



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



In the matter of:)	
)	
-----)	ISCR Case No. 09-05670
SSN: -----)	
)	
Applicant for Security Clearance)	

Appearances

For Government: James F. Duffy, Esquire, Department Counsel
For Applicant: Kathleen Voelker, Esquire

October 28, 2010

Decision

MARSHALL, Jr., Arthur E., Administrative Judge:

On May 6, 2010, the Defense Office of Hearings and Appeals (DOHA) issued a Statement of Reasons (SOR) detailing security concerns under Guideline B (Foreign Influence). The action was taken under Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; Department of Defense (DOD) Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) effective within the DOD on September 1, 2006.

In his May 26, 2010, response to the SOR, Applicant admitted seven of the nine allegations raised under Guideline B and requested a hearing before an administrative judge. The case was assigned to me on August 4, 2010. Department Counsel and Applicant agreed to a September 14, 2010, hearing date. A Notice of Hearing was issued by DOHA on August 27, 2010, setting the hearing for that date.

The hearing took place as scheduled. Department Counsel submitted four exhibits (Ex.) which were accepted into the record as Exs. 1-4 without objection. I also accepted Department Counsel's memorandum requesting administrative notice of

certain facts related to India, and 15 attachments. They were accepted without objection as HE-1 and HE 1 (I-XV). Applicant was represented by counsel, introduced three witnesses, and gave testimony. He presented 28 documents, which were accepted into the record as Exs. A-BB without objection. The transcript (Tr.) was received on September 30, 2010, and the record was closed. Based upon a review of the case file, exhibits, and testimony, security clearance is granted.

Administrative Notice

The Government requested administrative notice of certain facts and materials regarding the Republic of India. I have reviewed HE 1 and its attachments (I-XV) in full, as well as Applicant's comments regarding those documents at Tr. 134-141. Regarding India, the following facts, in particular, are noted.

India is a sovereign, socialist, secular democratic republic. Since gaining independence in 1947, India has had a tumultuous history, particularly with regard to its relations with Pakistan. Within India, sporadic outbreaks of religious riots and violent attacks by a variety of separatists and terrorist groups have occurred. In 2008, terrorists coordinated attacks in Mumbai, targeting areas frequented by Westerners. The U.S. Department of State issued a travel alert warning U.S. citizens of ongoing security concerns in India and the possible threat of attacks on Westerners. That alert, however, was recently cancelled.¹

The Indian government generally respects the rights of its citizens, but serious problems have been reported regarding extrajudicial killings, disappearances, torture, and the use of vigorous antiterrorism legislation to justify the excessive use of force.² Individuals and entities within India have been cited for collecting industrial intelligence from sources in the United States with the goal of selling or transferring such intelligence to governmental and business entities within India.³ Despite past differences regarding India's nuclear weapons program, India's cooperation with Iran in some areas of policy, and the pace of India's efforts toward economic reform, the United States has actively sought to strengthen its relationship with India.⁴ The two countries are partners in the fight against global terrorism. India has demonstrated its commitment to political freedom. It is seeking a permanent seat on the United Nations Security Council. The United States and India recently issued a joint statement of their intentions to foster bilateral relations by establishing working groups to address strategic cooperation, energy and climate change, education, economics, trade, agriculture, science, technology, health, and innovation.

¹ See HE 1, Cover Memorandum, dated Sep. 14, 2010, at 2.

² U.S. Department of State, *Country Reports on Human Rights Practices - 2009, India*, dated Mar. 11, 2010.

³ HE 1, Cover Memorandum, *supra*, note 1, at 5-6.

⁴ See *also* Tr. 134-140.

Findings of Fact

Applicant is a 40-year-old information technology specialist who has worked for the same defense contractor since June 2010. He has worked on the same contract project for a longer period, but for another defense contractor. He recently accepted his present position in order to continue his work on that project.⁵ He is married and has two children.

In 1970, Applicant was born in India, where he was raised and educated. In 1991, he earned a bachelor's degree in computer science and engineering, then entered the information technology field. After working in India for a few years, and then spending one year working in Singapore, he sought employment in the United States in April 1996. He chose to immigrate to the United States, to which an elder sister had immigrated in about 1991, because of its promise of opportunities.

In 1997, Applicant visited India. It was one of the four trips he has taken to India since he immigrated to the United States.⁶ There, he married a physician from his region in August 1997. His wife joined him in the United States the following month. She then secured a work visa, pursued U.S. citizenship, took U.S. medical board examinations, and started a medical residency program that would continue until 2004.

In 2002, a year after Applicant and his wife had their first child, Applicant and his wife were granted permanent resident status. Throughout the mid-2000s, Applicant continued to work in information technology as his wife built her medical practice. In 2006, they had a second child. The couple was granted U.S. citizenship in 2008. In so doing, they renounced their Indian citizenship and had their Indian passports invalidated.⁷

Applicant's parents are residents of the United States.⁸ They immigrated to the United States in 1996.⁹ Applicant's mother, age 73, is a housewife. She remains a citizen of India. She is a permanent resident of the United States. She has not taken the U.S. citizenship test because she is unable to fluently read and write English.¹⁰ Applicant's father, age 77, is a retired factory quality assurance worker. He retired at

⁵ Tr. 78-80.

⁶ Tr. 92. Applicant's last trip to India was in 1992.

⁷ Tr. 60, 73.

⁸ SOR allegations 1.a-1.b incorrectly allege that they are citizens and residents of India.

⁹ Tr. 85.

¹⁰ *Id.*

age 60 from a manufacturing company controlled by the Indian government.¹¹ He does not maintain contact with any former colleagues.¹² He became a United States citizen in 2004. Applicant speaks with them by telephone about every two to three weeks.¹³ He provides them with no regular monetary support, although he has bought them airline tickets in the past.¹⁴ Currently, they are in India, where they were providing some help to another daughter.¹⁵ They were expected to return to the United States in late September 2010.¹⁶ They spend the majority of their time in the United States, near a daughter living in a state distant from Applicant. That daughter is a resident and citizen of the United States. She has been here since 1991. She has worked in the technology field for several years. She is married with one child.

Applicant's other sister is a citizen and resident of India. She entertains Applicant's parents when they visit. She is a school teacher and is married to a private sector sales representative who has never served in the Indian military. She has two children. Applicant last visited with her in person during his 2004 trip to India. They do not actively maintain a relationship.¹⁷ They have not spoken by telephone in at least three years and they do not correspond.¹⁸ Applicant has incidentally spoken by telephone with some of his sister's children when he has phoned his sister's home to speak with his visiting parents.¹⁹

Applicant's mother-in-law, a former school teacher, is deceased.²⁰ His father-in-law is a citizen and resident of India. He is retired, 77 years old, and in declining health. He lives with a son, age 46, who is a citizen and resident of India. Both men worked in the private sector. Neither has served in the Indian military. Applicant last saw his father-in-law in 2004, although his wife visited her ailing father in the hospital in 2009. She currently speaks with her father about his health by telephone about once a week.

¹¹ Tr. 121. Applicant does not know whether his father received or receives any benefits from the Indian government.

¹² Tr. 122.

¹³ Tr. 118.

¹⁴ Tr. 119. Whatever care they need is usually provided by Applicant's sister in the United States.

¹⁵ Tr. 88.

¹⁶ Tr. 89. Their delay was caused by Applicant's father's ill health and need for cardiac care.

¹⁷ Tr. 128-129.

¹⁸ Tr. 93.

¹⁹ Tr. 94.

²⁰ SOR allegation ¶ 1.d incorrectly alleges that Applicant's mother-in-law is a citizen and resident of India.

She provides him with no financial support.²¹ He does not receive benefits from the government of India.²² Applicant maintains infrequent contact with the man, although they spoke briefly by telephone in 2009, after Applicant's mother-in-law died.²³ Applicant maintains no contact with the brother-in-law with whom Applicant's father-in-law resides.²⁴

Applicant also has a brother-in-law who is a resident of India, residing in Australia.²⁵ He is a statistician. Applicant's sister-in-law living in Australia is a citizen of Singapore. Applicant does not maintain a relationship with these individuals and has had no contact with them in at least five years. Applicant's wife has telephonic contact with these siblings about once a month.²⁶ Applicant has never visited Australia, although he last visited Singapore in 2004 en route to India.²⁷ Applicant knows of no threats or potential threats against any of his family members.²⁸

Applicant owns a small home in India. Although he has not visited India since 2004, he continues to maintain the property, which he purchased in 2001 for about \$20,000. He bought it as a convenient place for family members or in-laws to stay when visiting India.²⁹ It is located in a quiet residential area near where he and his wife were raised. It is unaffected by instability and terrorism.³⁰ He has no personal attachment to the property.³¹ Applicant stayed there only once, in 2004. Because his family members live in a remote residential area of the region, there are no nearby hotels for visiting members to use. This small house, valued now at about \$25,000, serves that

²¹ Tr. 51, 61.

²² Tr. 61. Applicant's wife noted that India does not offer any benefits analogous to Social Security. This would apparently apply to Applicant's parents, as well.

²³ Tr. 96.

²⁴ Tr. 97.

²⁵ Tr. 98. SOR allegation ¶ 1.g incorrectly alleges that this brother-in-law resides in New Zealand.

²⁶ Tr. 54.

²⁷ Tr. 99.

²⁸ *Id.*

²⁹ Tr. 100. Applicant's family and his in-laws are from suburbs of the same, remote city. See Tr. 115.

³⁰ Tr. 114-115. Testimony regarding this region and state indicate they are not areas frequented by Westerners.

³¹ Tr. 101.

purpose.³² The closest hotels are 35 kilometers away, which, given suburban road conditions, can take over two hours to maneuver.³³

When no family members are present, Applicant's sister sometimes rents the house to others. After expenses, any profits are retained by Applicant's sister, who functionally manages the property.³⁴ She does so willingly, although she and Applicant, as noted above, do not communicate.³⁵ Applicant has contemplated selling the property, but to do so is a complicated process under Indian law. It would require him to take time off work to visit India in order to effectuate a sale.³⁶ He would be willing to sell it if its possession would bar his ability to maintain a security clearance.³⁷ The house is his only financial tie in India.

In the United States, Applicant earns approximately \$100,000 a year. He maintains superlative credit, earning a 971 out of 980 on the Experian Advantage Score system.³⁸ He owns a home currently valued at approximately \$245,000.³⁹ Not including automobiles, home furnishings, or any 401k savings with his current employer, Applicant's total assets in the United States are valued at approximately \$751,000. Liabilities, including the residential home's mortgage and a business taken loan for his wife's medical office, amount to about \$242,600, leaving a net worth of approximately \$508,300.⁴⁰ Applicant has two credit cards, on which he regularly pays off any balances owed. He has about \$10,000 in a special savings account for his children's in-state college education.⁴¹ Applicant and his wife expect to raise and educate their children in the United States. Applicant intends to retire with his wife in the United States. He has

³² Tr. 101. Applicant bought the property for about \$20,000.

³³ Tr. 116-117, 124.

³⁴ Tr. 103.

³⁵ See Tr. 128-129.

³⁶ Tr. 104.

³⁷ Tr. 104-105.

³⁸ Tr. 106.

³⁹ Tr. 107-108. Financing was managed through a \$220,000 mortgage.

⁴⁰ Ex. M (Assets worksheet); Tr. 109-113..

⁴¹ Tr. 109.

no intention to move to India, or any other country, to live.⁴² He has no current plans to visit India in the future.⁴³

Applicant and his family are active within their community. Applicant and his family regularly attend a local house of worship, where Applicant sometimes acts as a substitute teacher for children's religion classes.⁴⁴ They are also active in local sports leagues. For nearly five years, Applicant's son has studied piano with an individual who has since become a family friend.⁴⁵ His younger child is in public preschool. His wife is active with the local school system, both as a professional and as a mother. She is also active with local branches of professional medical organizations. At work, Applicant is a valued employee. A long-term colleague recommended Applicant for his current position.⁴⁶

Policies

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the AG. In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are required in evaluating an applicant's eligibility for access to classified information. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with the factors listed in the adjudicative process. The administrative judge's over-arching adjudicative goal is a fair, impartial and commonsense decision. Under AG ¶ 2(c), this process is a conscientious scrutiny of a number of variables known as the "whole-person concept." All available, reliable information about the person, past and present, favorable and unfavorable, must be and were considered 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 my decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence submitted.

⁴² Tr. 113.

⁴³ Tr. 125.

⁴⁴ Tr. 127.

⁴⁵ Tr. 23-27. This individual speaks highly of Applicant and his family. She also used to teach music to Applicant's wife.

⁴⁶ Tr. 33.

The Government must present evidence to establish controverted facts alleged in the SOR. 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. . . .”⁴⁷ The burden of proof is something less than a preponderance of evidence. The ultimate burden of persuasion is on the applicant.⁴⁸

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 about 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). “The clearly consistent standard indicates that security clearance determinations should err, if they must, on the side of denials.”⁴⁹ Any reasonable doubt about whether an applicant should be allowed access to sensitive information must be resolved in favor of protecting such sensitive information.⁵⁰ The decision to deny an individual a security clearance is not necessarily a determination as to the loyalty of an applicant.⁵¹ It is merely an indication that the applicant has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance.

Based upon consideration of the evidence, I find Guideline B (Foreign Contacts) to be the most pertinent to the case. Conditions pertaining to this AG that could raise a security concern and may be disqualifying, as well as those which would mitigate such concerns, are discussed below.

⁴⁷ See *also* ISCR Case No. 94-1075 at 3-4 (App. Bd. Aug. 10, 1995).

⁴⁸ ISCR Case No. 93-1390 at 7-8 (App. Bd. Jan. 27, 1995).

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ Executive Order 10865 § 7.

Analysis

Guideline B – Foreign Influence

The concern under Guideline B is that 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. Consideration should be given to 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 U.S. citizens to obtain protected information or is associated with a risk of terrorism. Conditions pertaining to this adjudicative guideline that could raise a security concern and may be disqualifying, as well as those which would mitigate security concerns, are discussed in the conclusions below.

The country at issue is India, discussed above. The submitted information regarding that country, both favorable and unfavorable, has been thoroughly reviewed and considered. It is particularly noted that while there is no evidence the Indian government specifically targets U.S. citizens for protected information or practices terrorism, terrorism and other issues are existent within its borders despite India's national and international anti-terrorism efforts. Such considerations demand heightened scrutiny in this case. At issue are nine allegations related to Indian relatives or property. SOR allegations ¶¶ 1.a and 1.b are substantially changed because Applicant's parents are now residents of the United States, and his father is now a U.S. citizen. SOR allegation ¶ 1.d is moot in light of the fact that Applicant's mother-in-law is now deceased. The facts reflected in SOR allegation ¶ 1.g have been noted as incorrect, with the record now showing that Applicant's one brother-in-law is a citizen of India now residing in Australia.

Although a permanent resident of the United States, Applicant's mother remains a citizen of India. A sister, his father-in-law, and a brother-in-law are residents and citizens of India. Another brother-in-law and a sister-in-law are citizens of India currently residing elsewhere. Applicant owns a small house in India, worth about \$25,000. Such facts are sufficient to give rise to Foreign Influence Disqualifying Conditions AG ¶ 7(a) (contact with a foreign family member, business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if that contact creates a heightened risk of exploitation, inducement, manipulation, pressure, or coercion); AG ¶ 7(b) (connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual's obligation to protect sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information); and AG ¶ 7(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). With disqualifying conditions thus raised, the burden shifts to Applicant to mitigate security concerns.

Applicant's father is a citizen and resident of the United States. But for her inability to learn English sufficiently to pass a citizenship test, Applicant's mother, who is a permanent resident of the United States, would probably also be a U.S. citizen. Given their advanced age, Applicant maintains regular telephonic contact with his parents, but he has not exerted any effort to personally visit them. He maintains virtually no relationship with his sister that is a citizen and resident of India. He has only negligible contact with his foreign in-laws. While his wife maintains more regular contact with her family via telephone, her only recent non-telephonic contact has been through a trip to India to visit her ailing father in the hospital. None of these individuals are affiliated with, or dependent on, the government of India or any suspect organizations. Except for their mostly telephonic contacts with these individuals, Applicant and his wife are highly focused on their professions and personal lives here in the United States. Given these facts, the country at issue, and the social milieu in which these relatives live, Foreign Influence Mitigating Condition AG ¶ 8(a) (the nature of the relationships with foreign persons, the country in which these persons are located, or the positions or activities of those persons in that country are such that it is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual, group, organization, or government and the interests of the U.S.) applies, but AG ¶ 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) does not apply.

Applicant sought a new life in the United States on his own volition. He freely renounced his foreign citizenship and relinquished his foreign passport when he became a U.S. citizen. Over the years, he has built a successful career and helped his wife build a successful medical practice. Both husband and wife are highly active in their local community. They own a house, attend local religious services, and attend youth activities involving their young children. It is their intention to educate their children in the local schools and they are saving money for their children's post-secondary education in the United States. Both Applicant and his wife intend to retire and remain in the United States.

Moreover, Applicant has excellent credit and over \$750,000 in assets in the United States. His net worth exceeds \$500,000. In contrast, his only ties to India are relations with whom he has little to no contact and a small property he has only visited once. He is thoroughly content with his life in the United States. Since immigrating to the United States, Applicant has only visited India four times, the last visit occurring six years ago. Not only does he have no interest in returning to India to live, he has no plans to visit there in the foreseeable future. Indeed, the evidence suggests that Applicant would have sold the small house he owns in India, except he has neither the time nor the inclination to return to India to execute its transfer or effectuate its sale. Given all these considerations, AG ¶ 8(b) (there is no conflict of interest, either because

the individual's sense of loyalty to 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) applies.

Applicant's property in India is valued at approximately \$25,000. It is his only foreign interest. It was acquired not as an investment or as a sentimental attachment to his former area of residence, but as a practical haven for visiting family members. It is located in a residential area unaffected by threats of civil unrest or terrorism. Applicant has visited the property once, in 2004. Since that time, its use and expenses have been managed by Applicant's sister, with whom Applicant maintains no regular contact and to whom Applicant has apparently abdicated all responsibility for the property. Since his stay there six years ago, Applicant has derived no benefit from its ownership. He has no present plans to return to the property. But for the time and inconvenience in disposing of the property, it appears he would have divested himself of its ownership earlier. At present, it represents less than one-thirtieth of his total assets, which are in excess of \$750,000. Such facts are sufficient to raise AG ¶ 8(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 relationships with relatives and in-laws who are citizens and residents of India are negligible, as are his relationships with other in-laws residing in Australia. His parents no longer reside in India. While Applicant is a respectful son, their American daughter is their primary care-giver in times of need. While Applicant's spouse maintains relationships with her family, they appear to be mostly by telephone to a residential area of India unaffected by civil strife and the threat of terrorism. Applicant's small house in India remains his in name, but he derives no tangible benefits from the ownership of this modest investment. In light of these considerations, the mitigating conditions raised, and the country at issue, I find that foreign influence security concerns are mitigated.

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, as well as the “whole-person” factors. Applicant is a credible and mature individual who is also a successful information technology professional. He has earned a bachelor’s degree. He chose to emigrate from India, like an elder sister had before him, in search of a better life and more opportunities to succeed. He has achieved his objectives. He married a young physician. Together, they became United States citizens and started a family. They both built successful and lucrative careers while becoming involved within their community, where they own a family home. Their children are active with local sports and schools. Applicant and his wife look forward to educating their children in the United States, then retiring. Applicant has maintained excellent credit and incurred no significant debts. He has accrued domestic personal assets in excess of \$750,000 with a total net worth of over \$500,000. The family intends to remain in the United States. The only foreign connections Applicant currently retains are some relatives and a small investment property in India.

India is a partner of the United States in the global war against terrorism. While terrorism and some domestic unrest exist within some areas of India, none of it appears to threaten the enclave in which Applicant’s family, in-laws, and property are located. There is no evidence any of the individuals at issue are state-dependent, nor is there evidence that they are involved with, or under scrutiny by, interests antithetical to the United States. Applicant has only returned to India four times since he immigrated to the United States and has no immediate plans to visit. Applicant’s small house in India is a negligible investment, yielding him nothing in terms of tangible benefits or sentiment. It has been constructively ceded to his sister, with whom he has had no contact in several years. Applicant’s father is now a resident and citizen of the United States, accompanied by Applicant’s mother, who is a permanent United States resident. Applicant’s relationships and contact with his in-laws is not intimate or frequent.

While the relationships and contacts of a spouse are generally attributed to an applicant in these cases, Applicant’s wife’s familial contacts appear to be contentedly long-distance. Her only physical contact with a foreign relation was with her father last year, when the ailing septuagenarian was hospitalized. Her contact has not shifted her focus from life in the United States. While Applicant’s wife’s contacts and relationships with her foreign family members are more apparent than those of her husband, which are virtually non-existent, none appear likely candidates for manipulation by adverse influences. Applicant’s wife’s focus is clearly on her life in the United States.

Regarding Applicant's life in the United States, he is a contented American citizen, with a stable family, social, and professional life. His life is entirely focused here. His family is part of the local community. He is admired by his peers. He and his wife intend to continue their lives in the United States past retirement. There is no evidence indicating that he may be manipulated or induced to help a foreign power or interest. In light of these facts and the country at issue, I find that Applicant successfully mitigated foreign influence 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.i: 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. Clearance granted.

ARTHUR E. MARSHALL, JR.
Administrative Judge