



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



In the matter of:)
)
) ISCR Case No. 09-05224
)
Applicant for Security Clearance)

Appearances

For Government: Alison O’Connell, Esq., Department Counsel
For Applicant: *Pro se*

September 30, 2011

Decision

COACHER, Robert E., Administrative Judge:

Applicant mitigated Foreign Influence security concerns but failed to mitigate Personal Conduct security concerns. Eligibility for access to classified information is denied.

Statement of the Case

On January 5, 2011, the Defense Office of Hearings and Appeals (DOHA) issued Applicant a Statement of Reasons (SOR) detailing security concerns under Guideline B, Foreign Influence, and Guideline E, Personal Conduct. DOHA acted under Executive Order (EO) 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 on September 1, 2006.

Applicant answered the SOR on January 26, 2011, and requested a hearing before an administrative judge. The case was assigned to me on April 18, 2011. DOHA issued a notice of hearing on May 31, 2011, and the hearing was convened as

scheduled on June 29, 2011. DOHA received the transcript of the hearing (Tr.) on July 11, 2011.

Procedural and Evidentiary Rulings

Request for Administrative Notice

Department Counsel submitted a written request that I take administrative notice of certain facts about Afghanistan and Pakistan. There was no objection from Applicant and the request was approved. The request and the attached documents were not admitted into evidence but were included in the record as Hearing Exhibit (HE) I and Ia. The facts administratively noticed are set out in the Findings of Fact, below.¹

Evidence

The Government offered Exhibits (GE) 1 through 4, which were admitted into evidence without objection. Department Counsel's exhibit index is marked as HE II. Applicant testified and offered Exhibits (AE) A and B, which were admitted without objection. The record was held open for Applicant to submit additional information. Applicant submitted AE C, which was admitted into evidence without objection. Department Counsel's post-hearing memorandum is marked HE III.

Findings of Fact

Applicant is a 42-year-old employee of a defense contractor. He is seeking to obtain a security clearance for the first time. He was born in Afghanistan. He left Afghanistan in 1987 when his whole family moved to Pakistan. He married in 1994. His wife is a naturalized U.S. citizen. He has three children, ages 11, 7, and 5, who were born in the United States.²

Applicant's parents moved the family to Pakistan in 1987 so the children could avoid military service. The family stayed in Pakistan for three years before coming to the United States. Applicant first entered the United States illegally, but was granted political asylum in 1989. He was naturalized in 1995. He obtained his college degree in 2004. Since November 2010, he has served as a language advisor for a defense contractor. He deployed in this capacity to Afghanistan from November 2010 through May 2011.³

The SOR alleged Applicant had several relatives with connections to Afghanistan, either through citizenship or residency. Applicant provided documentation that his sister is currently a citizen of Germany. She is a housewife and he has only

¹ Tr. at 13-14.

² Tr. at 6-7, 35-36, 38-39; GE 1.

³ Tr. at 35-40; GE 1.

monthly contact with her. Applicant's father-in-law and mother-in-law both reside in the United States. His mother-in-law became a U.S. citizen and received a U.S. passport in June 2011. His father-in-law's citizenship is pending. They have no affiliation with the Afghanistan government. Applicant has monthly contact with them.⁴

Applicant had five sisters-in-law who were citizens of Afghanistan and who resided in Pakistan. Three no longer live in Pakistan, two moved to the Netherlands and the third moved to England. None of them are affiliated with the Afghanistan or Pakistan governments. Applicant has contact with these sisters-in-law about once a year. He also has a sister-in-law who is an Afghanistan citizen and also resides there. She is a housewife, not affiliated with the Afghanistan government. He has contact with this sister-in-law about once every five years. He also has a brother-in-law who is a citizen of Afghanistan and a resident of France. He is a salesman and has no affiliation with the Afghanistan government. Applicant's last contact with this brother-in-law was over one year ago.⁵

Applicant applied for a linguist position with another federal agency in 2002. He was denied a position because he failed the language test. In 2008, Applicant reapplied for a federal linguist position. This time he was interviewed for a position and a counter intelligence (CI) screening questionnaire was completed from his interview answers on December 11, 2008. During his interview, he disclosed that he sent money to his parents-in-law, who were living in Pakistan at the time, using the Hawala⁶ system. He admitted to sending approximately \$150-\$200 six times a year between 2003 and 2004. He also disclosed that he loaned his brother-in-law, who lives in France, \$25,000 to assist him with his business. Additionally, he disclosed during the interview that he had five sisters-in-law who, at the time, were citizens of Afghanistan and resided in Pakistan as well as one sister-in-law who was a citizen and resident of Afghanistan. These disclosures were then documented on Applicant's CI screening questionnaire dated December 11, 2008. Applicant was not selected for a linguist position in 2008. He believed he was put on some kind of "hold" position until his security clearance was approved.⁷

Applicant went through a subsequent interview and resulting CI screening questionnaire that was completed on September 27, 2010.⁸ During this process, he failed to disclose his financial assistance to his parents-in-law in 2003-2004, he failed to

⁴ Tr. at 25, 55; GE 4; AE C.

⁵ Tr. at 56-63; GE 4; AE C.

⁶ Hawala is defined as: an underground banking system based on trust whereby money can be made available internationally without actually moving it or leaving a record of the transaction. *Dictionary.com*.

⁷ Tr. at 40-49; GE 4.

⁸ Both CI screening questionnaires dated December 11, 2008, and September 27, 2010, contained the same substantive questions and were numbered in the same manner.

disclose the \$25,000 loan to his brother-in-law, and he failed to disclose the six sisters-in-law described above. The interviewer for the September 2010 interview noted in the CI screening package the discrepancies Applicant made from his December 2008 interview concerning the Hawala payments to his in-laws and the loan to his brother-in-law.⁹

Applicant explained the differences in his two interviews and follow-up CI screening questionnaires by stating that he was only interviewed for 20 minutes during the September 2010 interview and was not specifically asked about Hawala or about a loan to his brother-in-law so he did not bring up the subjects. He went on to say the first interview (December 2008) was more extensive and lasted much longer, approximately two hours. However, the CI screening documents do not support Applicant's assertion. According to the interviewer of the December 2008 interview, the interview started at 1135 hrs and ended at 1300 hrs, for a total interview time of one hour and twenty-five minutes. According to the interviewer of the September 2010 interview, the interview started at 1200 hrs and ended at 1330 hours, for a total interview time of one hour and thirty minutes. The second interview was actually longer than the first one.¹⁰

Applicant first explained the failure to not list his six sisters-in-law in his answer to the SOR by stating he was told by his security officer he did not need to list his sisters-in-law. However, when Department Counsel pointed out that he did list some sisters-in-law during his September 2010 interview, Applicant changed his testimony to state that he now remembered he was told he did not have to list any sisters-in-law from his wife's side of the family. I do not find Applicant's testimony credible.¹¹

Two officers, who served with Applicant in Afghanistan, provided character letters on his behalf. The letters describe him as taking part in over 100 combat missions, incurring significant personal danger during those missions. He performed his translator duties in a reliable and effective manner. It was noted by one officer that Applicant was frequently exposed to sensitive critical information during missions and from all accounts he maintained close guard over that information. Both officers expressed their trust in Applicant.¹²

Afghanistan¹³

Afghanistan is located in Southwestern Asia and borders Pakistan, Iran, Russia, and other countries. It has been an independent nation since 1919, after the British relinquished control. A monarchy ruled from 1919 until a military coup in 1973. Following a Soviet-supported coup in 1978, a Marxist government emerged. In 1979,

⁹ GE 3, 4.

¹⁰ Tr. at 46, 65; GE 3 (see p. 000), GE 4 (noted as p. 37, but it is the first page of the exhibit).

¹¹ Tr. at 50-51; Applicant's answer to SOR.

¹² AE A-B.

¹³ HE I.

Soviet forces invaded and occupied Afghanistan. A resistance movement eventually led to an agreement known as the Geneva Accords, signed by Afghanistan, Pakistan, the United States, and the Soviet Union, which ensured Soviet forces withdrew by February 1989. The resistance party was not part of the Accords and refused to accept it. A civil war ensued after the Soviet withdrawal. In the mid-1990s, the Taliban rose to power largely due to anarchy and the existence of warlords. The Taliban sought to impose extreme interpretation of Islam and committed massive human right violations. The Taliban also provided sanctuary to Osama Bin-Laden, Al Qaida, and other terrorist organizations.

After the September 11, 2001, terrorist attacks, demands to expel Bin-Laden and his followers were rejected by the Taliban. U.S. forces and a coalition partnership commenced military operations in October 2001 that forced the Taliban out of power in November 2001. The new democratic government took power in 2004 after a popular election. Despite that election, terrorists including Al-Qaida and the Taliban continue to assert power and intimidation within the country. Safety and security are key issues, because these terrorists target United States and Afghan interests by suicide operations, bombings, assassinations, carjacking, assaults, and hostage taking. At this time, the risk of terrorist activity remains extremely high. The country's human rights record remains poor and violence is rampant.

Civilians continue to bear the brunt of the violence and increased attacks. Despite the loss of some key leaders, insurgents have adjusted their tactics to maintain momentum following the arrival of additional U.S. forces. It is suspected that the Taliban was most likely responsible for suppressing voter turnout in the August 2009 elections in key parts of the country. The Taliban's expansion of influence in northern Afghanistan since late 2007 has made the insurgency a country-wide threat. Over 5,000 people died within the last year as a result of the insurgency.

Afghan leaders continue to face the eroding effect of official corruption and drug trade. Criminal networks and narcotics constitute a source of funding for the insurgency in Afghanistan. Other insurgent groups and anti-coalition organizations also operate in Afghanistan. Insurgents have targeted Non-Government Organizations, journalists, government workers, and United Nation workers. Instability along the Pakistan-Afghan frontier continued to provide Al-Qaida leadership with mobility and the ability to conduct training and operational planning, targeting Western European and U.S. interests. The United States Department of State has declared that the security threat to all American citizens in Afghanistan remains critical as no part of the country is immune to violence.

Pakistan¹⁴

Pakistan is a parliamentary federal republic with a population of more than 167 million people. After September 11, 2001, Pakistan supported the United States and an international coalition in Operation Enduring Freedom to remove the Taliban from power. Despite this support, members of the Taliban are known to be in the Federally

¹⁴ HE Ia.

Administered Tribal Areas (FATA) of Pakistan and in the Balochistan Province, which borders Iran and Afghanistan. The leader of the Taliban operates openly in Pakistan, as do extremists from the Pakistani Taliban and Al Qaida. Taliban financing has been traced from Pakistan to Afghanistan, allowing the insurgency in Afghanistan to strengthen its military and technical capabilities. Pakistan has intensified its counterinsurgency efforts, but its record for dealing with militants has been mixed.

The U.S. Department of State has defined several areas of Pakistan to be terrorist safe havens. The security situation in Afghanistan worsened in 2008, driven in part by insurgent access to safe havens in western Pakistan through the porous Afghan-Pakistan border. In early 2009, the FATA in Pakistan continued to provide vital sanctuary to Al Qaida and a number of foreign and Pakistan-based extremist groups. Al-Qaida exploits the permissive operating environment to support the Afghan insurgency, while also planning attacks against the United States and Western interests in Pakistan and worldwide. Together with the Afghan Taliban and other extremists groups, Al Qaida uses this sanctuary to train and recruit operatives, plan and prepare regional and transnational attacks, disseminate propaganda, and obtain equipment and supplies. Al Qaida and its extremists have waged a campaign of destabilizing suicide attacks throughout Pakistan. The attacks targeted high-profile government, military, and western-related sites. Nearly 1,000 individuals were killed in 2008 due to such attacks. In the last three months of 2009, terrorists based in Pakistan conducted at least 40 suicide terrorist attacks in major cities of Pakistan and killed about 600 Pakistani civilians and security force personnel.

The U.S. State Department warns U.S. citizens of the risks of traveling to Pakistan in light of terrorist activity. Since 2007, several American citizens present in Pakistan have been kidnapped for ransom or other personal reasons. The human rights situation in Pakistan remains poor. Extrajudicial killings, torture, and disappearances occur. Arbitrary arrests, governmental and police corruption is widespread, and the Pakistani government maintains several domestic intelligence agencies to monitor politicians, political activists, suspected terrorists, the media, and suspected foreign intelligence agents. Credible reports indicate that authorities use wiretaps and monitor mail without the requisite court approval, and also monitor phones and electronic messages. In addition, Pakistan continues to develop its own nuclear infrastructure, expand nuclear weapon stockpiles, and seek more advanced warhead and delivery systems. In the aftermath of Pakistan's development of nuclear weapons, the United States cut off military aid to Pakistan for several years.

After September 11, 2001, Pakistan pledged its alliance with the United States in counterterrorism methods. Pakistan committed to elimination of terrorist camps on the Pakistan-Afghanistan border and subsequently sent thousands of troops and sustained hundreds of casualties in this effort. Overall, Pakistan has intensified its counterinsurgency efforts, and demonstrated determination and persistence in combating militants. The United States is engaging in a substantial effort to bolster Pakistan's military forces and security. In 2003, President Bush announced that the United States would provide Pakistan with \$3 billion in economic and military aid over the next five years beginning in 2005. On May 1, 2011, U.S. Special Forces personnel

raided a large Al-Qaida compound located in Pakistan where they found and killed Osama bin Laden, the leader of Al-Qaida. He was found in a residential neighborhood in Pakistan.

Policies

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

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, administrative judges apply the guidelines 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 the 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 EO 10865 provides that adverse 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 for Foreign Influence is set out in AG ¶ 7 as follows:

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.

The guideline notes several conditions that could raise security concerns under AG ¶ 7. Two are potentially applicable 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; and
- (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.

Applicant sister and mother-in-law no longer have any affiliations with Afghanistan. Neither AG ¶¶ 7(a) nor 7(b) applies to them. His father-in-law, six sisters-in-law, and a brother-in-law have affiliations with Afghanistan and two sisters-in-law still live in Pakistan. Both Afghanistan and Pakistan have human rights issues, and they have been victimized by insurgencies and terrorism. The connection Applicant's family members have with Afghanistan and Pakistan creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion. It also creates a potential conflict of interest. AG ¶¶ 7(a) and 7(b) have been raised by the evidence.

Conditions that could mitigate Foreign Influence security concerns are provided under AG ¶ 8. The following are potentially applicable:

- (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.; and

(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.

Applicant has been in the United States since 1989, and he has been a U.S. citizen since 1995. His wife and children are U.S. citizens. His parents-in-law both reside in the United States, one is currently a citizen and the other is seeking citizenship. Of his six sisters-in-law of concern, only one currently resides in Afghanistan. She is a housewife with no affiliation with the Afghanistan government. His brother-in-law is also not a resident of Afghanistan. Two of his sisters-in-law live in Pakistan, but he has limited contact with them and they have no affiliation with the government. It is unlikely that Applicant would be put in a position of having to choose between the interests of his in-laws and the interests of the United States. AG ¶ 8(a) is applicable.

Applicant served the Afghanistan mission at from late 2010 into May 2011. He served on combat missions. He made a significant contribution to the war effort. He was trusted by military commanders to translate vital information and provide invaluable cultural insight. He also had access to sensitive information and protected it. The Appeal Board has stated that such testimony, standing alone, is of limited value, unless there is record evidence that the applicant has acted in a similar manner in the past in comparable circumstances, or that the applicant has a previous track record of complying with security regulations and procedures in the context of dangerous, high-risk circumstances in which he or she made a significant contribution to the national security.¹⁵ In ISCR Case No. 05-03846 at 6 (App. Bd. Nov. 14, 2006), the Appeal Board discussed this issue:

As a general rule, Judges are not required to assign an applicant's prior history of complying with security procedures and regulations significant probative value for the purposes of refuting, mitigating, or extenuating the security concerns raised by that applicant's more immediate disqualifying conduct or circumstances. See, e.g., ISCR Case No. 01-03357 at 4 (App. Bd. Dec. 13, 2005); ISCR Case No. 02-10113 at 5 (App. Bd. Mar. 25, 2005); ISCR Case No. 03-10955 at 2-3 (App. Bd. May 30, 2006). However, the Board has recognized an exception to that general rule in Guideline B cases, where the applicant has established by credible, independent evidence that his compliance with security procedures and regulations occurred in the context of dangerous, high-risk circumstances in which the applicant had made a significant contribution to the national security. See, e.g., ISCR Case No. 04-12363 at 2 (App. Bd. July 14,

¹⁵ ISCR Case 07-06030 at 3-4 (App. Bd. June 19, 2008).

2006). The presence of such circumstances can give credibility to an applicant's assertion that he can be relied upon to recognize, resist, and report a foreign power's attempts at coercion or exploitation.

I find Applicant has such deep and longstanding relationships and loyalties in America that he can be expected to resolve any potential conflict of interest in favor of the United States. AG ¶ 8(b) is applicable.

GUIDELINE E, PERSONAL CONDUCT

AG ¶ 15 expresses the security concern for personal conduct:

Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness and ability to protect classified information. Of special interest is any failure to provide truthful and candid answers during the security clearance process or any other failure to cooperate with the security clearance process.

AG ¶ 16 describes conditions that could raise a security concern and may be disqualifying in this case. The following disqualifying condition is potentially applicable:

(b) deliberately providing false or misleading information concerning relevant facts to an employer, investigator, security official, competent medical authority, or other official government representative.

Applicant failed to provide relevant information during his September 2010 interview with an investigator. He failed to provide information that he previously provided during a security interview. Not coincidentally, that earlier disclosed information was considered when Applicant was not given the position. Therefore, Applicant must have concluded that he was in a better position to get a security clearance if he did not disclose the information concerning his use of the Hawala system to give money to his in-laws, his loan to his brother-in-law, and his sisters-in-law. Moreover, Applicant's explanation for not listing the information was not credible. AG ¶ 16(b) applies.

The guideline also includes conditions that could mitigate security concerns arising from personal conduct. I have considered all of the mitigating conditions under AG ¶ 17 and considered the following as potentially applicable:

(c) the offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment.

Applicant's nondisclosure of relevant information sought in the course of his application to be a linguist is not a minor offense, nor infrequent. Despite the statements

attesting to Applicant's good character, he has established a pattern of deceitful behavior by providing information during his CI screening process that casts doubt on his reliability, trustworthiness, and good judgment. AG ¶ 17(c) does not apply.

Whole-Person Concept

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

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

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall 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 have incorporated my comments under Guideline B and Guideline E in my whole-person analysis. Some of the factors in AG ¶ 2(a) were addressed under those guidelines, but some warrant additional comment.

I considered Applicant's favorable character evidence and service in Afghanistan. I also considered the totality of Applicant's family ties to Afghanistan. Guideline B is not limited to countries hostile to the United States. "The United States has a compelling interest in protecting and safeguarding classified information from any person, organization, or country that is not authorized to have access to it, regardless of whether that person, organization, or country has interests inimical to those of the United States."¹⁶ The distinctions between friendly and unfriendly governments must be made with caution. Relations between nations can shift, sometimes dramatically and unexpectedly. Furthermore, friendly nations can have profound disagreements with the United States over matters they view as important to their vital interests or national security. Finally, we know friendly nations have engaged in espionage against the United States, especially in the economic, scientific, and technical fields. The nature of a nation's government, its relationship with the United States, and its human rights record are relevant in assessing the likelihood that an applicant's family members are vulnerable to government coercion. The risk of coercion, persuasion, or duress is

¹⁶ ISCR Case No. 02-11570 at 5 (App. Bd. May 19, 2004).

significantly greater if the foreign country has an authoritarian government, a family member is associated with or dependent upon the government, the country is known to conduct intelligence operations against the United States, or the foreign country is associated with a risk of terrorism.

Applicant is a loyal U.S. citizen who has worked overseas under dangerous conditions in support of the national defense. However, he also deliberately failed to provide relevant information during his security screening process. He compounded that deception by providing explanations that are not logical or supported by the evidence. Therefore, although Applicant met his burden to mitigate the foreign influence concerns, he failed to mitigate the personal conduct concerns created by his deceptive nondisclosures.

Overall, the record evidence leaves me with questions and doubts about Applicant's eligibility and suitability for a security clearance. For all these reasons, I conclude although Applicant has mitigated the Foreign Influence security concerns, he has not mitigated the Personal Conduct security concerns.

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
Subparagraphs 1.a - 1.f:	For Applicant
Paragraph 2, Guideline E:	AGAINST APPLICANT
Subparagraphs 2.a - 2.c:	Against Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, it is not clearly consistent with the national interest to continue Applicant's eligibility for a security clearance. Eligibility for access to classified information is denied.

Robert E. Coacher
Administrative Judge