties in the United States. For this reason AG ¶ 8(b) applies.

Applicant's deep and longstanding relationships and loyalties in the U.S. outweigh any potential for conflict related to Applicant's parents' residence in Iran for approximately half the year. Foreign Influence security concerns are mitigated.

Guideline C – Foreign Preference

The security concern relating to the guideline for Foreign Preference is set out in AG ¶9:

When 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.

The guideline notes several disqualifying conditions that could raise security concerns. Foreign Preference Disqualifying Condition (FP DC)10(a) (*exercise of any right, privilege or obligation of foreign citizenship after becoming a U.S. citizen or through foreign citizenship of a family member. This includes but is not limited to: (1) possession of a current foreign passport*) applies. Applicant exercised his Iranian citizenship after becoming a U.S. citizen in 1990 by maintaining and using a valid Iranian passport. He used his Iranian passport when he traveled to Iran in 1996 and 1999.

The guideline also includes examples of conditions that could mitigate security concerns arising from Foreign Preference. The following Foreign Preference Mitigating Conditions (FI MC) apply:

FP MC ¶ 11(b) (*the individual has expressed a willingness to renounce dual citizenship*) applies because Applicant expressed a willingness to renounce his Iranian citizenship.

FP MC ¶ 11(e) (*the passport has been destroyed, surrendered to the cognizant security authority, or otherwise invalidated*) applies because Applicant destroyed his valid Iranian passport in the presence of his facility security officer on January 15, 2010.

Applicant mitigated the Foreign Preference concerns. Guideline C is found for Applicant.

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 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 considered the totality of Applicant's family ties to Iran, a country that is hostile to the U.S., and the heavy burden an applicant carries when he has family members in a hostile country. I considered that Applicant is a highly regarded software engineer who has lived in the U.S. for over 33 of his 50 years. He became a U.S. citizen in 1990. He has not traveled to Iran in over 11 years. He has no intent to travel to Iran in the future. He destroyed his valid Iranian passport. His nine-year-old son was born in the United States and lives in the same metropolitan area where Applicant resides. Applicant's brother and sister also immigrated to the United States and are U.S. citizens. They live in the same metropolitan area where Applicant resides. Neither has traveled to Iran in over 10 years. All of Applicant's assets are located in the U.S. He has held a security clearance with no security incidents within the past ten years. His superiors, peers, and coworkers comment favorably about his integrity, character, and work ethic. The fact that Applicant's parents reside part of the year in Iran raises a potential security threat due to the very nature of familial relationships and the reputation of the current Iranian government. However, Applicant's significant ties to the U.S. outweigh the security threat. His deep and longstanding relationships and loyalties in the U.S. strongly support the premise that Applicant would resolve any attempt to exert pressure, coercion, exploitation, or duress in favor of the U.S.

Guideline B is a security concern that affects applicants through no fault of their own. The current nature of the Iranian government and the hostile relationship between Iran and the U.S. make it a substantial burden to mitigate the concerns raised under foreign influence. In Applicant's case, his significant personal relationships and contacts within the U.S. outweigh the concerns raised by his parents' dual citizenship and residence in Iran for part of the year. Overall, the record evidence leaves no questions or doubts about Applicant's eligibility and suitability for a security clearance. Foreign Influence security concerns are mitigated.

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
Paragraph 1, Guideline C:	FOR APPLICANT
Subparagraph 2a:	For Applicant
Subparagraph 2.b:	For Applicant
Subparagraph 2.c:	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.

ERIN C. HOGAN
Administrative Judge