DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS

In the matter of:	)	
	)	
(Redacted)	)	ISCR Case No. 09-07914
	)	
Applicant for Security Clearance	)	

Appearances

For Government: Eric H. Borgstrom, Esq., Department Counsel
For Applicant: *Pro se*

January 31, 2011

Decision

FOREMAN, LeRoy F., Administrative Judge:

This case involves security concerns raised under Guidelines C (Foreign Preference) and B (Foreign Influence). Eligibility for access to classified information is granted.

Statement of the Case

Applicant submitted a security clearance application on July 29, 2009. On June 29, 2010, the Defense Office of Hearings and Appeals (DOHA) sent him a Statement of Reasons (SOR) detailing the basis for its preliminary decision to deny his application, citing security concerns under Guidelines C and B. DOHA acted 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) implemented by the Department of Defense on September 1, 2006.

Applicant received the SOR on July 2, 2010; answered it on July 21, 2010; and requested a hearing before an administrative judge. DOHA received the request on July

23, 2010. Department Counsel was ready to proceed on August 31, 2010, and the case was assigned to me on September 20, 2010. DOHA issued a notice of hearing on October 8, 2010, scheduling it for October 25, 2010. I convened the hearing as scheduled.

At the beginning of the hearing, Department Counsel moved to amend the SOR to conform to the expected evidence by adding SOR ¶ 2.d. Applicant did not object and stated he did not need additional time to respond to the amendment. (Tr. 21-22.) I granted the motion to amend, and it is handwritten on the SOR. Government Exhibits (GX) 1 and 2 were admitted in evidence without objection. Applicant testified, presented the testimony of two witnesses, and submitted Applicant's Exhibits (AX) A through J, which were admitted without objection. DOHA received the transcript (Tr.) on November 2, 2010.

Administrative Notice

I granted Department Counsel's request that I take administrative notice of relevant facts about South Korea. The request and supporting documents are attached to the record as Hearing Exhibit (HX) I. The facts administratively noticed are set out below in my findings of fact.

Findings of Fact

In his answer to the SOR, Applicant admitted all the factual allegations in the SOR. His admissions in answer and at the hearing are incorporated in my findings of fact.

Applicant is a 28-year-old research and development engineer at a U.S. university, seeking a clearance in order to work on defense-related research projects. He has never held a security clearance.

Applicant's parents are citizens of South Korea. He was born in the United States while his father was pursuing a doctoral degree in engineering. (AX B.) His father was a faculty member of a U.S. university after obtaining a degree. His father decided to return to South Korea in the summer of 1988, over his wife's objections, because he believed his career advancement would be better in South Korea. Applicant was about six years old when his family returned to South Korea. Applicant and his parents returned to the United States in the summer of 1995, when his father used his sabbatical leave for further study in the United States. They returned to South Korea in the summer of 1996. (GX 2 at 3.)

Applicant's father has taught computer programming at a private university in South Korea for the last ten years. Before teaching, he worked on private and government projects at a communications research institute. (Tr. 58.) His mother has not worked outside the home during the marriage. (Tr. 56-57.)

Shortly after Applicant's birth in the United States, his parents reported his birth to the South Korean embassy. In 2002, Applicant's parents registered him for "as-Korean national treatment" under the South Korean Nationality Act[1], which allowed him to be treated as a South Korean citizen until he made a final decision about his nationality. (AX A at 9.) Until April 2010, South Korea did not recognize dual citizenship. Under the Nationality Act, South Korea recognizes dual citizenship until age 22, at which time the individual must choose a nationality. Failure to choose results in cancellation of South Korean citizenship.

A person in the "as-Korean national treatment" system is required to use a South Korean passport for foreign travel. The passport is issued for one-year periods. Applicant received a South Korean passport in 2003 that expired in 2004 without having been used. Applicant received a South Korean passport in 2005 and used it once in 2005 for a trip to Europe.

Applicant attended a South Korean university from March 2001 to June 2003. He decided shortly after beginning his university studies that he wanted to finish his undergraduate education in Korea, apply for graduate school in the United States, and live his professional life in the United States. (Tr. 44.)

Applicant served his mandatory military service in the South Korean Army from June 2003 to June 2005. He did not try to avoid military service, because he was concerned about being involuntarily drafted during visits to his parents. (AX A at 5.) He applied for the KATUSA (Korean Augmentation to the U.S. Army) program, in which members of the South Korean Army are integrated into U.S. Army units. Because of the popularity of the KATUSA program, selection is by lottery. When Applicant was not selected to be a KATUSA soldier, he applied for duty as an interpreter in order to participate in joint exercises with U.S. military units. He received two unit coins from a U.S. military commander for his participation in joint exercises. (Tr. 42-44; AX A at 22.) While in the South Korean Army, he voted in an election in 2003, because his commanding officer ordered him to vote. (Tr. 46-47.)

Applicant returned to the university after completing his military service, and he received his bachelor's degree in August 2007. He testified that he did not receive any educational benefits based on his South Korean citizenship. The university is open to non-citizens, and he paid the same tuition as non-citizens. (Tr. 68.)

Under the South Korean Nationality Act, Applicant's South Korean citizenship was automatically cancelled in June 2007, because he did not choose Korean nationality within two years after completing his mandatory military service. (AX A at 7.) His South Korean passport was invalidated by his loss of Korean nationality, and he discarded it. (AX A at 19.) When Applicant reported his loss of South Korean citizenship

[1] I have taken administrative notice of the relevant provisions of the South Korean Nationality Act, based on State Department materials presented by Department Counsel in HX I and materials submitted by Applicant in AX A.

to the South Korean embassy, his name was removed from his father's family record in South Korea.

Applicant testified that he did not affirmatively renounce his South Korean citizenship earlier because he knew that his renunciation would cause his name to be removed from the family record, which was a sensitive issue with his parents. He later realized that his dual citizenship raised issues about his eligibility for a clearance. In July 2010, he went to the South Korean embassy and obtained documentary proof that his South Korean citizenship was cancelled and South Korean passport was invalidated in June 2007. (AX A at 19; Tr. 72.)

Applicant returned to the United States to be a graduate student in August 2007, and he obtained his master's degree in January 2008. He is now a part-time student in a doctoral program and a full-time research and development engineer. (AX C.) He served on the jury of a county court in the United States in May 2009, but he has not registered to vote in the United States. (Tr. 71; AX A at 23-24.) He recently received defense funding for a research project and has expressed interest in full-time employment in a defense research program. (AX J.) He was granted an interim clearance in September 2009 and was entrusted with classified information while his application for a permanent clearance has been pending. (Tr. 78.) Six of his colleagues and supervisors submitted letters recommending that he be granted a clearance. They uniformly attest to his reliability, honesty, loyalty, integrity, and dedication. (AX A at 40-45.)

Applicant's parents are citizens and residents of South Korea. He also has grandparents, aunts, uncles, and cousins who are citizens and residents of South Korea. Applicant's brother is a U.S. citizen, having renounced his South Korean citizenship and left the country before reaching the age of 18. (Tr. 60.) Applicant chose not to follow the path taken by his brother, because at the time he had not completed his education, was not prepared to leave South Korea without his parents, and was not able to financially support himself. (AX A at 3.)

Before returning to the United States, Applicant maintained a bank account in South Korea containing about $7,100. His parents opened four other accounts for him without his knowledge. He has since closed all the South Korean accounts, and he has established bank accounts in the United States. (AX A at 25-39; AX E and F.)

Applicant is engaged to marry a citizen and resident of South Korea, whom he met when they were both university students in South Korea. His fiancée intends to join him in the United States and become a U.S. citizen. (Tr. 52.) In October 2010, he applied for a visa for his fiancée. (AX G.) In support of the application, he and his fiancée both submitted statements of intent to marry within 90 days of his fiancée's admission to the United States and to reside together in the United States. (AX H and I.)

Applicant's fiancée is 27 years old. She worked in the United States for six months to improve her English. (Tr. 65.) She now works as an assistant manager of a

retail store in South Korea. Her mother is not employed outside the home, and her father is semi-retired, working as a consultant for an import and export business. She has one sibling, a brother who is a college student in South Korea. (Tr. 63-64.)

Applicant's paternal grandfather retired from a railroad before Applicant was born. His maternal grandfather is deceased. Neither his paternal grandmother nor his maternal grandmother has worked outside the home. (Tr. 66-67.) Applicant has contact with his grandparents once or twice a year. He has several aunts and cousins in South Korea but he has little contact with them. (Tr. 49-50.)

One of Applicant's research supervisors has worked at the laboratory for 21 years, served in the U.S Marine Corps for six years, holds a security clearance, has known Applicant for four years, and works with him on a daily basis. He testified that he has been very impressed with Applicant's work ethic and ability, and he has no reservations about recommending that Applicant be granted a security clearance. (Tr. 75-79.)

One of Applicant's research advisors for two years, who also holds a security clearance, had weekly contact with Applicant while he was working on his master's thesis. He testified that he observed nothing that would raise any question about Applicant's suitability for a security clearance. (Tr. 82-85.)

I have taken administrative notice that South Korea is a stable, democratic republic. The United States and South Korea have been close allies since 1950. The United States has thousands of U.S. military personnel stationed in South Korea, and frequently conducts joint military operations with South Korea. South Korea is the United States' seventh largest trading partner. The South Korean government generally respects the human rights of its citizens. However, South Korea has some political prisoners, and some rules regarding arrest and detention are vague.

I also have taken administrative notice that all South Korean males between the ages of 18 and 35 are subject to compulsory military service. Dual citizens may avoid military service by renouncing their South Korean citizenship by March 31 of the year when they become 18 years old. There have been circumstances where U.S. citizens of South Korean descent were drafted into the South Korean Army when they visited South Korea.

Finally, I have taken administrative notice that South Korea has a history of collecting protected U.S. information. On several occasions, South Korea has been the unauthorized recipient of sensitive technology, in violation of U.S. export control laws.

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 have 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.

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the 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 the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of classified information.

Clearance decisions must be made "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." *See* Exec. Or. 10865 § 7. Thus, a decision to deny a security clearance is merely an indication the 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 the applicant that may disqualify the 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. 92-1106 at 3, 1993 WL 545051 at *3 (App. Bd. Oct. 7, 1993).

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 C, Foreign Preference

The SOR alleges Applicant exercised dual citizenship with South Korea and the United States by obtaining a South Korean passport in 2003 (SOR ¶ 1.a(1)), obtaining a South Korean passport in 2005 (SOR ¶ 1.a(2)), using his South Korean passport to travel on "multiple occasions" (SOR ¶ 1.a(3)), serving in the South Korean Army from June 2003-June 2005 (SOR ¶ 1.a(4)), and voting in a South Korean election in 2003 or 2004 (SOR ¶ 1.a(5)). Applicant admitted all the allegations in his answer to the SOR and at the hearing.

The security concern under this guideline is set out in AG ¶ 9: "When an individual acts in such a way as to indicate a preference for a foreign country over the United States, then he or she may be prone to provide information or make decisions that are harmful to the interests of the United States." A disqualifying condition may arise from "exercise of any right, privilege or obligation of foreign citizenship after becoming a U.S. citizen," including but not limited to: "possession of a current foreign passport" (AG ¶ 10(a)(1)); "military service . . . for a foreign country" (AG ¶ 10(a)(2)); or "voting in a foreign election" (AG ¶ 10(a)(7). Applicant's admissions in his answer to the SOR and at the hearing establish AG ¶ 10(a)(1), (2), and (7), shifting the burden to him to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. 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).

Dual citizenship standing alone is not sufficient to warrant an adverse security clearance decision. ISCR Case No. 99-0454 at 5, 2000 WL 1805219 (App. Bd. Oct. 17, 2000). Under Guideline C, "the issue is not whether an applicant is a dual national, but rather whether an applicant shows a preference for a foreign country through actions." ISCR Case No. 98-0252 at 5 (App. Bd. Sep. 15, 1999).

The security concern under this guideline is not limited to countries hostile to the United States "Under the facts of a given case, an applicant's preference, explicit or implied, even for a nation with which the U.S. has enjoyed long and peaceful relations, might pose a challenge to U.S. interests." ADP Case No. 07-14939 at 4 (App. Bd. Mar. 11, 2009).

Security concerns under this guideline may be mitigated by evidence that "dual citizenship is based solely on parents' citizenship or birth in a foreign country." AG ¶ 11(a). This mitigating condition is not fully established. Applicant's South Korean citizenship was acquired solely because of his parents' citizenship, but he chose to keep it until he completed his military service and graduated from college.

Security concerns under this guideline also may be mitigated if "the individual has expressed a willingness to renounce dual citizenship." AG ¶ 11(b). This mitigating condition is established because Applicant intentionally allowed his South Korean

citizenship to be cancelled. He notified the South Korean embassy that he had lost his South Korean citizenship, knowing that his notification would cause his name to be removed from the South Korean family registry.

Security concerns may be mitigated by showing that "exercise of the rights, privileges, or obligations of foreign citizenship occurred before the individual became a U.S. citizen or when the individual was a minor." AG ¶ 11(c). This mitigating condition is partially established because Applicant was enrolled in the "as-Korean national" program by his parents when he was a minor. However, he received his first South Korean passport in 2003, when he was 21 years old, and he renewed his South Korean passport as an adult.

Finally, security concerns based on possession or use of a foreign passport may be mitigated if "the passport has been destroyed, surrendered to the cognizant security authority, or otherwise invalidated." AG ¶ 11(e). This mitigating condition is established because his South Korean passport was invalidated when his South Korean citizenship was cancelled.

No enumerated mitigating conditions apply to Applicant's voting in a South Korean election. However, I have considered that he voted while in the South Korean Army and I found his explanation for voting plausible and credible. Under the circumstances, his decision to participate in the election was not entirely voluntary.

Guideline B, Foreign Influence

The SOR alleges Applicant's mother, father, grandparents, aunts, uncles, cousins, and fiancée are citizens and residents of South Korea (SOR ¶¶ 2.a, 2.b, 2.d). It also alleges Applicant has "approximately five" bank accounts in South Korea.

The security concern under this guideline 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.

Four disqualifying conditions under this guideline are relevant. First, 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). Second, a disqualifying condition may be raised by "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." AG ¶ 7(b). Third, a security concern may be raised if an applicant is "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" AG ¶ 7(d). Fourth a security concern also may be raised by "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." AG ¶ 7(e).

AG ¶¶ 7(a), (d), and (e) all require substantial evidence of a "heightened risk." The "heightened risk" required to raise one of these disqualifying conditions is a relatively low standard. "Heightened risk" denotes a risk greater than the normal risk inherent in having a family member living under a foreign government.

Applicant's family ties to South Korea, along with his intention to marry a citizen and resident of South Korea, are sufficient to establish AG ¶¶ 7(a) and (b). His intended marriage will raise AG ¶ 7(d). Because Applicant no longer has any bank accounts in South Korea, AG ¶ 7(e) is not established.

"[T]here is a rebuttable presumption that a person has ties of affection for, or obligation to, the immediate family members of the person's spouse." ISCR Case No. 01-03120, 2002 DOHA LEXIS 94 at * 8 (App. Bd. Feb. 20, 2002). Applicant's intended marriage will raise this presumption with respect to his fiancée's parents and brother.

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).

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, "even friendly nations can have profound disagreements with the United States over matters they view as important to their vital interests or national security." ISCR Case No. 00-0317, 2002 DOHA LEXIS 83 at **15-16 (App. Bd. Mar. 29, 2002). Finally, we know friendly nations have engaged in espionage against the United

States, especially in the economic, scientific, and technical fields. 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. In considering the nature of the government, an administrative judge must also consider any terrorist activity in the country at issue. *See generally* ISCR Case No. 02-26130 at 3 (App. Bd. Dec. 7, 2006) (reversing decision to grant clearance where administrative judge did not consider terrorist activity in area where family members resided).

No one in Applicant's immediate family is connected to the South Korean government or military forces. His father is an expert in computer programming, but he works in academia instead of the business world. Nevertheless his research and technical expertise presents a risk of industrial espionage in information system technology. After considering the totality of Applicant's family ties to South Korea, I conclude that the mitigating condition in AG ¶ 8(a) is not established.

Security concerns under this guideline also can be mitigated by showing "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." AG ¶ 8(b). Applicant's sense of obligation to his parents is not "minimal," but he has demonstrated deep loyalty to the United States. He did not have the financial means or emotional strength to renounce his South Korean citizenship before the age of 18, but he demonstrated his affinity for the United States by seeking a military assignment with U.S. military forces in Korea, pursuing his graduate education in the United States, intentionally allowing his South Korean citizenship to be cancelled, and taking affirmative action to have his name removed from the family registry in South Korea.

Applicant has impressed his advisors and supervisors with his careful handling of classified information and his dedication to duty. Immediately after his fiancée accepted his marriage proposal, he took steps toward bringing her to the United States. I was impressed by his candor and sincerity at the hearing. I am confident that he would resolve any conflict of interest in favor of the United States. Therefore, I conclude that the mitigating condition in AG ¶ 8(b) is established.

Security concerns under this guideline also may be mitigated by showing that "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." AG ¶ 8(c). There is a rebuttable presumption that contacts with an immediate family member in a foreign country are not casual. ISCR Case No. 00-0484 at 5 (App. Bd. Feb. 1, 2002). This mitigating condition is not established for Applicant's contacts with his parents, but it is established for his minimal contacts with his extended family in South Korea.

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 relevant 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. I have incorporated my comments under Guidelines C and B in my whole-person analysis. Some of the factors in AG ¶ 2(a) were addressed under those guidelines, but some warrant additional comment.

Applicant is relatively young, very intelligent, and articulate. He has a reputation for carefully considering his decisions, and he demonstrated his careful and precise thinking during his testimony. His family developed an affinity for the United States while his father was pursuing graduate studies. The family's return to South Korea was driven by his father's career aspirations, and it occurred over the objections of Applicant's mother. Applicant's brother renounced his South Korean citizenship at an early age. Applicant was more cautious, unwilling to offend his parents and unable to support himself and complete his education. Applicant successfully sought out connections with the United States military forces during his military service. He has held an interim clearance and handled classified information since September 2009, without incident. He has impressed his colleagues, advisors, and supervisors with his loyalty, dedication, and reliability. He impressed me at the hearing with his candor, thoughtful responses to questioning, and sincerity.

After weighing the disqualifying and mitigating conditions under Guidelines C and B, evaluating all the evidence in the context of the whole person, and mindful of my obligation to resolve close cases in favor of national security, I conclude Applicant has mitigated the security concerns based on foreign preference and foreign influence. Accordingly, I conclude he has carried his burden of showing that it is clearly consistent with the national interest to grant him eligibility for access to classified information.

Formal Findings

I make the following formal findings on the allegations in the SOR:

Paragraph 1, Guideline C (Foreign Preference):	FOR APPLICANT
Subparagraphs 1.a(1)-1.a(5):	For Applicant
Paragraph 2, Guideline B (Foreign Influence):	FOR APPLICANT
Subparagraphs 2.a-2.d:	For Applicant

Conclusion

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

LeRoy F. Foreman
Administrative Judge