



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



In the matter of:)
)
) ISCR Case No. 10-01732
)
)
Applicant for Security Clearance)

Appearances

For Government: Jeff Nagel, Esq., Department Counsel
For Applicant: Brian Cruz, Esq.

March 22, 2012

Decision

GOLDSTEIN, Jennifer I., Administrative Judge:

Applicant is a 59-year-old employee of a defense contractor. The Government raised concerns over his contacts in a foreign nation including his father, sister, aunt, uncle, cousins, college friend, and property he owns abroad. However, his long and intricate connections with the United States indicate he would resolve the conflict in favor of the United States. Applicant mitigated the Government’s Foreign Influence concerns.

Statement of the Case

On September 24, 2009, Applicant submitted an Electronic Questionnaires for Investigations Processing (e-QIP). On August 12, 2011, the Defense Office of Hearings and Appeals (DOHA) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline B, Foreign Influence. The action was taken under Executive Order (EO) 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 September 1, 2006.

Applicant answered the SOR (Answer) on September 7, 2011, and requested a hearing before an administrative judge. The case was assigned to another administrative judge on October 25, 2011, and on that same day the assigned judge scheduled the case for hearing on November 17, 2011. Applicant requested a continuance and it was granted based upon good cause. The case was reassigned to me on November 1, 2011. DOHA issued a notice of hearing on November 7, 2011, scheduling the hearing for December 20, 2011. Applicant's counsel submitted an additional continuance request. On December 7, 2011, the case was rescheduled for hearing on January 23, 2012, and the hearing was convened as scheduled. The Government offered Exhibits (GE) 1 through 3, which were admitted without objection. The Applicant offered Exhibits (AE) A through Y, which were admitted without objection. Applicant testified on his own behalf. DOHA received the transcript of the hearing (Tr.) on February 6, 2012.

Administrative Notice

Department Counsel requested that I take administrative notice of relevant facts about a foreign nation (FN) involved in this matter. The request and the documents attached as enclosures were not admitted in evidence but are attached to the record as HE I. I took administrative notice of all facts as set out in the request by Department Counsel.

Findings of Fact

Applicant is a 59-year-old employee of a defense contractor. He was born in FN. He attended an English-speaking school in FN and spoke English in his home with his family. In 1971, at age 19, Applicant came to the United States on a student visa. He attended an American university and graduated with a bachelor's degree. He chose to remain in the United States and become a U.S. citizen because he was comfortable living in a country that was open and receptive to immigrants and the conditions in FN were deteriorating. (GE 1; Tr. 26-30, 103.)

Applicant has been married for the past 29 years to an American born, U.S. citizen. He has two adult children, a daughter and a son. Applicant's daughter only speaks English, although his son knows a little bit of French, in addition to English. (GE 1; Tr. 54-57.)

Applicant currently works for a government contractor in a high-level position. He has worked as a government contractor for over 30 years. He has held a security clearance for over 27 years, without incident. In the early days of his employment as a government contractor, he spent a lot of time living abroad, because the programs he worked on required it. Applicant testified that 98% of his work involves the United States military. He started to commute from the United States abroad in 2003. His work requires him to be out of the country full time, but his immediate family is firmly planted in the United States and does not care to live overseas. Applicant finds that spending time abroad is not pleasant for him. He views himself as only an American. He is

committed to the United States, its principles, its freedom, and its way of life. America is home for Applicant. (GE 1; Tr. 31-35, 110.)

In the early 2000s, Applicant and his family were living overseas while he was working on a U. S. Government-based project. A terrorist attack occurred a short distance from his home. One of his children suffers permanent impairment as a result of the attack and a number of neighbors were killed. Despite this incident, Applicant has continually returned to the same area for business purposes. Applicant testified that he is willing to sacrifice his life in case his country needs it, and he has pledged to defend the United States against any enemy. (AE A; AE E; AE W; Tr. 106-110.)

During his time abroad, he made a number of real estate investments. He purchased a condo in FN when he worked there, but it has since been sold (SOR allegation 1.h). He also has signed over his share of his family's home in FN to his sister. He does not stand to inherit any property in FN. He does own a plot of undeveloped land in FN with an estimated value of less than \$20,000 (SOR allegation 1.i). He also owns a condominium (SOR allegation 1.g) that is under construction in another foreign nation (FN2). He bought it in approximately 2008, as an investment, when real estate in FN2 was booming. However, the economy declined and construction on the tower stopped. The property remains incomplete. The purchase price for this property four years ago was approximately \$100,000. A colleague of Applicant's indicated in his statement that FN2, "was the location which showed the greatest potential return on investment in real estate," at that time and that in their line of work, it was reasonable for Applicant to make such a purchase. (AE F; AE L; GE 2; GE 3; Tr. 94-100.)

Applicant estimated that less than 10% of his total real estate investments are abroad. He offered documentation to show that he has a number of real estate investments in the United States, including a rental property with three residential units, and a residence currently worth over \$2.2 million. Applicant's documented total net worth is estimated at between \$5 million to \$5.5 million. (AE L through AE V; Tr. 100-101.)

Prior to traveling out of the United States, Applicant goes through a number of security measures. He must obtain several licenses from the U.S. Government. The Government specifically approves several stages of his interactions with foreign governments. He notifies his office of any personal side trips that he conducts; including each time he has visited his family in FN. The government contractor gives him an approval letter indicating whether he can go or not. He is required to get the security department's approval for all hotels and venues. Applicant has dutifully adhered to all of these security and licensing requirements throughout his career with the government contractor. (AE A; AE B; AE C; AE D; Tr. 44-45.)

Applicant has two brothers and one sister. All of his siblings are U.S. citizens and reside in the United States. Applicant resides in the same state as his two brothers and is close to them and their children. However, Applicant has one sister who is currently residing part of each year in FN, in order to care for their elderly father.

Applicant is very close with his mother-in-law, sister-in-law, and cousin, all of whom live in the United States and are U.S. citizens. (GE 1; GE 2; GE 3; Tr. 52-54.)

Applicant's father is a citizen and resident of FN (SOR allegation 1.a). Applicant's father joined the city police force when he was young and had a successful career as a police officer. He rose through the ranks of the police force and eventually attained a senior level position. He retired in 1980. He maintains no government contacts. After his retirement, he became a farmer. Approximately 15 years ago, he retired from farming. Applicant sent money to his parents, through his sister, when his mother was alive (SOR allegation 1.j). However, he stopped sending money recently because his father does not need his support. Applicant's father receives a minimal pension from his police work, but Applicant testified the pension was worth approximately \$75 per month, and could not even purchase a single dose of medication with that amount. Applicant's father is now frail and weak. Applicant last saw his father two weeks prior to the hearing. Applicant had been traveling in FN as part of his official duties and made a trip to see his father when he heard he was ill. At that time, his father could not get out of bed. Applicant does not speak to his father by phone because his father is hard of hearing. (GE 1; GE 2; GE 3; Tr. 62-69.)

Applicant's has one sister who travels between the United States and FN in order to care for Applicant's father (SOR allegation 1.b). She is a U.S. citizen and is married to a U.S. citizen. Their children are U.S. citizens and reside in the United States. She intends to return to the United States permanently after their father passes away. She owns a home in one U.S. state and an apartment in another U. S. state. Applicant does not communicate with his sister via email. (GE 2; GE 3; Tr. 71-74.)

Applicant has an aunt that is a citizen and resident of FN (SOR allegation 1.c). She is a 78-year-old widow and has no children. She is supported by renting out part of her home. Applicant provides her no financial support. He only talks to her when he sees her, which occurs approximately once every six months. He has no email or phone communications with his aunt. (GE 2; GE 3; Tr. 78-81.)

Applicant has one uncle who is a citizen and resident of FN (SOR allegation 1.d). He is a retired private attorney and is not in good health. Applicant only communicates with this uncle when he sees him in person, but testified that he is not close with this uncle. He last saw him in August 2010 at Applicant's mother's funeral. (GE 2; GE 3; Tr. 81-85.)

Applicant testified that he has three cousins that are citizens and residents of FN (SOR allegation 1.e). They all are the sons of his father's eldest brother. The first is a retired food inspector. Applicant is not in contact with this cousin. Applicant last saw this cousin at his mother's funeral. Applicant is also not in contact with his second cousin, who he has not seen or spoken to in 20 to 25 years. The final cousin is the head of a transportation company in FN. This cousin was present at Applicant's mother's funeral. He has seen this cousin professionally as part of Applicant's work duties. (GE 2; GE 3; Tr. 85-89.)

Applicant's college friend is now a senior government official with for FN (SOR allegation 1.f). They were social friends during college, but after college they did not keep in touch. They made contact again in a professional setting, as part of Applicant's job duties 10 to 15 years after college. Applicant has seen the senior government official for FN four to five times since college, purely for business reasons. He would have met with him as part of his duties whether or not they knew each other in college. He has met with other senior government officials of other foreign nations as part of his official duties, as well. (AE B; Tr. 89-92.)

Applicant is highly respected by a number of influential government contractors and leaders. The Chief Executive Officer of his company and Applicant's supervisor, indicated:

[Applicant] closely adheres to company and U.S. Government rules and policies. I have never known [Applicant] to willingly deviate from established policies. [Applicant] goes to great lengths to obtain approvals when needed. There are instances where he has inquired as to the correct procedure or policy for him to perform his job. Examples include: (1) the approval process for customer gratuities; (2) travel policies where [Applicant] needed to take emergency leave to attend to family illness; (3) procedures for reporting a project's status up through company management; (4) procedures for sharing information with potential foreign national companies and partners; and (5) obtaining approvals for material to be presented to foreign national customers. (AE A.)

A high level executive at the government contractor who is a retired officer and has known Applicant professionally for four years indicated, "[Applicant] is one of [government contractor's] best employees from both a technical and interpersonal aspect. His understanding of . . . systems to non-technical personnel makes him one of our strongest assets in our overseas business development efforts." In a long declaration, espousing the virtues of Applicant, he indicated:

The government should not be concerned with [Applicant's] various family members being residents and citizens of [FN]. As I mentioned, [Applicant] has a strong record of following [government contractor's] processes and in my opinion is a loyal American citizen. Should any of his family members become the target of any undue influence, I trust [Applicant] to do what is right for both [the government contractor] and the United States. (AE B.)

A retired military officer, who has worked with Applicant over the past seven years, also indicated Applicant is a man of high integrity. He wrote:

Over the 7 past years I have personally known [Applicant], he has supported me on multiple international trips to discuss . . . systems. Throughout this period, [Applicant] consistently protected technical

information in an exemplary manner, often in the face of insistent customers unaware of the restrictions or limits . . . While doing so, [Applicant] remained polite yet firm, cooperative but firm in his presentation of material and data within the provisions of our licensed authority. (AE C.)

Applicant's facility security officer (FSO) also wrote a letter on his behalf. The FSO indicated she has known Applicant for 20 years. During that time, Applicant showed "a strong commitment for adhering to the National Industrial Security Program." In addition, she verified that Applicant is briefed annually on foreign travel, threat awareness, defensive security, security classifications, reporting requirements, IT Information Security Awareness and U. S. Export Controls. A record of Applicant's completion of recent security training and other related courses was presented into evidence. (AE G; AE K.)

Other references also attested to Applicant's loyalty, excellent judgment, and good character. All know Applicant to strictly adhere to all company and government policies. One co-worker indicated that "While abroad, [Applicant] usually only socializes with [government contractor] employees. When [Applicant] and I were traveling we usually had very little free time. When we did manage to go out, however, [Applicant] spent most of his time with me and other employees shopping."

Applicant has received a number of certificates and awards for his performance. His performance evaluations reflect he "exceeds requirements." (AE E; AE I; AE J.)

FN has extensive terrorist networks operating within its borders, as detailed in HE I. Extremists, foreign insurgents, and militants have exerted a hold over certain regions in FN and use FN as a sanctuary. Attacks against both civilian and military targets have occurred across FN. The U.S. Department of State has identified a number of terrorist organizations still operating within the borders of FN, despite increased efforts by FN security forces. Identified terrorist organizations have operated in areas of FN to organize, train, and plan attacks against the United States and its allies in other nations. FN has demonstrated determination and persistence in combating militants it perceives to be dangerous to FN's interests, particularly those involved in attacks in settled areas, but it still considers some militant groups to be important to its efforts to counter neighboring nation's military and economic advantages. The Department of State warns U.S. citizens of the risks of traveling to FN in light of the threat of terrorist activity. Terrorists have demonstrated their willingness and capability to attack targets where Americans are known to congregate or visit in FN. Suicide bombings and attacks occur throughout FN on a regular basis. Also, several American citizens throughout FN have been kidnapped. (HE I.)

Further, the human rights situation in FN remains poor. Major problems include extrajudicial killings, torture and disappearances. Additional problems include poor prison conditions, arbitrary arrests, widespread government corruption, rape, honor crimes, and widespread trafficking in persons. The government of FN also maintains several domestic intelligence services that monitored politicians, political activities,

suspected terrorists, and the media. Credible reports indicate that authorities routinely used wire taps and intercepted and opened mail without requisite court approval, as well as monitoring mobile phones and electronic correspondence. (HE I.)

Policies

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 are to be 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, administrative judges apply the 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 the applicant or proven by Department Counsel." The applicant has the ultimate burden of persuasion 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 EO 10865 provides that adverse 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 B, Foreign Influence

The security concern for the Foreign Influence guideline is set out in AG ¶ 6:

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.

The guideline notes nine conditions that could raise security concerns under AG ¶ 7. Three are potentially applicable in this case:

(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;

(b) connections to a foreign person, group, government, or country that creates a potential conflict of interest between the individual's obligation to protect sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information; and

(e) a substantial business, financial, or property interest in a foreign country, or in any foreign-owned or foreign-operated business, which could subject the individual to heightened risk of foreign influence or exploitation.

AG ¶¶ 7(a) and 7(e) 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. 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).) The Government introduced sufficient information with respect to FN to find a heightened risk present. FN has terrorists operating within its borders, it has a history of violating human rights, and it conducts surveillance on its own citizens and foreigners within its country. The Government failed to introduce any documentation establishing a heightened risk associated with FN2.

The Government raised concerns over Applicant's contacts in FN including his father, sister, aunt, uncle, cousins, and college friend. The totality of an applicant's family ties to a foreign country as well as each individual family tie must be considered in light of the heightened risk identified. (ISCR Case No. 01-22693 at 7 (App. Bd. Sep.22, 2003).) Disqualifying condition AG ¶ 7(a) applies.

Applicant's connections to FN, and persons within FN, could potentially create a conflict between Applicant's obligation to protect sensitive information or technology and his desire to help persons in FN or FN itself. Therefore, disqualifying condition AG ¶ 7(b) also applies.

The Government also raised concerns with respect to the property interests Applicant owns in FN and FN2. Applicant has about \$20,000 invested in FN. He invested an additional \$200,000 in FN2. Applicant's investment in FN2 does not raise a concern because no heightened risk was established in FN2. Further, considering his assets total over \$5 million, including those in the United States, his investment in both FN and FN2 are not substantial within the meaning of AG ¶ 7(e). AG ¶ 7(e) is not disqualifying.

AG ¶ 8 provides conditions that could mitigate security concerns. I considered all of the mitigating conditions under AG ¶ 8 including:

- (a) the nature of the relationship 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 and the interests of the U.S.;
- (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 interests in favor of the U.S. interests;
- (c) contact or communication with foreign citizens is so casual and infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation; and

(d) the foreign contacts and activities are on U.S. Government business or are approved by the cognizant security authority;

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 threat of terrorism and potential for coercion against Applicant’s father and sister in FN preclude application of this mitigating condition.

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 has worked for his current employer for more than 30 years, and owns a home in the United States. Since 1993, he chose to commute out of the United States instead of live abroad, even though his work demands constant travel abroad. His net worth is over \$5 million and 90% of his investments are located in the United States. His children and wife are U.S. citizens. All of his in-laws are United States citizens and reside in the United States. Most of his extended family including his two brothers are citizens and residents of the United States. Further, his dedication to the United States and his company’s mission has been tried and tested. He has acted honorably in carrying out the mission of his work in the face of continuously present threats. The Appeal Board has long recognized that:

Where the applicant has established by credible, independent evidence that his compliance with security procedures and regulations occurred in the context of dangerous, high-risk circumstances in which the applicant had made a significant contribution to the national security. The presence of such circumstances can give credibility to an applicant’s assertion that he can be relied upon to recognize, resist, and report a foreign power’s attempts at coercion or exploitation.¹

Despite great risks to himself and family members, Applicant continues to serve the United States abroad. He spoke passionately, sincerely, and credibly at the hearing about his love for the United States. He closely adheres to United States Government rules and policies and is extraordinarily well regarded by high level executives at his company that know him best. Even though he has family members and property in FN, I am satisfied that he will resolve any conflict of interest in favor of the United States. Accordingly, I conclude that this mitigating condition 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

¹ ISCR Case 05-03846 at 6 (App. Bd. November 14, 2006.)

little likelihood that it could create a risk for foreign influence or exploitation. 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).) Applicant has frequent contact with his father and sister. He provided monetary support through his sister for his parents while his mother was alive. He sees his father, and sister who cares for him, frequently. This mitigating condition is not established with respect to his father and sister. However, I am satisfied that he would resolve the conflict in favor of the United States, for the reasons set out in the above discussion of AG ¶ 8(b). His contact with his aunt, uncle, cousins, and college friend are infrequent and casual. He only speaks to his aunt and uncle when he happens to see them in person. He makes no effort to communicate with them outside of instances where he happens to be in the same place at the same time. He last saw and communicated with two of his cousins in 2010. The third cousin, he has not seen or communicated with in 20 to 25 years. He has only seen his college friend four-to-five times since college, and those meetings were purely professional. AG ¶ 8(c) applies with respect to aunt, uncle, cousins, and college friend.

In addition, any contacts with his college friend were purely for official United States Government business. Each contact was approved by Applicant's company's security office and through the United States Government. References for Applicant indicated that he strictly adhered to all regulations and rules with respect to all business contacts. AG ¶ 8(d) applies with respect to Applicant's college friend.

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 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. I have incorporated my comments under Guideline 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 has personal ties to FN because his father and sister are present in FN and he also has a small piece of unimproved property in FN worth less than \$20,000. All of his other ties to FN are either part of his official duties, or are casual and infrequent. On the other hand, Applicant has strong ties to the United States. His wife and children choose to reside in the United States. Applicant chooses to commute from the United States to his duties overseas. Applicant has a large amount of wealth invested in the United States. He has a large extended family in the United States. Further, Applicant has shown his devotion to the missions of the United States and his company. He diligently follows security rules and regulations. He is willing to put his life on the line to defend the United States.

Overall, the record evidence leaves me without questions or doubts as to Applicant's eligibility and suitability for a security clearance. For all these reasons, I conclude Applicant has mitigated the Foreign Influence security concerns.

Formal Findings

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

Paragraph 1, Guideline B:	FOR APPLICANT
Subparagraph 1.a:	For Applicant
Subparagraph 1.b:	For Applicant
Subparagraph 1.c:	For Applicant
Subparagraph 1.d:	For Applicant
Subparagraph 1.e:	For Applicant
Subparagraph 1.f:	For Applicant
Subparagraph 1.g:	For Applicant
Subparagraph 1.h:	For Applicant
Subparagraph 1.i:	For Applicant
Subparagraph 1.j:	For Applicant

Conclusion

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

Jennifer I. Goldstein
Administrative Judge