



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



In the matter of: )  
)  
) ISCR Case No. 09-08715  
)  
)  
Applicant for Security Clearance )

**Appearances**

For Government: James Duffy, Esquire, Department Counsel  
For Applicant: Debra L. Roth, Esquire, and Julia H. Perkins, Esquire

September 30, 2010

**Decision**

ANTHONY, Joan Caton, Administrative Judge:

After a thorough review of the record in this case, the applicable adjudicative guidelines, and the whole-person concept, I conclude that Applicant mitigated the Government's security concerns under Guideline B, Foreign Influence, but failed to rebut or mitigate the Government's security concerns under Guideline C, Foreign Preference. His eligibility for a security clearance is denied.

Applicant completed and certified an Electronic Questionnaire for Investigations Processing (e-QIP) on July 6, 2009. On March 8, 2010, the Defense Office of Hearings and Appeals (DOHA) issued Applicant a Statement of Reasons (SOR) detailing security concerns under the foreign preference and foreign influence adjudicative guidelines. 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 within the Department of Defense for SORs issued after September 1, 2006.

On April 16, 2010, Applicant answered the SOR in writing and requested a hearing before an administrative judge. The case was assigned to me on May 3, 2010. On May 5, 2010, DOHA issued a Notice of Hearing, scheduling the case for hearing on May 26, 2010. I convened the hearing as scheduled to consider whether it is clearly consistent with the national interest to grant or continue a security clearance for Applicant. The Government called no witnesses and introduced four exhibits, which were marked Ex. 1 through 4 and admitted without objection. Applicant testified, called no other witnesses, and introduced nine exhibits, which were marked as Ex. A through Ex. I and admitted without objection.

Applicant submitted information about the country of Uruguay, derived from official U.S. government documents, for administrative notice.<sup>1</sup> The Government did not object to Applicant's administrative notice documents, and they are identified in the record as Hearing Exhibit (H.E.) 1. DOHA received the transcript (Tr.) of the hearing on June 8, 2010.

### **Procedural Matters**

Prior to his hearing, Applicant submitted a document correcting a statement he made in his Answer to the SOR. His original statement read: "My parents, two sisters, their husbands and children, my thirteen aunts, uncles and more than thirty first cousins are all US citizens and reside in the USA." In a notarized statement, dated May 24, 2010, Applicant corrected that statement with the following information:

The fact is that out of fifteen aunts and uncles, nine siblings of my mother, and six siblings of my Dad, all are or were U.S. citizens (two are now deceased) but only fourteen of them reside (or resided) in the USA. My uncle [name deleted] . . . has resided in . . . East Africa, carrying out his duties as a . . . missionary.

Applicant's correction to his Answer to the SOR was noted and included in the record as H.E. 2.

At the hearing, Department Counsel moved to amend SOR ¶ 1.a. to conform with facts provided by Applicant in his Answer to the SOR. The allegation at SOR ¶ 1.a. was amended to read: "As a native-born United States citizen, you took action to obtain Ireland citizenship in 1993." Applicant did not object to the amendment, and it was approved. (Tr. 27-28.)

At the conclusion of the hearing, I asked the Parties to provide me with information addressing the conditions under which children born to an Uruguayan citizen and a U.S. citizen in the United States might claim Uruguayan citizenship. On

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<sup>1</sup> The documents offered by Applicant for administrative notice were: *Background Note: Uruguay*, U.S. Department of State, April 8, 2010, (7 pages) and *Country Specific Information: Uruguay*, U.S. Department of State, March 12, 2010 (5 pages).

June 4, 2010, the Parties filed a joint memorandum which provided the information I had requested. The memorandum is marked as H.E. 3.

On June 14, 2010, Applicant filed a motion for leave to submit additional evidence for the record. Applicant's motion is marked as H.E. 4. The Government did not oppose Applicant's motion, and Applicant was granted leave to submit additional evidence. Applicant subsequently provided a notarized statement, dated June 8, 2010, that reflected his and his wife's intentions regarding the citizenship of their two children. The Government did not object, and Applicant's statement was marked as his Ex. J and admitted to the record.

### **Findings of Fact**

The amended SOR contains three allegations that raise security concerns under Guideline C, Foreign Preference (SOR ¶¶ 1.a. through 1.c.) and three allegations that raise security concerns under Guideline B, Foreign Influence (SOR ¶¶ 2.a. through 2.c.). In his Answer to the SOR, Applicant admitted the three Guideline C allegations and the three Guideline B allegations but denied they were of security significance. He provided additional information. His admissions are admitted as findings of fact.

Applicant, a U.S. citizen, was born to citizens of the United States residing in the United States. He holds dual citizenship with the Republic of Ireland. He is employed as a senior consultant by a government contractor. He seeks a security clearance.<sup>2</sup> (Ex. 1; Tr. 91.)

Applicant is 41 years old, married, and the father of two young children. Applicant's wife, to whom he has been married for 15 years, is a citizen of Uruguay and a U.S. resident alien. (Ex. 1; Tr. 40-39, 64-65.)

Applicant's wife is a homemaker. She resides with Applicant in the United States and is not employed outside of their home. When she came to the United States, she worked as a nanny and as a preschool teacher. She has never been employed by a foreign government. (Tr. 121.)

Applicant's father-in-law and brother-in-law are citizens and residents of Uruguay. The father-in-law is retired and lives in an assisted-living facility in Uruguay. He receives a pension from the government of Uruguay. Before retirement, he worked as an electrician. He was not employed by the government of Uruguay, and he did not serve in the military of Uruguay. (Tr. 121-122.)

Applicant's wife's brother works at a rubber factory in Uruguay. He has neither worked for the government nor served in the military of Uruguay. (Tr. 125.)

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<sup>2</sup> Applicant stated that he had undergone a background check when he accepted employment with a federal executive agency. He stated, however, that he did not have an active security clearance, and he did not have access to classified information. Tr. 118-119.)

Applicant's wife speaks with her father on the telephone every two weeks. Applicant speaks with his father-in-law less frequently, since his father-in-law speaks very little English. Applicant speaks by telephone with his wife's brother once or twice a year. (Tr. 123-124.)

Although the citizenship of Applicant's two American-born children was not alleged in the SOR, he stated that he and his wife did not intend to apply for dual citizenship with Uruguay for the children. (Ex. J.)

In 1991, when he was 22 years old, Applicant received a Bachelor of Arts degree in history. In 2000, he received a Master of Business Administration degree. Both of Applicant's degrees were from U.S. universities. (Answer to SOR; Ex. 1.)

From September to November 1991, Applicant traveled in Europe. During this trip, he stopped in Ireland for a week and visited for the first time with two great aunts, who were the sisters of his maternal grandfather. Applicant did not know his maternal grandfather, who died before he was born. However, Applicant's large extended American family revered the memory of the grandfather, who immigrated to the United States from Ireland at age seventeen in about 1924. During his visit to Ireland, Applicant also met and spent time with several other Irish cousins and their families. (Answer to SOR; Tr. 41-50.)

Applicant returned to the United States and in 1992 took a position as a budget analyst with a federal agency. He learned that he could apply for Irish citizenship because his grandfather had been born in Ireland. He applied for, and received, citizenship in the Republic of Ireland in 1993. At his hearing, he confirmed his dual citizenship with the Republic of Ireland. (Ex. 1; Tr. 51-53, 119.)

Applicant stated that one reason he obtained Irish citizenship was to honor his grandfather, establish familial connections, and strengthen his cultural bonds with Ireland. Since obtaining Irish citizenship, Applicant has not returned to Ireland. In 1997, Applicant acquired an Irish passport. In 2007, when his Irish passport expired, he renewed it. Applicant's renewed Irish passport will expire in 2017. Applicant stated that he had not used his Irish passport for foreign travel. (Tr. 51-56.)

Applicant provided a photocopy of his current Irish passport for the record. The cover of Applicant's Irish passport identifies it as an official document of the European Union (EU) and of Ireland. (Ex. 3 at 13.)

Applicant explained that he had other reasons for obtaining Irish citizenship:

I knew there were privileges that if you had an EU passport you could work in any European Union country.<sup>3</sup> Which I felt was just a good option

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<sup>3</sup> Neither party submitted administrative notice material on the EU or on the Republic of Ireland. For the purpose of providing context for Applicant's remarks, I take administrative notice of the following facts:

to have in my back pocket in case there was a chance to, you know, have a career that would be enhanced by working in Europe for a period or in case there was trouble finding work in the US.

(Tr. 54.)

Applicant was interviewed by an investigator from the U.S. Office of Personnel Management (OPM) on August 7, 2009. The investigator noted that Applicant held an active Irish passport and summarized a discussion of Applicant's dual citizenship with Ireland as follows:

The subject holds dual citizenship with Ireland and the U.S. The subject sought his citizenship with Ireland due to his family's background from Ireland. The subject provided that he also applied for citizenship with Ireland because he thought it was a good opportunity in case he needed to work in Europe. The subject does not hold allegiance to Ireland. The subject does not experience conflict because of any sense of loyalty to Ireland and obligation as a U.S. citizen. The subject is not sure if he is willing to relinquish his citizenship with Ireland. The subject provided that his willingness to relinquish his citizenship with Ireland would be based on if he was relinquishing his citizenship with Ireland for a period of time or permanently. The subject provided that he also is not sure if he wants to relinquish his citizenship with Ireland because he might want to work in Europe in the future.

(Ex. 2 at 3.)

After reviewing the investigator's summary, Applicant added the following information: "Before applying for dual citizenship with Ireland, I called the U.S. State Department and inquired if there would be any employment or security clearance restrictions if I obtained dual citizenship with Ireland, and was told there would be no such employment or security clearance restrictions. In fact I understood the US government encourages goodwill and strong ties between the USA and our close ally, Ireland." (Ex. 2 at 7.)

On February 22, 2010, Applicant responded to a DOHA interrogatory which sought further information about his possession of an Irish passport. In response to interrogatory question 5d, he cited the following reasons for obtaining and currently

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The EU, a supranational/mixed intergovernmental entity, is a strong strategic partner of the United States. Ireland is one of the 27 member states in the EU. The other member states in the EU are: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom. "European Union," Regional Topics, Bureau of European and Eurasian Affairs, U.S. Department of State, at 1-2; Fact Sheet, "European Union Profile," Bureau of European and Eurasian Affairs, U. S. Department of State. I have marked the documents I used as reference as H.E.5, and they are included in the record.

possessing the Irish passport: “To potentially take advantage of benefits of dual citizenship including (1) opportunity to work or live in any EU country [and] (2) opportunity to purchase property in any EU country.” (Ex. 3 at 2-3.)

When asked if he was willing to destroy, surrender, or invalidate the foreign passport, Applicant responded: “I am willing to surrender the Irish passport temporarily.” He cited these reasons for his willingness to temporarily surrender his Irish passport: “I would like to obtain the security clearance for current projects and the immediate future. However, eventually I would like to have the option to take advantage of the benefits [of dual citizenship] described in 5d above.” (Ex. 3 at 3.)

In the interrogatories, DOHA requested that Applicant provide documentation that he had destroyed, surrendered, or invalidated his passport, or that he intended to do so. On February 22, 2010, Applicant surrendered his EU/Irish passport to his employer’s facility security officer, who provided the following written acknowledgment of receipt: “[Company] accepts responsibility for the foreign passport, and will retain the foreign passport along with a copy of the surrender documentation until further notice. [Company] records will be annotated with the requirement that should the foreign issued passport be returned to [Applicant], [Company] will notify DOHA immediately.” (Ex. 4.)

At his hearing, Applicant declined to renounce his citizenship with the Republic of Ireland. He stated: “At this point I’m not looking to renounce. I won’t say I would never consider renouncing. But at this point, no.” (Tr. 119.)

When asked on cross examination if he still intended to use his Irish passport to live, work, or purchase property in the European Union, Applicant stated: “I don’t have any plans to move, live, work, or buy property in . . . the EU. As I mentioned earlier, I maintained the passport with the idea that it might be good to have just in case, with no active plans to . . . do any of the above.” (Tr. 120.)

Applicant and the Department Counsel then engaged in the following colloquy:

Department Counsel: But still, at some point in the future, you may use your Irish citizenship to live, work, or purchase property in the European Union?

Applicant: I don’t have any plans to do so. I guess I’m not 100 percent ruling it out.

(Tr. 120.)

Applicant provided evaluations of his work performance from his current employer which identified him as a valued employee. He also provided documents establishing that he received awards and other certificates of appreciation for his professional contributions as a budget analyst at a federal executive agency. Additionally, Applicant provided twelve letters of support from family members, friends,

and colleagues, all of whom identified Applicant as a person of intelligence and character. (Ex. A through Ex. I, 1-12.)

Applicant provided facts for administrative notice derived from the following documents: U.S. Department of State, *Background Note: Uruguay*, April 8, 2010 (7pages) and U. S. Department of State, *Country Specific Information: Uruguay*, March 12, 2010 (5 pages). I take administrative notice of the following facts from those two documents:

Uruguay, a country with a population of approximately 3.3 million, became an independent country in 1825. Uruguay is a constitutional republic . . . comprised of three branches: executive (a president who is chief of state and head of government); legislative (a general assembly elected by proportional representation consisting of a 99-seat Chamber of Deputies and a 30-seat Senate; and, judicial (A Supreme Court of Justice).

Uruguay is 'distinguished by its high literacy rate, large urban middle class, and relatively even income distribution.' (U.S. Department of State: *Background Note: Uruguay*, at 2.) Uruguayans share a Spanish language and cultural background, and although the majority of Uruguayans are nominally Roman Catholic, the church and state officially are separated.

The Uruguayan 1967 Constitution created a strong presidency, with checks and balances through the legislative and judicial branches. Each president's term is 5 years; a former president may run later in subsequent elections but the terms must be non-consecutive. In November 2009, Jose Mujica of the Frente Amplio party won the presidential election and was sworn in for a 5-year term on March 1, 2010.

Uruguay ranks 'first in the world on a per capita basis for its contributions to UN peacekeeping forces.' (U.S. Department of State: *Background Note: Uruguay*, at 7.) Uruguay is a 'strong advocate of constitutional democracy, political pluralism, and individual liberties' and its relations with the United States are based on a 'common outlook and emphasis on democratic ideals.' (U.S. Department of State: *Background Note: Uruguay* at 7.) Moreover, Uruguay is a partner with the United States on law enforcement matters relating to drug trafficking and terrorism, and it has long been involved in human rights issues.

### **Policies**

The U.S. Supreme Court has recognized the substantial discretion of the Executive Branch in regulating access to information pertaining to national security, and it has emphasized that "no 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 an applicant’s 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.

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

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, the administrative judge applies these guidelines in conjunction with the factors listed in the adjudicative process. The administrative judge’s overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(c), the entire process is a conscientious scrutiny of a number of variables known as the “whole-person concept.” The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision.

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

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

A person who seeks access to classified information enters into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it grants access to classified information. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to 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.

Section 7 of Executive Order 10865 provides that decisions shall be “in terms of the national interest and shall in no sense be a determination as to the loyalty of the



applicant concerned.” See also EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

## **Analysis**

### **Guideline C, Foreign Preference**

Under AG ¶ 9, the security concern involving foreign preference arises “[w]hen an individual acts in such a way as to indicate a preference for a foreign country over the United States.” Such an individual “may be prone to provide information or make decisions that are harmful to the interests of the United States.”

AG ¶ 10 describes several conditions that could raise a security concern and may be disqualifying:

(a) exercise of any right, privilege or obligation of foreign citizenship after becoming a U.S. citizen or through the foreign citizenship of a family member. This includes but is not limited to:

- (1) possession of a current foreign passport;
- (2) military service or a willingness to bear arms for a foreign country;
- (3) accepting educational, medical, retirement, social welfare, or other such benefits from a foreign country;
- (4) residence in a foreign country to meet citizenship requirements;
- (5) using foreign citizenship to protect financial or business interests in another country;
- (6) seeking or holding political office in a foreign country; and,
- (7) voting in a foreign election;

(b) action to acquire or obtain recognition of a foreign citizenship by an American citizen;

(c) performing or attempting to perform duties, or otherwise acting, so as to serve the interests of a foreign person, group, organization, or government in conflict with the national security interest; and

(d) any statement or action that shows allegiance to a country other than the United States: for example, declaration of intent to renounce United States citizenship; renunciation of United States citizenship.

Applicant is a native-born U.S. citizen. In 1993, at the age of 24, he acquired dual citizenship with the Republic of Ireland. In 1997, he acquired an Irish passport. He renewed his Irish passport for ten additional years in 2007. Because Ireland is a member state in the EU, Applicant also acquired with his Irish citizenship certain privileges exclusive to citizens of EU member states. Those privileges pertain to work and owning property in EU countries. Applicant intended to use his Irish citizenship to make use of those privileges and to acquire a job or a business situation in an EU country.

Applicant's acquisition of an Irish passport as a U.S. citizen raised a concern that he actively exercised dual citizenship with Ireland. However, in February 2010, he relinquished his active Irish passport to his facility security officer. In doing so, he made clear that he was only temporarily relinquishing the passport and would seek to repossess it after his work requiring a security clearance was completed. Moreover, at his hearing, he stated that he did not intend to renounce his dual citizenship with the Republic of Ireland. These actions suggest a preference for a foreign country over the United States and they raise security concerns under AG ¶¶ 10(a) and 10(b).

Under AG ¶11(a), dual citizenship might be mitigated if "it is based solely on [an applicant's] parents' citizenship or birth in a foreign country." Under AG ¶11(b), an individual's dual citizenship might be mitigated if he or she "has expressed a willingness to renounce dual citizenship." Under AG ¶11(c), an individual's "exercise of the rights, privileges, or obligations of foreign citizenship might be mitigated if it occurred before becoming a U.S. citizen or when the individual was a minor." Under AG ¶11(d), an individual's use of a foreign passport might be mitigated if it were "approved by the cognizant security authority." Under AG ¶11(e), an individual's use of a foreign passport might be mitigated if he or she presents credible evidence that "the passport has been destroyed, surrendered to the cognizant security authority, or otherwise invalidated."

Applicant, a native-born U.S. citizen, actively sought dual citizenship with the Republic of Ireland. In 1997, he acquired an EU/Irish passport. Ten years later, in 2007, when his Irish passport expired, he renewed it for an additional term of ten years. Applicant was unwilling to renounce his Irish citizenship. He relinquished his active Irish passport to his employer's security officer, but only temporarily. Nothing in the record supports a conclusion that Applicant's use of his Irish passport was approved by his cognizant security authority. Accordingly, I conclude that AG ¶11(e) applies in part in mitigation in this case. After a careful review of the record, I also conclude that AG ¶¶ 11(a), 11(b), 11(c), and 11(d) do not apply in mitigation in this case.

I also conclude SOR allegation 1.c. for Applicant because it describes an aspiration and not active conduct. As such, it is a consequence of Applicant's deliberate act to acquire Irish citizenship, which is alleged in SOR ¶ 1.a.

## **Guideline B, Foreign Influence**

AG ¶ 6 identifies foreign influence security concerns as follows: “[f]oreign 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.” Additionally, adjudications under Guideline B “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 U.S. citizens to obtain protected information and/or is associated with the risk of terrorism.” AG ¶ 6.

Applicant’s wife is a citizen of Uruguay and a resident U.S. alien. She has resided in the United States with Applicant for 15 years. Her aged father and brother are citizens of Uruguay and reside in Uruguay. Neither Applicant’s wife nor his father-in-law and brother-in-law have been employed by the government of Uruguay. Applicant’s contacts with his wife and her family members are not a security concern within the context of their Uruguayan citizenship.

Uruguay is a constitutional democracy which supports political pluralism and individual liberties. Like the United States, Uruguay emphasizes democratic ideals. Moreover, Uruguay is a partner with the United States on law enforcement matters relating to drug trafficking and terrorism, and it has long been involved in human rights issues. I conclude that AG ¶ 8(a) applies in mitigation to the facts of Applicant’s case. AG ¶ 8(a) reads: “the nature of the relationships with the 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.”

## **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 his or her conduct and all relevant circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(a):

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

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept.

I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case. Applicant is an intelligent and well-educated professional who is considered to be a valued employee by his government contractor employer. He is a devoted and loyal son, husband, father, and family member. In 1993, as a young adult, Applicant acquired Irish citizenship. In 1997, he acquired an Irish passport, which he hoped might provide him with an alternative source of employment in European Union member countries. He has temporarily relinquished his Irish passport, which he renewed in 2007, and he has declined to renounce his Irish citizenship. Applicant wishes to maintain his active Irish citizenship and an active Irish passport in order to benefit from privileges that accrue to Irish citizens through their country's membership in the European Union. Applicant's actions indicate a preference for the Republic of Ireland and his Irish citizenship.

Overall, the record evidence leaves me with questions and doubts at the present time as to Applicant's eligibility and suitability for a security clearance. For these reasons, I conclude that while Applicant mitigated security concerns under Guideline B, Foreign Influence, he failed to mitigate the security concerns arising under Guideline C, Foreign Preference.

### **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 C:	AGAINST APPLICANT
Subparagraphs 1.a. and 1.b.:	Against Applicant
Subparagraph 1.c.:	For Applicant
Paragraph 2, Guideline B:	FOR APPLICANT
Subparagraph 2.a. - 2.c:	For Applicant

## **Conclusion**

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

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Joan Caton Anthony  
Administrative Judge