



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



In the matter of:)	
)	
-----)	ISCR Case No. 09-06831
SSN: -----)	
)	
Applicant for Security Clearance)	

Appearances

For Government: Melvin A. Howry, Esquire, Department Counsel
For Applicant: Alan V. Edmunds, Esquire

November 26, 2010

Decision

LYNCH, Noreen A., Administrative Judge:

On March 15, 2010, the Defense Office of Hearings and Appeals (DOHA) issued Applicant a Statement of Reasons (SOR) detailing the basis for its preliminary decision to deny his security clearance application, citing security concerns under Guideline B (Foreign Influence) and Guideline F (Financial Considerations). 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) implemented by the DoD in September 2006.

Applicant timely requested a hearing before an administrative judge. DOHA assigned the case to me on July 29, 2010. DOHA issued a notice of hearing on September 10, 2010. I convened the hearing as scheduled on October 5, 2010. Government Exhibits (GE) 1 through 14, and Applicant Exhibits (AE) (A-S) were stipulated into evidence. Applicant testified on his own behalf. DOHA received the transcript (Tr.) on October 12, 2010. At Applicant's request, I kept the record open for

additional documents until October 19, 2010. Applicant timely submitted the exhibits marked AE (T-Z) which were admitted into the record without objection. Eligibility for access to classified information is granted.

Procedural and Evidentiary Rulings

Department Counsel requested that I take administrative notice of certain facts relating to the Russian Federation (Russia). The request and the attached documents are included in the record as Hearing Exhibit 1. The facts administratively noticed are set out in the Findings of Facts, below.

Findings of Fact

In his answer to the SOR, Applicant admitted the factual allegations in ¶¶ 1.b, 1.d, 1.f, and 2.a through 2.c. He denied the remaining allegations in the SOR. His admissions are incorporated in my findings of fact. I make the following findings:

Applicant is a 56-year-old employee of a defense contractor. He obtained a Bachelor of Science degree in 1978. In 1993, he received a Master's Degree. (GE 1) He held a security clearance as early as 1978. He served on active duty in the military from 1978 until 2000. (Tr. 91) He has been with his current employer since November 2008 (Tr. 96)

Foreign Influence

Applicant married in 1983. His wife became very ill soon after their marriage. (AE R) Applicant and his wife had one daughter. (Tr. 43) Applicant's wife was later unable to work or care for their child due to her severe debilitation. (Tr. 108) Applicant incurred medical and other related bills, in part due to the loss of his wife's income. Whenever Applicant was deployed, additional medical and child care was necessary, which exacerbated his financial situation. Applicant's wife died in 1994. (AE Q)

In 1995, Applicant traveled to Russia while he was in the military. This was his first trip to Russia. He visited a Russian woman whom he met through a stateside dating service. (Tr. 100) He married his second wife in 1995. He sponsored his wife, who was a Russian citizen, and her son, to come to the United States. Applicant and his second wife had a daughter as a result of their marriage. They separated in 2003 due to her gross mismanagement of Applicant's money. She incurred large debts unbeknownst to Applicant. She opened accounts in his name without his knowledge. The separation and divorce was a protracted and contentious one. A battle for child custody lasted almost three years. (Tr. 48) This marriage ended in divorce in 2004. (AE J) She is now a United States citizen and lives in the U.S.

In 2003, Applicant traveled to Russia approximately four times. (Tr. 103) He visited the country looking for "romance" and to visit a friend who lived there. (Tr. 105) In 2004, Applicant met a woman who would become his third wife. He visited Russia six

times in 2004, and four times in 2005, to visit his future wife. Applicant noted that the trips to Russia were not expensive due to low-cost airfare tickets and that fact that he stayed with a friend. (Tr. 68) Applicant met his future wife's family before they married. (Tr. 106) Applicant married in August 2005. His wife is a naturalized citizen of the United States and resides with him. (AE V) They have one son. (Tr. 104)

Applicant's mother-in-law and father-in-law are citizens of an independent republic of Russia. They are retired and reside in that republic. They do not speak English. Applicant's wife emails them infrequently. (Tr. 119) Applicant and his wife visited them in 2006, 2008, and 2009. Applicant's brother-in-law is a citizen of Russia. Applicant does not send them any money. They do not know the nature of Applicant's work. Applicant does not speak to them on the phone.

Applicant does not speak Russian, although he has studied the language. When he was in Russia, he had a translator. (Tr. 78) He advised his security officer that he was visiting Russia each time while he was still in the military. He advised his employers that he was sponsoring a Russian to become his wife. Applicant noted that he was briefed about his foreign travel and debriefed each time after his foreign travel. (Tr. 122)

Applicant's manager, who holds a security clearance, recommends Applicant for retention of his clearance. (AE A) Applicant is an experienced and highly dependable professional. He is a reliable, highly valued employee who performs exceptionally well on a defense program.(AE C)

Applicant is described by colleagues as honest in all matters. (Tr. 37) His integrity, attention to detail, strong work ethic and technical knowledge are notable. (AE B and E) Family friends also describe Applicant and his family as loyal and solid U.S. citizens. (AE C and F)

Applicant testified credibly that as a U. S. citizen, he would not jeopardize the United States. (Tr. 29) He has handled classified information for approximately 32 years without incident. His latest evaluation describes him as a "steady employee who drills for details to support his analysis decisions." (AE F)

I have taken administrative notice that the Russian Federation (Russia) has a centralized political system, with power concentrated in the president and prime minister, a weak multiparty political system, and a ruling-party dominated by a bicameral legislature. Russia's large population of more than 142 million people is both multinational and multi-ethnic. Russia is a nuclear superpower that since the dissolution of the Soviet Union, continues to develop politically, socially, and economically.

Russia has an active, recent, and ongoing collection program targeting the United States. Russia and China have been the most aggressive collectors of sensitive and protected United States technology and accounted for the majority of such targeting. Russia's lead in the targeting of United States technologies, through its industrial espionage efforts, goes back to 1997. Russian espionage specializes in military

technology and gas and oil industry technical expertise. Russia continues to strengthen its intelligence capabilities directed against the United States. However, Russia is not known to target U.S. citizens to obtain protected information.

Russia's human rights record remains uneven and poor in some areas. Additional specific instances of these human rights abuses, as reported by the United States Department of State, include: reports that the government or its agents committed politically motivated killings and other arbitrary killings; credible reports that law enforcement engaged in torture, abuse and violence; extremely harsh and life threatening prison conditions; and arbitrary arrest and detention.

The United States and Russia share common interests on a broad range of issues, including counter terrorism and the reduction of our strategic arsenals. Russia shares the basic goal of stemming the proliferation of weapons of mass destruction and the means to deliver them. The Cooperative Threat Reduction (CTR) program, launched in 1992 to facilitate dismantlement of weapons of mass destruction in the former Soviet Union, was renewed in 2006 until 2013. During the past several years, Russia has intensified its efforts to combat trafficking in persons. We are cooperating in the fight against HIV/AIDS. Despite the cooperation, there remain areas in which the United States and Russia disagree. The Obama administration is seeking ways to improve our bilateral relations and enhance cooperation by focusing on areas of mutual interest, while managing areas of disagreement.

The role Moscow plays regarding issues of interest to the United States is likely to turn on many factors, including developments on Russia's periphery and the degree to which Russia perceives U.S. policies as threatening to what its leadership sees as vital Russian interests.

In the conventional forces realm, Moscow remains capable of militarily dominating the former Soviet space; although Russia's experience in the August 2008 Georgia conflict revealed major shortcomings in the Russian military, it also validated previous reform efforts that sought to develop rapidly-deployable forces for use on its periphery. Russia continues to use its military in an effort to assert its great power status and to project power abroad. The Russian invasion of Georgia was widely criticized as an illegal assault on a democratic government and is contrary to various United Nation Security Council Resolutions. See ISCR Case No. 07-04496 at 4 (App. Bd. Oct. 22, 2008).

There have been encouraging signs in the past year that Russia is prepared to be more cooperative with the United States, as illustrated by President Medvedev's agreement last summer to support air transit through Russia of military cargo in support of operations in Afghanistan and Moscow's willingness to engage with the United States to reduce the nuclear threat from Iran.

Financial

In 1986, Applicant filed for Chapter 7 bankruptcy. Approximately \$58,347 was discharged in January 1987. The majority of the debt was incurred when Applicant's first wife lost her income due to her illness and they were reduced to one income. Medical bills, and extra child care costs, along with hospital bills contributed to the debts. When Applicant's wife could no longer work due to her illness, Applicant became delinquent with his accounts. (Tr. 110)

In October 1994, the year that Applicant's first wife died, he filed for Chapter 7 bankruptcy. (Tr. 111) His unsecured non-property debts were discharged in January 1995. Applicant explained that the debts were caused by his then first wife's continuing illness during the years, medical expenses that were not covered by his medical insurance, he being the sole provider, and other debts incurred early in the marriage.

In May 2004, Applicant again filed for Chapter 7 bankruptcy. Total liabilities discharged in 2004 were approximately \$570,264. Applicant explained that due to the difficult divorce to his second wife, he incurred legal expenses in excess of \$100,000. He paid his own legal fees and that of his wife. His second wife had incurred very large credit card debts about which he had no knowledge. (Tr. 113) The state where Applicant resides is a community property state and he was partially responsible for the debts. (Tr. 114) Applicant also pays \$1,050 a month for spousal/child support. His ex-wife receives a court-ordered portion of his retirement benefits.

On May 1, 2010, Applicant filed for Chapter 13 bankruptcy protection. (AE X) Four debts alleged in the SOR have been paid in full (2.d, 2.k, 2.g, 2.h) or are included in the Chapter 13 bankruptcy filing. (AE M, N, and O) Applicant attempted a loan modification for his mortgage before he filed for his Chapter 13 bankruptcy (Tr. 82)

Applicant was unemployed from October 2006 until June 2007 due to contracts that were not renewed. Before his unemployment, he earned about \$68,000 a year in income. (AE P) He was unemployed from May 2008 until November 2008. He incurred other delinquent debts in the amount of approximately \$16,000. He fell behind in his mortgage for approximately \$12,000. (AE X) He has made monthly payments of \$1,000 from the time of his 2010 bankruptcy petition until the present time. (AE T)

Applicant earns approximately \$83,000 a year. He has a military pension of approximately \$45,000 a year and receives \$1,000 a month for a VA disability. He has developed a budget and received the financial counseling that is required for filing bankruptcy. (AE H) He believes that his first bankruptcy was the best route to take due to his career and his daughter, but he did not intend to neglect his responsibility. (Tr. 118)

Applicant disclosed his bankruptcies on his security clearance applications when he was in the military. He held a clearance, including a clearance at the top secret level, during his military career with no security-related incidents. He received a merit award in 2010 along with a salary increase. (AE G)

Policies

“[N]o one has a ‘right’ to a security clearance.” *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). As Commander in Chief, the President has “the authority to . . . control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to occupy a position . . . that will give that person access to such information.” *Id.* at 527. The President has authorized the Secretary of Defense or his designee to grant applicants eligibility for access to classified information “only upon a finding that it is clearly consistent with the national interest to do so.” Exec. Or. 10865, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended and modified.

Eligibility for a security clearance is predicated upon an applicant meeting the criteria contained in the adjudicative guidelines (AG). These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with an evaluation of the whole-person. An administrative judge’s overarching adjudicative goal is a fair, impartial, and commonsense decision. An administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable.

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. Decisions include, by necessity, consideration of the possible risk an applicant may deliberately or inadvertently fail to protect classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified information.

Clearance decisions must be “in terms of the national interest and shall in no sense be a determination as to the loyalty of an applicant concerned.” See Exec. Or. 10865 § 7. Thus, a decision to deny a security clearance is not necessarily a determination of the loyalty of an applicant. It is merely an indication an applicant has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance

Initially, the government must establish, by substantial evidence, conditions in the personal or professional history of an applicant that may disqualify an applicant from being eligible for access to classified information. The Government has the burden of establishing controverted facts alleged in the SOR. See *Egan*, 484 U.S. at 531. “Substantial evidence” is “more than a scintilla but less than a preponderance.” See *v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994). The guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant’s security suitability. See ISCR Case No. 95-0611 at 2 (App. Bd. May 2, 1996).

Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the

facts. Directive ¶ E3.1.15. An applicant “has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance.” ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). “[S]ecurity clearance determinations should err, if they must, on the side of denials.” *Egan*, 484 U.S. at 531; see AG ¶ 2(b).

Analysis

Guideline B (Foreign Influence)

The security concern for Guideline B is set out in AG ¶ 6 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.

A disqualifying condition may be raised by “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.” AG ¶ 7(a). A disqualifying condition also may be raised by “connections to a foreign person, group, government, or country that creates 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.” AG ¶ 7(d) is raised by “sharing living quarters with a person or persons, regardless of citizenship status, if that relationship creates a heightened risk of foreign inducement, manipulation, pressure or coercion. Based on this evidence, AG ¶¶ 7(a), (b), and (d) are raised.

Applicant has foreign family ties through his 2005 marriage to his current spouse who was born in Russia. Applicant’s wife is a naturalized United States citizen. She resides with Applicant and their child. Applicant’s in-laws are still Russian citizens living and residing in Russia. Applicant’s brother-in-law is a Russian citizen. None of them have any government connections or other position in which they could otherwise benefit from Applicant’s access to sensitive information or technology. Such ties do not automatically disqualify an Applicant from obtaining a security clearance. Family ties with Russian citizens raise security concerns because of the potential for foreign influence.

Since the Government produced evidence to raise the disqualifying condition in AG ¶¶ 7(a), 7(b), and 7(d) the burden shifted to Applicant to produce evidence to rebut,

explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. An applicant has the burden of proving a mitigating condition, and the burden of disproving it never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

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

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, friendly nations have engaged in espionage against the United States, especially in the economic, scientific, and technical fields. See ISCR Case No. 00-0317, 2002 DOHA LEXIS 83 at **15-16 (App. Bd. Mar. 29, 2002). Nevertheless, 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 significantly greater if the foreign country has an authoritarian government, a family member is associated with or dependent upon the government, or the country is known to conduct intelligence operations against the United States.

Security concerns under this guideline can be mitigated by showing that “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.” AG ¶ 8(a). The totality of an applicant’s family ties to a foreign country as well as each individual family tie must be considered. ISCR Case No. 01-22693 at 7 (App. Bd. Sep. 22, 2003). Similarly, AG 8(b) “there is no conflict of interest, whether 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,” may apply.

Applicant is a United States citizen. He was born and educated in the United States. He and his family, not including his current spouse and in-laws, have lived in the United States their entire lives, except for his visits to Russia and probably overseas tours while in the military. After his first wife’s death, he married a woman who was born in Russia, but is now divorced from her as of 2004. He remarried another woman who was born in Russia but is now a United States citizen. Applicant’s children are United States citizens. He is raising his family in the United States.

Applicant served in the military for 23 years. He has held a security clearance during that time. He has traveled to Russia on numerous occasions. He does not speak Russian. He has no contacts in Russia other than his in-laws. He credibly testified that

he alerted his command whenever he traveled to Russia. He was briefed and debriefed each time. He has not had any incidents while holding a clearance and handling classified information.

Applicant's ties to the United States as a native-born citizen persuade me that given the circumstances in this case, he would choose the interests of the United States over any foreign connection, in the event that a conflict of interest arose. AG ¶ 8(b) applies.

Guideline F, Financial Considerations

The security concern for Financial Considerations is set out in AG ¶ 18:

Failure or an inability to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness and ability to protect classified information." It also states that "an individual who is financially overextended is at risk of having to engage in illegal acts to generate funds.

Applicant filed for Chapter 7 bankruptcy in 1986, 1994, and 2004. His delinquent debts were discharged in 1987, 1995, and 2004. Applicant currently is paying \$1,000 a month for his 2010 Chapter 13 bankruptcy. Consequently, Financial Considerations Disqualifying Condition (FC DC) AG ¶ 19(a) (inability or unwillingness to satisfy debts), and FC DC AG ¶ 19(c) (a history of not meeting financial obligations) apply. With such conditions raised, it is left to Applicant to overcome the case against him and mitigate security concerns.

Applicant had a fresh start in 1995 when his debts were discharged under Chapter 7 of the Bankruptcy Code. However, his separation and divorce from his second wife, custody battle, legal fees, and delinquent credit account bills incurred by his second wife, left him with a great deal of debt. He again filed for bankruptcy in 2004. Applicant was unemployed for several months in 2006-2007 due to loss of contracts. After that, he was employed until May 2008, with another break in employment until November 2008. He incurred more delinquent debts. He paid some small accounts. However, in 2010 he filed for Chapter 13 bankruptcy. Consequently, Financial Considerations Mitigating Condition (FCMC) AG ¶ 20(a) (the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment) does not apply.

Financial Considerations Mitigating Condition (FC MC) AG ¶ 20(b) (the conditions that resulted in the behavior were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, or a death, divorce or separation) and the individual acted responsibly under the circumstances) applies. As noted, Applicant had the tragic illness and death of his first wife in 1994. He incurred

many medical bills, child care, and other debts. He supported his daughter on one income. He still had lingering medical bills and filed another bankruptcy in 2004. He had unemployment for two separate periods. More importantly, his divorce from his second wife and her gross mismanagement of his finances exacerbated his financial issues. He incurred many legal fees and was involved in a protracted custody battle that lasted for three years. He paid spousal support and some child support. These events adversely impacted his finances. He chose to file for Chapter 13 bankruptcy in 2010 so that he could pay his accounts and receive protection from his creditors. Bankruptcy is a legal means to resolve debt, and Chapter 13 permits his creditors to receive a fair payment under the supervision of the Bankruptcy Court.

FC MC AG ¶ 20(d), (the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts) applies to the four debts he paid, but not the other debts. Applicant receives some credit under FC MC AG ¶ 20(c) (the person has received or is receiving counseling for the problem and there are clear indications that the problem is being resolved or is under control). Applicant paid smaller bills after his bankruptcies. He supported his family. He has a budget and received recent counseling. He is now repaying his debts under a Chapter 13 bankruptcy filed in 2010. His monthly payments of \$1,000 are being made. He has a stable position and has recently had a raise. This mitigating condition applies.

Whole-Person Concept

Under the whole-person concept, an 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. An 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. Some of the factors in AG ¶ 2(a) were addressed above, but some warrant additional comment.

Applicant is a loyal U.S. citizen who has held a security clearance without any security violations since 1978. He served in the military for 23 years. His first wife died at a young age in 1994. Applicant's children are United States citizens. He is married to a woman who is a naturalized United States citizen.

He credibly testified that he would report to security officials any attempt to use his wife's family against him. Applicant's wife's parents and sibling reside in Russia. They are not connected in any way to the Russian government. Applicant's relationships and loyalties are in America. He can be expected to resolve any potential conflict of interest in favor of the United States.

While Russia is actively engaged in the collection of U.S. information, there is still no evidence suggesting that it targets its expatriate citizens such that would make Applicant or his wife likely targets.¹

After weighing the disqualifying and mitigating conditions under Guideline B and evaluating all the evidence in the context of the whole person, I conclude Applicant has mitigated the security concerns based on foreign influence.

Applicant has a history of filing for bankruptcy. He had extreme circumstances that occurred in his life that were beyond his control. He chose a legal means to resolve his debts. His current bankruptcy is a Chapter 13. He is repaying his debts. Applicant pays \$1,000 a month under the plan. He has steady employment and has sufficient income to pay his debts. He developed a budget and completed the requisite financial counseling. Accordingly, I conclude he has carried his burden of showing that it is clearly consistent with the national interest to grant his eligibility for access to classified information under both the financial considerations and foreign influence guidelines.

Formal Findings

I make the following formal findings for or against Applicant on the allegations set forth in the SOR, as required by Directive ¶ E3.1.25 of Enclosure 3:

Paragraph 1, Foreign Influence: FOR APPLICANT

Subparagraphs 1.a-f: For Applicant

Paragraph 2, Financial Considerations: FOR APPLICANT

Subparagraphs 2.a-k: For Applicant

¹This is not to say that the Government has a burden to prove that Russia specifically targets U.S. citizens in the course of its attempt to gather protected information.

Conclusion

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

Noreen A. Lynch
Administrative Judge