



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



In the matter of:)
)
) ICSR Case No. 09-07511
)
)
Applicant for Security Clearance)

Appearances

For Government: William T. O'Neil, Esquire, Department Counsel
For Applicant: *Pro se*

January 19, 2011

Decision

CREAN, THOMAS M., Administrative Judge:

Based on a review of the case file, pleadings, exhibits, and testimony, eligibility for access to classified information is granted. Applicant mitigated security concerns for foreign preference and foreign influence.

Applicant submitted an electronic Questionnaire for Investigative Processing (e-QIP) on December 9, 2008, for her employment with a defense or government contractor. On June 7, 2010, the Defense Office of Hearings and Appeals (DOHA) issued to Applicant a Statement of Reasons (SOR) detailing security concerns for foreign influence under Guideline B, and foreign preference under Guideline C. The action was taken under Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) effective in the Department of Defense on September 1, 2006. She acknowledged receipt of the SOR on June 30, 2010.

Applicant timely answered the SOR. She admitted all but one of the factual allegations under Guideline B, and all but one of the factual allegations under Guideline C. Under Guideline B, the Government alleged Applicant had personal and business

contacts in Estonia. Applicant did not admit that she worked for an Estonian government agency. Under Guideline C, the Government alleged Applicant applied for Estonian citizenship and exercised dual citizen rights and privileges in Estonia. Applicant did not admit that she paid taxes to Estonia. She provided a detailed explanation for her response. Applicant requested a hearing before an administrative judge. Department Counsel was prepared to proceed on August 12, 2010. The case was assigned to me on September 8, 2010. Department Counsel was also prepared to proceed on a companion case concerning the same security concerns involving Applicant's husband. Since the facts and circumstances were the same in both cases, a joint hearing, with the concurrence of Department Counsel and both Applicants, was held. DOHA issued a Notice of Hearing on September 15, 2010, for a hearing on October 7, 2010. I convened the hearing as scheduled. The government offered five exhibits, marked and received into the record without objection as Government Exhibits (Gov. Ex.) 1 through 5. Applicant and two witnesses testified on her behalf. The Applicants offered a combined 25 exhibits marked and admitted into the record as Applicant Exhibits A through Y. Most of the exhibits pertained to both Applicants. DOHA received the transcript (Tr.) of the hearing on October 18, 2010.

Findings of Fact

After a thorough review of the pleadings, transcript, and exhibits, I make the following essential findings of fact. Applicant admitted all but two of the factual allegations raised in the SOR.

Applicant is 56 years old, and has been a freelance translator of Estonian for agencies of the United States Government and government contractors for over 30 years. She has both bachelor and master degrees. She has been married for over 35 years and has three grown children, all born in the United States. Applicant and her husband are United States citizens residing in the United States. Her husband is a dual citizen of the United States and Estonia born in a refuge camp in Europe after World War II. He grew up in an Estonian household and speaks fluent Estonian. They frequently attend social and cultural events at the Estonian Embassy. Applicant knows some Estonian officials that also attend the events, but she does not have a personal relationship with them. The relationship is more as an acquaintance and not a personal relationship. One daughter works as a translator for an Estonian government agency and resides in Estonia. Applicant and her husband talk to her frequently and see her when they visit Estonia. The other daughter is a doctoral student at a United States university. Their son recently left active duty with the Marine Corps after serving two tours in Iraq and resides in the United States. Applicant and her husband speak Estonian at home, and the entire family is fluent in Estonian. (Tr.108-110, 128-129)

Applicant's parents were originally from Estonia, but left in 1944 when the Soviet Union occupied the country. They were in a refugee camp in Germany until 1949 when they immigrated to a mid-Atlantic city in the United States. Applicant was born in the United States and her entire schooling was in the United States. Her mother became a United States citizen but her father did not. Both parents are now deceased. Estonian

was spoken at home which permitted Applicant to be fluent in the language and gave her the experience to be a translator of Estonian and English. Applicant provided a detailed affidavit concerning her life story, connections to Estonia, and responses to security issues raised in the SOR. She attested that the information in the affidavit was accurate. (Tr. 98-102; Gov. Ex. 1, e-QIP, dated December 9, 2008; Gov. Ex. 2, Affidavit, dated September 3, 2009)

At one time, Applicant was a volunteer teacher at an Estonian-American school attended by her children. She continued to volunteer at the school for a few years after her children left the school. Since her children are now grown, she no longer volunteers and has no involvement with the school. (Tr. 122-124)

The agency sponsoring Applicant for a security clearance is anticipating work from United States government agency sources requiring Estonian translation. Applicant has marketed herself as a translator of Estonian and English. There is not sufficient work for an Estonian translator for Applicant to work full-time for any one government agency or private sector company. Applicant has been requested and provided translation services for the United States State Department. This included providing translation services at conferences for the President and Vice-President of the United States, as well as document translation for them. The State Department conducted a background investigation and granted her a security clearance. She advised them that she received an Estonian passport and she still received translation work from them. She also provided translation service to the United States Federal Court system, state and local courts, and other government activities and agencies. The Federal Bureau of Investigation (FBI) requested her to apply for translation services with them. However she was not able to pass the lie detector portion of the application process. This had nothing to do with her activities or connection to Estonia. She received translation assignments for Estonian officials becoming visitors to the United States. She also received translation assignment for business and professional visitors coming to the United States to study and discuss issues that are relevant to both countries. Some examples are law enforcement officials, medical personnel, and technical experts. (Tr. 111-119)

Applicant's only direct request for translation services from the Estonian Embassy in the United States was when the Estonian foreign minister came to the United States and required a translator and no one was available. (108-110) She recently translated a book into English for an author and applied for a grant at the suggestion of the author from an Estonian government agency to pay for the translation. She has not yet received any compensation from Estonia for this translation. Because Applicant translated the book for the author and was only seeking compensation from Estonia, she denied the allegation she worked for an Estonian government agency. Applicant maintains a bank account in Estonia to facilitate receipt of payments for her translator services provided in Estonia. Taxes are taken from these payments by Estonia, but refunded when she files and declares the income on her United States tax returns. Since the taxes withheld by Estonia are refunded to her when she pays United States taxes, she denied paying taxes to Estonia. (Tr. 103-105, 124-126; App. Ex. N, Interpreting Assignments and Translations, various dates).

Applicant applied for and obtained an Estonian passport in 2004 for business and convenience reasons. Her husband, also of Estonian heritage and doing business in Estonia, applied for and received an Estonian passport in 2003. Since she travels to Estonia approximately once a year, Applicant applied for the passport to ease the process of obtaining translation jobs and enter Estonia and other European Union countries. The process to obtain the passport was difficult and complicated. She had to verify her parents were Estonian citizens, provide proof she was their daughter, and go to Estonia to apply. Her parents took their Estonian citizen documents with them when they fled so it was easy to establish they were Estonian citizens. Since she was born in the United States, she had birth documents to establish she was their daughter. She had to go to Estonia to apply for and receive the passport. She could not apply at the Estonian Embassy in the United States. She did not have to take an oath of affirmation to the Estonian government to obtain the passport. She has used the passport a number of times to enter Estonia. Applicant is willing to surrender her passport to her company's security officer. Applicant is considered by Estonia to be a dual citizen of the United States and Estonia because her parents were Estonian citizens. She registered for and received a certificate permitting her to vote in the Estonian elections in 2002 and 2007. Her primary reason for voting was to vote for very pro-American candidates. She was not encouraged by any official in the United States to vote in Estonia. She is not sure if she will vote in any further Estonian elections because the politics in Estonia is no longer any of her business. The receipt of a passport and opening a bank account were done for business purposes only. She does follow political and other events in Estonia since current knowledge of the country and its politics is imperative to be a good translator. Neither she nor her family received any educational benefits from Estonia. They are also not entitled to any other benefits from Estonia. The only family member who may have received medical benefits from Estonia is her daughter who works for an Estonian government agency. (Tr. 56-57, 114-118, 126-128)

Applicant's husband owns a condominium in Estonia used as a vacation home and a place to stay when they visit Estonia. While she and her husband normally purchase property jointly, he is the only one on the deed and she is not on the ownership documents. They paid approximately \$64,000 for the condominium and made over \$15,000 in improvements. Her husband obtained a loan from an Estonian bank for the purchase. He has paid the mortgage and the property is debt free and valued at approximately \$160,000. Her husband maintains a bank account in Estonia used to pay for maintenance on the condominium. (Tr. 66-70, 74-75) Applicant and his wife's total net worth in the United States in property and accounts is approximately \$1,000,000.

Applicant knows current high level officials of Estonia through her husband's contacts and her translation work. A high level official, who is an acquaintance of her husband, was born in Europe when his parents were refugees from the Soviet forces, and immigrated to the United States settling in the same state but not the same town as Applicant's husband's family. Both attended a Boy Scout camp for Estonian-American boys where Applicant's husband served as the official's counselor because he was older than the official. The official served in a high level position in the United States for

Estonia and Applicant saw him on occasion. The official returned to Estonia and has been in two other high level positions. Applicant has had little if any contact with him since he returned to Estonia. Applicant may attend a reception at the embassy where the official is present, but Applicant is just one of the people at the reception. Applicant admits she knows other high ranking people in the Estonian government through her husband and her translation work. However, since 2008, no person that she knows or has contact with has been appointed or elected to a high level position. (Tr. 109-111)

Applicant's husband was pleased when the yoke of Soviet occupation was lifted from Estonia in 1991. He felt a cultural and heritage connection to Estonia and relieved for his cousins still in the country. He reads an Estonian-American newspaper on occasion, but the news is mainly about Estonians in the United States and Canada. He does not follow political events in Estonia. Applicant follows both political and non-political events in Estonia as a requirement to excel at translation. Current knowledge is required for good translation. Applicant's connection to Estonia is purely cultural and heredity and for her love of the language. She does not have regular contact with anyone in Estonia other than her daughter. Applicant does not intend to retire in Estonia even if her husband decides to do so. Applicant's and her husband's connection to Estonia are based on heritage and culture and their loyalty is unequivocally with the United States. (Tr. 80-94, 114-121)

Applicant's husband provided testimony throughout the hearing in support of his wife. Applicant's other witness is a retired Air Force major general of Estonian heritage who served over 28 years on active duty. She met Applicant and her husband at an Estonian-American cultural event in approximately 1998. The witness' life story is similar to Applicant's husband's life story since she was also born in the same refugee camp as Applicant's husband. Her family settled in another state and she attended school and obtained a degree and a commission through the ROTC program. Like other refugees, she is so profoundly grateful for the refuge and opportunities given her by the United States that she joined and served in the armed forces. She served as a military attaché in the Baltic and has visited Estonia. She knows of no Estonian person who willingly became a United States citizen that would chose Estonia over the United States. She knows Applicant and her husband would not choose Estonia over the United States. She has positive feelings concerning Applicant's reliability, trustworthiness, judgment, and loyalty. If she were in a position, she would hire Applicant and recommend her for a security clearance. (129-138)

Applicant presented a letter of recommendation from a life-long friend who has frequent contact with Applicant and her husband. The friend is a government employee with a security clearance. The friend wrote that Applicant and her husband are loyal United States citizens and deserve access to classified information. They both totally support the United States government, its institutions, and values. (App. Ex. K, Letter, dated October 4, 2010))

Estonia is a country of approximately 1.4 million people, with a parliamentary democracy under a Constitution in force since 1992. The head of state is the President elected for a five year term. He mainly has a representational role with some executive

powers. He is the supreme commander of the armed forces. The national legislature is a unicameral parliament of 101 members elected for four year terms. The executive power is exercised by the Prime Minister appointed by the parliament.

The United States recognized Estonia in 1922 and continued its recognition during the illegal occupation of Estonia by the Soviet Union from 1940 until 1991. The United States recognized the legal representative of Estonia and never recognized the Soviet annexation. This recognition has been the cornerstone of Estonian-United States relationships. The bilateral relationship between Estonia and the United States has been steady and strong since Estonia restored its independence in 1991. The developing relationship has been constructive and stable. The United States is one of Estonia's most important partners. The strong bilateral relationship is corroborated by the dialogue between the countries in several matters of great importance to Estonia as well as the United States. There is practical co-operation in the areas of defense, international fight against terrorism, economic co-operation, and crime prevention.

Estonia became a member of NATO on March 29, 2004, and a member of the European Union on May 1, 2004. These memberships show a strong strengthening relationship with Estonia and members of the alliance and the United States. The United States played a decisive role in Estonia's approval to be a member of NATO. Estonia has participated in the United States-led NATO military operations in Afghanistan since 2002. They also participated in the NATO Kosovo operation in 1999, and in Iraq from 2003 until 2008. (App. Ex. O, Estonia 2010; App. Ex. Q, Estonia and the European Union, dated June 18, 2010; App. Ex. R, Estonia and the United Nations, dated April 2, 2010; App. Ex S, Estonia and the US, undated; App. Ex. T, Estonia as a full member of NATO, undated; App. Ex U, COE Status Map, dated September 29, 2010; App. Ex. V, History of Deployments since 1995, undated; App. Ex. W, Country Reports on Terrorism 2009, dated August 2010; and App. Ex. X, Embassy of the United States, Speeches and articles, date June 14, 2010)

Policy

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines (AG). In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which must be considered 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 overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(c), the entire process is a conscientious scrutiny of a number of variables known as the "whole-person concept." The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision.

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that “[a]ny doubt concerning personnel being considered for access to classified information will be resolved in favor of national security.” In reaching this decision, I have drawn only those conclusions that are reasonable, logical and based on the evidence contained in the record.

Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, the Applicant is responsible for presenting “witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by applicant or proven by Department Counsel. . . .” The Applicant has the ultimate burden of persuasion as to obtaining a favorable security decision.

A person who seeks access to classified information enters into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it grants access to classified information. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to protect or safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified information.

Analysis

Guideline B: Foreign Influence

Foreign contacts and interests may be a security concern if the individual has divided loyalties of foreign financial interests, may be manipulated or induced to help a foreign person, group, organization, or government in a way that is not in the 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 consideration 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. (AG ¶ 6)

Applicant's daughter is a dual citizen of Estonia and the United States who lives in Estonia and is employed as a translator for an Estonian government agency. Applicant's husband is also a dual citizen of Estonia and the United States, but resides in the United States. They have contact with relatives and friends in Estonia. They also know and occasionally see a high level Estonian official. They know people who are Estonian legislators and government officials. Applicant and her husband have done translation work for Estonia government agencies. They also travel to Estonia about once a year, own a condominium in Estonia, and frequently attend events at the Estonia embassy. These contacts, relationships, activities, and property ownership are a security concern and raise Foreign Influence Disqualifying Conditions (FI DC) 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 foreign exploitation, inducement, manipulation, pressure, or coercion); and FI DC 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); FI DC AG ¶ 7(d) (sharing living quarters with a person or persons, regardless of citizenship status, if that relationship creates a heightened risk of foreign inducement, manipulation, pressure, or coercion); and FI DC AG ¶ 7(e) (a substantial business, financial, or property interest in a foreign country, or in a foreign-owned or foreign-operated business which could subject the individual to heightened risk of foreign influence or exploitation). The government's security concern is based on the strength and depth of Applicant's connections to Estonia and people in the government, and not any heightened risk created by Estonia. (Tr. 163-164)

The mere existence of foreign relationships and contacts is not sufficient to raise the above disqualifying conditions. The nature of Applicant's contacts and relationships must be examined to determine whether it creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion. "Heightened" is a relative term denoting increased risk compared to some normally existing risk that can be inherent anytime there are foreign contacts and relationships. A factor that may heighten the risk in Applicant's case is the extent, degree, and level of her connection to Estonia, its government, leaders, and people.

Applicant raised facts to mitigate the security concerns for contacts and relationship with people in Estonia. I considered Foreign Influence Mitigating Conditions (FI MC) 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.); FI MC AG ¶ 8(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); and FI MC AG ¶ 8(c) (contact or communication with foreign citizens is so casual or infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation).

The contacts with high level officials in Estonia places a heavy burden on Applicant in mitigating the disqualifying conditions and the security concerns. Applicant's relationship with her daughter in Estonia is, of course, close and frequent as a relationship between mother and daughter. She talks to her frequently and sees her when she visits Estonia. Also of concern is that she knows and does have some contact with high level Estonian officials. However, her contact with these Estonian officials is minimal, casual, and infrequent at best. There is little if any likelihood that these contacts will create a risk of foreign influence or exploitation. Applicant's vacation property in Estonia is valuable but it is only about ten percent of her total worth. The

nature of Estonian and United States interests and the small value of the property relative to Applicant's total net worth would not place Applicant at a heightened risk of foreign influence or exploitation.

The interests of Estonia and the United States are close since the United States was a proponent of Estonian independence even when Estonia was occupied by the Soviet Union. The United States strongly backed Estonia for membership in NATO and the European Union. Estonia reciprocated for this support by being a strategic partner with the United States participating and supporting the United States and NATO in defense operations in Kosovo, Iraq and Afghanistan. There is no doubt the United States and Estonia are strong allies with close mutual interests. There is little chance that there will be a difference between the interests of Estonia and the interests of the United States. There is little likelihood Applicant will be placed in a position to have to choose between the interests of her contacts in Estonia and the interests of the United States.

More importantly, Applicant has a strong sense of loyalty to the United States. Her parents came to the United States as refugees from communism and instilled in her a profound sense of obligation for the opportunities provided to them. Her sense of loyalty to Estonia is minimal and based on cultural and heritage, and not from a sense of loyalty to Estonia or its government. She can be expected to resolve any conflict of interest in favor of the United States because of this strong sense of loyalty to the United States. It is inconceivable that Applicant will be placed in a position of having to choose between her contacts and interests in Estonia and the interests of the United States. In balancing all of the factors mentioned and considered above, I am satisfied Applicant's connection and ties to the United States are such that she can be expected to resolve any conflict of interest in favor of the United States interest. Accordingly, FI MC AG ¶ 8(a), FI MC AG ¶ 8(b), and FI MC AG ¶ 8(c) apply. Applicant has met her heavy burden to show that her contacts and relationships in Estonia do not cause a security concern. I conclude Applicant has mitigated security concerns for contacts with Estonia.

Guideline C, Foreign Preference

When an individual acts in such a way as to indicate a preference for a foreign country over the United States, then she may be prone to provide information or make decisions that are harmful to the interests of the United States. (AG ¶ 9) The principal goal of the foreign preference assessment is to determine the risk, based on foreign associations, that information may be compromised if access to classified information is approved. It is not a measure of Applicant's loyalty to the United States.

Applicant is a dual citizen of Estonia and the United States. She is the offspring of Estonian refugees and is considered a citizen of Estonia because of her birth to Estonian parents. She applied for an Estonian passport in 2004 to facilitate entry into Estonia and permit and enhance business interests in Estonia. She uses this passport to be employed in Estonia and other European Union countries. She voted and paid taxes in Estonian. These actions raise Foreign Preference Disqualifying Condition (FP

DC) AG ¶ 10(a) (Exercise of any right, privilege, or obligation of foreign citizenship after becoming a United States citizen or through the foreign citizenship of a family member. This includes but is not limited to: (1) possession of a current foreign passport, (5) using foreign citizenship to protect financial or business interest in another country, and (7) voting in a foreign election.

In response to this disqualifying condition, Applicant raised Foreign Preference Mitigating Conditions (FP MC) AG ¶ 11(b) (The individual has expressed a willingness to renounce dual citizenship), and FP MC AG ¶ 11(e) (The passport has been destroyed, surrendered to the cognizant security authority, or otherwise invalidated). The United States Supreme Court has recognized a right under the United States Constitution for United States citizens to have a dual citizenship with another country. (*Afroyim v. Rusk*, 387 U.S. 253 (1967)). The mere fact that a United States citizen is eligible for dual citizenship with another country is not a security concern. Applicant has not indicated her intent to denounce her dual citizenship with Estonia. Her failure to renounce dual citizenship is not a disqualifying condition since the renunciation of a dual citizenship is very often a meaningless gesture because of citizenship laws of the other nation do not recognize such a denunciation. However, the exercise of dual citizenship does create a security concern.

Applicant has exercised her rights as a dual citizen. She applied for foreign citizenship, obtained a foreign passport, has a vacation home and business ties in a foreign country, and voted in a foreign election before applying for a security clearance. Applicant indicated she will surrender the passport to the appropriate security official when requested. Her business interests in Estonia are limited to the condominium purchased by her husband. While she voted in past Estonian elections, her purpose was to elect candidates favorable to United States' interests. She does not intend to vote in future Estonian elections. As noted under the Guideline B analysis, Applicant has a profound connection to the United States and her ties to Estonia are based only on culture, heritage, and love of language. Her exercise of any rights and privileges of Estonian citizenship was for business and economic reasons and does not show any conflict between her loyalty to the United States and her loyalty to Estonia. Applicant mitigated security concerns for her exercise of foreign citizenship with Estonia.

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 access to sensitive information 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 carefully considered all of the circumstances discussed above in regard to disqualifying and mitigating conditions as well as the following factors in light of the whole-person concept. I considered that Applicant is the child of refugees from communism. I considered that she was granted access to classified and sensitive information from other government agencies. I considered the opinion of those that know her well concerning her truthfulness, reliability, judgment, and loyalty.

The whole-person concept requires consideration of all available information about Applicant, not a single item in isolation, to reach a determination concerning Applicant's eligibility for access to classified information. Applicant has relationships and contacts with officials in Estonia. Her daughter is also a citizen and resident of Estonia. These facts alone might be sufficient to raise security concerns for Applicant's potential vulnerability to coercion, exploitation, or pressure. However, Applicant has established her strong ties to the United States. She also established she has no real loyalty to Estonia. Estonia is a strong ally of the United States with mutual interests and concerns. Applicant's strong ties to the United States, and the relationship between the United States and Estonia, counters any contacts and relationships she has with Estonia and people who reside there or are in the government. While she still has her Estonian passport in her possession, she is willing to turn it into a security officer when requested. Overall, on balance, the record evidence leaves me without questions or doubts about Applicant's eligibility and suitability for access to classified information. Applicant's connections to Estonia do not create a heightened risk related to national security. For all these reasons, I conclude Applicant has met the heavy burden of mitigating all potential security concerns arising from her contacts in Estonia, as well as her exercise of citizenship in Estonia. Applicant has mitigated the security concerns arising from foreign influence and foreign preference, and is granted access to classified information.

Formal Findings

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

Paragraph 1, Guideline B:	FOR APPLICANT
Subparagraph 1.a:	For Applicant
Subparagraph 1.b (1-5):	For Applicant

Paragraph 2, Guideline C: FOR APPLICANT

Subparagraphs 2.a - s: For Applicant

Conclusion

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

THOMAS M. CREAN
Administrative Judge