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

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| In the matter of: | ) | |
| | ) | |
| | ) | ISCR Case No. 11-04671 |
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| | ) | |
| Applicant for Security Clearance | ) | |

## Appearances

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

September 11, 2013

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## Decision

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GOLDSTEIN, Jennifer I., Administrative Judge:

Applicant is a dual citizen of the United States and Israel. He exercised his Israeli citizenship by using his Israeli passport to travel to Israel on numerous trips after becoming a U.S citizen. Further, his son, sister, brothers-in-law, sisters-in-law, mother-in-law, and aunts are citizens and residents of Israel. His son is receiving a full scholarship from the Israeli government to attend a graduate school in Israel. His wife is also a dual citizen of Israel, residing in the United States with Applicant. Security concerns raised under Foreign Influence and Foreign Preference are not mitigated. Eligibility for access to classified information is denied.

## Statement of the Case

Applicant submitted his electronic Security Clearance Application (e-QIP) on December 15, 2010. On February 5, 2013, the Department of Defense issued a Statement of Reasons (SOR) to Applicant detailing security concerns under the Guidelines for Foreign Preference and 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 after September 1, 2006.

Applicant answered the SOR (Answer) on February 23, 2013, and requested a hearing before an administrative judge from the Defense Office of Hearings and Appeals (DOHA). The case was assigned to another Judge on April 11, 2013. DOHA issued a notice of hearing on April 16, 2013, scheduling the hearing for May 21, 2013. On May 13, 2013, the hearing was rescheduled to July 10, 2013, and a notice of hearing amending the date was sent to Applicant. On July 10, 2013, the case was rescheduled to July 11, 2013, due to an electrical outage. The case was reassigned to me for the hearing on July 11, 2013. The hearing was convened on July 11, 2013, as scheduled. The Government offered Exhibits (GE) 1 through 8, which were admitted without objection. Applicant offered Exhibits (AE) A through U, which were admitted without objection. Applicant testified on his own behalf. DOHA received the transcript of the hearing (Tr.) on July 23, 2013. The record was left open until July 25, 2013, for receipt of additional documentation. On July 24, 2013, Applicant requested a 30-day continuance and based upon good cause, it was granted. On August 14, 2013, Applicant presented AE V. The record was then closed. Department Counsel had no objection to AE V and it was admitted into evidence.

## Procedural and Evidentiary Rulings

### Amendment to the SOR

At the hearing on July 11, 2013, Department Counsel made a motion to amend the SOR, in order to conform to the evidence, by adding ¶¶ 1.h through 1.j, pursuant to Directive ¶ E3.1.17. Applicant had no objections to the amendment. The motion was granted. (Tr. 87-89.)The allegations are as follows:

1.h You inherited a condo worth approximately $400,000 in Israel.

1.i You inherited a bank account worth approximately $115,000 in Israel.

1.j You have an income of approximately $1,200 per month from the condo in Israel.

### Request to take Administrative Notice

At the hearing, the Government requested I take administrative notice of certain facts relating to Israel. Department Counsel provided a 4-page summary of the facts, supported by 11 Government documents pertaining to Israel, identified as Hearing Exhibit (HE) I. I take administrative notice of the facts included in the U.S. Government reports. They are limited to matters of general knowledge, and not subject to reasonable dispute. They are set out in the Findings of Fact.

## Findings of Fact

Applicant's admissions in response to the SOR are incorporated as findings of fact. After a thorough review of the pleadings, Applicant's response to the SOR, and the evidence, I make the following additional findings of fact.

Applicant is a 65-year-old employee of a government contractor. He has worked for his employer since 1996. He is married and has two children. (GE 1; Tr. 16, 26, 28-30.)

Applicant was born in Israel. He moved to the United States when he was ten years old, and resided here for three-and-a-half years with his parents and siblings, before returning to Israel. He graduated from high school in Israel in 1966. He completed his compulsory military service obligation in the Israeli Defense Force from 1966 to 1969, achieving the rank of sergeant. He held an Israeli top secret security clearance during his military service. He testified that he no longer has any obligation to the Israeli Defense Force Reserve. (GE 1; GE 2; GE 3; Tr. 16-21.)

He returned to the United States in 1971 to attend an American university. He obtained a bachelor's degree in 1974 and graduated *summa cum laude*. He became a U.S. citizen in 1982. (GE 1; Tr. 23-24.)

Since 1982, he has maintained dual citizenship with the United States and Israel. After his naturalization as a U.S. citizen, he applied for and was issued a U.S. passport. In June 1990, 2001, 2003, 2005, and 2011, he chose to renew his Israeli passport and/or obtain extensions on the expiration dates of the passport. He used his Israeli passport to travel into and out of Israel in March 2003, May 2003, September 2005, July 2008, December 2008, June 2009, August 2009, December 2009, December 2010, and on numerous unspecified dates in 2011-2013. He testified that on recent trips to Israel, he presented a biometric card issued by the Israeli government, instead of his Israeli passport. (GE 1; GE 2; Tr. 21-23, 100-103.) He indicated:

> We only travel to Israel, and by Israeli law, since I was born in Israel, I can only enter with an Israeli Passport. The Consulate will not issue a Visa on the American Passport because the American Passport does state that I was born in Israel. So, basically, I have to travel with dual passports. The vehicle to entry back into the United States is the American Passport. The vehicle to enter into Israel is the Israeli Passport; although not so much so anymore because Israel now uses a biometric system; and, so, I have, basically, a plastic card that I swipe through a machine and place my hand on the machine and within 15 seconds, I'm cleared to enter. So, it's a much more efficient system. It's a very efficient system. It works very, very well. So, I didn't present the passport going into Israel -- not the American and not the Israeli. (Tr. 55.)

He was unsure if the biometric card was linked to his Israeli passport, but it allowed him entry into Israel. (Tr. 100-103.)

On August 14, 2013, Applicant returned his passport to the Israeli Consulate. The Consulate issued him a letter indicating Applicant requested that "Israeli Passport [number omitted] will be cancelled by us and will be held at our consulate. We have approved the request and the Israeli passport was cancelled and is kept here."[1] At his hearing Applicant testified:

> At the time, I also consulted with the Consulate General of Israel here in Los Angeles, and their answer was that they are indeed accustomed to seeing Israelis who work in the defense industry surrender their passport and there is a process by which a passport is surrendered and whenever I need to go to Israel -- since the law is still the law in terms of having an Israeli identification document -- that I can call them and within a day or two, they can issue me basically a travel letter, if you will, that identifies me. (Tr. 57-58.)

The letter from the Consulate that Applicant produced into evidence did not indicate whether Applicant's biometric card was also returned and cancelled. Applicant has also stated, "If required by the Department of Defense I am willing to renounce my Israeli citizenship," but indicated he "would not do it happily." Applicant has not produced any evidence to show he has taken steps to renounce it. He testified that he had not discussed surrendering his Israeli citizenship with the Consulate, because the Consulate had no authority to accept the renunciation of his Israeli citizenship. (GE 1 through GE 3; AE U; AE V; Tr. 21-24, 85, 96.)

Applicant's wife is also a dual citizen of the United States and Israel. She resides in the United States with Applicant. He met his wife shortly after she arrived in the United States in 1977. She was naturalized as a U.S. citizen in approximately 1985 or 1986. She works as a teacher in a private school. Together, they have two children; a son, age 27, and a daughter, age 31. Their daughter is solely a U.S. citizen. She is employed as an attorney. They also have a large extended family in the United States, including Applicant's brother-in-law, and several nieces and nephews. (GE 1 through GE 3; AE T; Tr. 26-31, 52-54.)

Applicant's son is a dual citizen of the United States and Israel. He resides in Israel. He has a full scholarship, sponsored by the Israeli Government, to attend a prestigious Israeli University, where he seeks to obtain his master's degree. He has completed his coursework, but has not yet finished his thesis. A condition of the scholarship required Applicant's son to obtain Israeli citizenship. (GE 1 through GE 3; Tr. 30-38, 90-91.)

Applicant's mother and father are deceased. His mother passed away in 2012. Prior to her death, Applicant visited Israel a couple times per year to spend time with his

[1] The Consulate letter indicated that the "court of California" demanded the passport be cancelled. The record does not support any assertion that either this Administrative Judge or the Department Counsel "demanded" that the Applicant surrender his Israeli passport as stated in his submission from the Israeli Consulate. (AE V).

ailing mother. After his mother passed away, Applicant inherited a condominium in Israel valued at approximately $400,000. The condominium is rented to tenants and Applicant receives approximately $1,200 per month from the rental. He also inherited funds located in a bank account in Israel, totaling approximately $115,000. The rental income is deposited into this Israeli bank account. Applicant uses the account when he travels to Israel. His son also draws on the account. (Tr. 77-82.)

On Applicant's trips to Israel, he visits his sister. His sister and her husband are citizens and residents of Israel. Applicant is "very close" with his brother-in-law and considers him a friend. Applicant speaks to his sister once or twice per month. (GE 1 through GE 3; Tr. 38-39.)

Applicant's mother-in-law is a citizen and resident of Israel. She is approximately 92 years old and is ailing. She was a housewife and has no affiliation to the Israeli government. Applicant's son uses the inherited bank account, in part, to purchase groceries for her. (GE 1 through GE 3; Tr. 39-42, 49.)

Applicant's wife has five siblings. She has two brothers who reside in the United States. She is close to her brothers in the United States. She also has one estranged brother, who is a citizen and resident of Israel. He has not had contact with Applicant, Applicant's wife, or Applicant's mother-in-law in over ten years. He was not affiliated with the Israeli government. Applicant's wife also has two sisters. They live with Applicant's mother-in-law in Israel and are Israeli citizens. They are disabled and require care for life. Neither of Applicant's sisters-in-law has ever been employed. (AE T; Tr. 43-45.)

Applicant has three aunts, all of whom are citizens and residents in Israel. His aunts were the wives of Applicant's father's three brothers, who were also citizens and residents of Israel. His aunts were nurses and have since retired. One of Applicant's uncles, is still alive. The other two uncles are deceased. His surviving uncle is a retired electronics technician. Applicant does not communicate with his aunts and uncle, except to visit them when he is in Israel. (AE T; Tr. 45-48.)

Applicant has assets including equity of $2,800,000 in two U.S. real estate investments, U.S. bank accounts totaling approximately $600,000, and retirement savings in the United States valued at approximately $385,000. He testified that his inheritance, consisting of the condo and bank account in Israel, is approximately 10% of his net wealth. (AE K through AE T; Tr. 72-81.)

Applicant is considered to be an "exemplary employee" by his Deputy Director, who has been in Applicant's chain of command since 2006. Applicant is said to closely adhere to all company rules and policies, as attested to by those that work with him. His current and former colleagues deem him reliable and trustworthy. They emphasize that Applicant is a loyal American. He is also said to be "a loving husband and outstanding father." Applicant's Rabbi indicated that Applicant and his wife "have been a pillar in the community" and support American charitable organizations. (AE A through AE F.)

Applicant's work performance evaluations from 2004 to present show that he is a valued employee with unique skills. His performance has continuously led to the success of his team's mission. He has earned a number of certificates of recognition and other accolades for his exceptional work performance, including acceptance as a technical fellow. He has completed a long list of training classes, including web-based training, on the handling of trade secrets and proprietary information. (AE G through AE J.)

Israel considers U.S. citizens who also hold Israeli citizenship, or have a claim to dual nationality, to be Israeli citizens for immigration and other legal purposes. U.S. citizens visiting Israel have sometimes been subject to prolonged questioning and thorough searches by Israeli authorities upon entry into and departure from Israel. In some cases, Israeli authorities have denied U.S. citizens access to U.S. consular offices during these temporary detentions. (HE I.)

Foreign countries, including Israel, aggressively target and acquire sensitive and protected U.S. technologies. Israel was identified as an active collector of proprietary information in a 2000 National Counterintelligence Center Report to Congress on Foreign Economic and Industrial Espionage. Israeli military officers have been implicated in technology collection in the United States. Over the years, Israeli intelligence officers have been implicated in intelligence collection against the United States. In 1986, Jonathan Pollard, a civilian U.S. naval intelligence employee was sentenced to life in prison for selling classified documents to Israel. In 2009, another U.S. citizen pled guilty to conspiracy to act as an unregistered agent of Israel. Additionally, there have been a number of cases involving the illegal export or attempted illegal export of dual-use technology to Israel. (HE I.)

Israel has become a global leader in arms exports. The United States and Israel have periodically disagreed over Israeli sales of U.S. sensitive technologies to third parties, such as China. (HE I.)

## Policies

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines. 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 AG ¶ 2 describing 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 clearance 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 relating to the guideline for Foreign Influence 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 several conditions that could raise security concerns under AG ¶ 7. The following are 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;
>
> (d) sharing living quarters with a person or persons, regardless of citizenship status, if that relationship creates a heightened risk of foreign inducement, manipulation, pressure, or coercion; and
>
> (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.

Applicant has significant ties to Israel. He spent the majority of his childhood there and completed his compulsory military service in 1969. His son, sister, brothers-in-law, sisters-in-law, mother-in-law, and aunts are all citizens and residents of Israel. His wife is also a citizen of Israel, residing in the United States with Applicant. Applicant maintains a close and loving relationship with his son and one brother-in-law, and keeps in contact, though to a lesser extent, with his other family members in Israel. His son is currently receiving a full scholarship from the Israeli government for his studies. Applicant also has assets in Israel totaling approximately $515,000 and ongoing income from rental payments of approximately $1,200 per month. Israel targets the United States in attempts to acquire sensitive and protected U.S. technologies. Applicant's significant familial contacts with Israel, his cohabitation with his wife who has ties to Israel, and his substantial financial interest in Israel create a heightened risk of foreign exploitation, inducement, manipulation, pressure, and coercion. They also create a potential conflict of interest. The evidence is sufficient to raise all of the above disqualifying conditions.

AG ¶ 8 provides conditions that could mitigate security concerns. I considered all of the mitigating conditions under AG ¶ 8 and the following are potentially applicable:

> (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, or government 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 of foreign influence or exploitation; and

(f) the value or routine nature of the foreign business, financial, or property interests is such that they are unlikely to result in a conflict and could not be used effectively to influence, manipulate, or pressure the individual.

Applicant maintains relationships with his foreign family members who are citizens and residents of Israel. They include his son, sister, brothers-in-law, sisters-in-law, mother-in-law, and aunts. His contact with his son, an immediate family member, is the most frequent, followed by his close relationship with his brother-in-law. He also provides financial support for his mother-in-law. The Appeal Board has held that there is a rebuttable presumption that ties with immediate family are not casual. The evidence shows that Applicant maintains his family relationships by telephone calls, frequent visits, and financial support. Given these facts, and Applicant's close ties to his foreign family members, I cannot confidently conclude that Applicant could not be placed in a position of having to choose between the interests of foreign individuals and the interests of the United States. Mitigation under AG ¶ 8(a) and 8(c) was not established.

Applicant's sense of loyalty and obligation to his Israeli relatives, especially his son, are substantial. Applicant maintains dual citizenship with Israel and many of his relatives are Israeli citizens. His son receives a full scholarship from the Israeli government. While he has ties to the United States, including significant assets, excellent professional recommendations, and family including his wife, daughter, and other extended family members, there is insufficient evidence to conclude that there is no conflict of interest because his familial relationships and assets in Israel are minimal. The evidence does not support a finding that if there is a conflict of interest he could be expected to resolve it in favor of the United States. AG ¶ 8(b) was not shown to apply.

The value of Applicant's property, bank account, and rental income in Israel equates to 10% of Applicant's net wealth. While he has substantial assets in the United States, $500,000 is not insignificant. It could potentially create a conflict for Applicant and could be used effectively to influence, manipulate, or pressure him. AG ¶ 8(f) does not apply under these circumstances.

**Guideline C, Foreign Preference**

The security concern relating to the guideline for Foreign Preference 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.

The guideline notes several conditions that could raise security concerns under AG ¶ 10. The following is potentially applicable in this case:

> (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; and
> >
> > (2) military service or a willingness to bear arms for a foreign country.

Applicant is a dual citizen of the United States and Israel. He served in the Israeli Defense Forces from 1966 to 1969. He possessed a valid Israeli passport that he used to travel to Israel, despite that fact that he was a United States citizen and had a U.S. passport. He chose to exercise his Israeli citizenship when he renewed Israeli passports and/or obtained extensions on the expiration dates of his Israeli passport, in June 1990, 2001, 2003, 2005, and 2011. He then used his Israeli passports to travel into and out of Israel on numerous occasions. The evidence is sufficient to raise the above disqualifying conditions.

Conditions that could mitigate foreign preference security concerns are described under AG ¶ 11. Three are potentially applicable:

> (a) dual citizenship is based solely on parents' citizenship or birth in a foreign country;
>
> (b) the individual has expressed a willingness to renounce dual citizenship; and
>
> (e) the passport has been destroyed, surrendered to the cognizant security authority, or otherwise invalidated.

Applicant's dual citizenship is not based solely on his parent's citizenship or birth in Israel. Applicant was born in Israel and obtained Israeli citizenship through birth there. He completed compulsory military service, as required by Israeli law. However, Applicant chose to retain his Israeli citizenship after becoming a U.S. citizen. He actively

exercised his Israeli citizenship by renewing and acquiring an Israeli passport and an Israeli biometric identification card. AG ¶ 11(a) does not provide mitigation.

Applicant testified that he was willing to renounce his Israeli citizenship if it was a requirement to obtain a security clearance, but he would not be happy about it. Applicant apparently wanted to be assured he would receive a clearance before renouncing his citizenship. A conditional willingness to renounce foreign citizenship is entitled to less weight than an unconditional willingness to do so.[2] Furthermore, the record evidence shows Applicant's conditional willingness to renounce his Israeli citizenship is based, in part, on his strong personal ties with family members in Israel. The security significance of Applicant's conditional willingness to renounce his Israeli citizenship cannot be considered independently of the security significance of the totality of Applicant's conduct and circumstances.[3] Applicant's conditional willingness to renounce dual citizenship is insufficient to establish mitigation under AG ¶ 11(b).

The Israeli embassy provided documentation stating that Applicant's Israeli passport has been cancelled and will be held at the Israeli consulate. However, the disposition of the biometric identification card, which Applicant has used in lieu of his passport to travel into and out of Israel, is unknown. Further, Applicant testified that the Israeli consulate is accustomed to seeing Israelis who work in the U.S. defense industry surrender their Israeli passports. As a result, he indicated that the Consulate created a process by which an Israeli passport is surrendered, but whenever Applicant would need to travel to Israel he can call the consulate and obtain a travel letter. The concern that he may act in such a way as to indicate a preference for Israel over the United States, or that he may be prone to provide information or make decisions that are harmful to the interests of the United States has not been mitigated under AG ¶ 11(e) by his surrender of his Israeli passport.

**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.

[2] ISCR Case No. 99-0254 (February 16, 2000).
[3] ISCR Case No. 99-0295 (App. Bd. Oct. 20, 2000).

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

I considered the extent of Applicant's U.S. ties: his many years in the United States, his U.S. education, his economic ties, his work performance, and his community service. However, Applicant's attachment to his family in Israel raises security concerns. His attachment is evident in his ongoing relationships with his son, sister, brother-in-law, sisters-in-law, mother-in-law, and aunts. His wife is also a dual citizen of Israel, residing in the United States with Applicant, and has attachments to Israel. He has frequently visited Israel, and continues to maintain frequent contact with his foreign family members and manage his property there. Such ties could place Applicant in a position of having to choose between the interests of his foreign family and the interests of the United States. Additionally, he is reluctant to renounce his Israeli citizenship and will continue to exercise his Israeli citizenship, by obtaining a travel letter or possibly using a biometric Israeli identification card, to travel into Israel.

For all these reasons, I conclude Applicant has not mitigated the cited security concerns. A fair and commonsense assessment of the available information bearing on Applicant's suitability for a security clearance shows he has not satisfied the doubts raised. Such doubts must be resolved in favor of national security.

## Formal Findings

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

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

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|---|---|
| Paragraph 2, Guideline C: | AGAINST APPLICANT |
| Subparagraph 2.a: | Against Applicant |
| Subparagraph 2.b: | Against Applicant |
| Subparagraph 2.c: | Against Applicant |
| Subparagraph 2.d: | Against Applicant |
| Subparagraph 2.e: | Against Applicant |

## Conclusion

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

_____
Jennifer I. Goldstein
Administrative Judge