



DEPARTMENT OF DEFENSE  
DEFENSE OFFICE OF HEARINGS AND APPEALS



In the matter of: )  
)  
) ICSR Case No. 11-10635  
)  
Applicant for Security Clearance )

Appearances

For Government: Chris Morin, Esq. Department Counsel  
For Applicant: Shaukat Malik, Personal Representative

04/23/2013

**Decision**

CREAN, Thomas M., Administrative Judge:

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

**Statement of the Case**

On January 21, 2011, Applicant submitted an Electronic Questionnaire for Investigations Processing (e-QIP) to obtain a security clearance for his employment with a defense contractor. After an investigation conducted by the Office of Personnel Management (OPM), the Department of Defense (DOD) issued Applicant interrogatories to clarify information in his background. After reviewing the results of the background investigation and Applicant's responses to the interrogatories, DOD could not make the affirmative findings required to issue a security clearance. DOD issued Applicant a Statement of Reasons (SOR), dated January 9, 2013, detailing security concerns for foreign influence. The action was taken under Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) effective in the DOD on September 1, 2006.

Applicant answered the SOR on February 5, 2013. He admitted the three factual allegations concerning foreign influence. He requested a hearing before an administrative judge. Department Counsel was prepared to proceed on March 4, 2013, and the case was assigned to me on March 18, 2013. The Defense Office of Hearings and Appeals (DOHA) issued a Notice of Hearing on March 22, 2013, for a hearing on April 9, 2013. I convened the hearing as scheduled. The Government offered two exhibits admitted into the record without objection as Government Exhibits (Gov. Ex.) 1 and 2. Applicant testified and offered four documents admitted into the record without objection as Applicant Exhibits (App. Ex.) A through D. DOHA received the transcript (Tr.) of the hearing on April 16, 2013.

### **Procedural Issues**

Department Counsel requested that administrative notice be taken of certain facts concerning Pakistan (Hearing Exhibit I), United Arab Emirates (UAE) (Hearing Exhibit II), and Saudi Arabia (Hearing Exhibit III). I have considered the request and the documents provided by Department Counsel. Administrative notice is taken of the facts pertaining to Pakistan, UAE, and Saudi Arabia as noted below in the Findings of Fact.

At the close of testimony, Department Counsel moved to amend the SOR to conform to the evidence presented. Department Counsel moved to amend SOR 1.a to add "and their wives: so the allegation reads "Your five brothers and their wives are citizens of Pakistan and residents of the United Arab Emirates." Applicant had no objection so I granted the motion to amend SOR 1.a.

Department Counsel moved to amend SOR 1.b to add "and their husbands" to the allegation. The amended allegation reads: "Your two sisters and their husbands are citizens and residents of Pakistan." Applicant had no objection so I granted the motion to amend SOR 1.b.

Department counsel moved to amend SOR 1.c by adding "and her husband" to the allegation. The SOR now reads "Your sister and her husband are citizens of Pakistan and residents of Saudi Arabia." Applicant had no objection so I granted the motion to amend SOR 1.c.

Department Counsel moved to add SOR 1.d which reads "Your sister-in-law is a citizen and resident of Pakistan." Applicant had no objection so I granted the motion to add SOR 1.d.

### **Findings of Fact**

After a thorough review of the pleadings, transcript, and exhibits, I make the following essential findings of fact.

Applicant is 44 years old and has worked in information technology for a defense contractor since March 2009. Applicant was born in Pakistan in 1968, the youngest of 11 children. His mother and father are deceased and all his siblings are still living.

Applicant attended college in Pakistan and received a degree in mathematics. He never worked in Pakistan and never served in the Pakistan military or worked for the Pakistan government. After receiving his degree, Applicant immigrated to the United States in 1992 at age 24 to continue his studies and find better employment. He received a certificate in information technology from a U.S. school. He married a U.S. citizen in June 1997, but divorced in March 1998. He married a Pakistan citizen who was a legal resident of the United States in October 1999. His wife became a U.S. citizen in 2007. They have four children, all U.S. citizens. Applicant worked at various jobs and even owned his own business before working for the defense contractor. He became a U.S. citizen in 2007, a few months after his wife became a U.S. citizen. (Tr. 12-14; Gov. Ex. 1, e-QIP, dated January 21, 2011)

Applicant is the youngest child in a large family. Two of his brothers came to the United States in 1999. They and their family members are citizens and residents of the United States. These brothers and their family members are not a security concern since they are all citizens and residents of the United States. Five brothers and their wives emigrated to the UAE from Pakistan between 35 and 40 years ago. They are residents of UAE but still citizens of Pakistan. As noted below concerning the UAE, only 15% to 20% of residents in the UAE are citizens of the UAE. Two sisters are citizens and residents of Pakistan. One of these sisters and her husband immigrated to the UAE over 50 years ago. The sister's husband recently retired and they moved back to Pakistan. Their children are grown and remained in the UAE. The other sister never left Pakistan. She and her husband and children are citizens and residents of Pakistan. One sister and her husband immigrated to Saudi Arabia over 40 years ago and remain residents of Saudi Arabia but citizens of Pakistan. Applicant's mother-in-law and father-in-law are citizens and residents of the United States. Applicant's wife's sister is a citizen and resident of Pakistan. (Tr. 29-31, 64-68; Gov. Ex. 2, Response to Interrogatories, dated October 1, 2012)

Applicant's five brothers in the UAE are all in their late 40s or early 50s and work for various organizations and businesses in that country. Their wives do not work outside the home. Two brothers work for the water and electric utility in UAE, one is a car salesman, one works for the UAE finance department, and one is a butcher. They all have grown children who live in the UAE. One brother is now temporarily in the United States because his wife is here receiving cancer treatment. Applicant talks to his brothers monthly by phone. Either he or his brothers will initiate the phone call. Their conversations usually concern family matters like the health and activities of the brothers, their wives, and the children. None of his brothers served in the UAE or Pakistan military or have any affiliation with the UAE or Pakistan government. Applicant does not know if his brothers or their family members have financial interests or property in Pakistan. (Tr. 42-56, 64-66)

One of Applicant's sisters is 67 years old and lived in the UAE for over 50 years. Her husband, a Pakistan citizen, recently retired and they moved back to Pakistan. Applicant did not know what his sister's husband did in the UAE, but he knows his sister did not work outside the home. He has monthly telephone contact with this sister. He

does not know if the sister or her husband have any financial or property interests in Pakistan but believes that they probably have some interests. (Tr. 53-56, 66)

Applicant's sister in Saudi Arabia is 65 years old, and is a housewife. Her husband is an architect for a private firm. They have lived in Saudi Arabia for over 40 years. They have three grown children, all residents of Saudi Arabia. Applicant talks to his sister occasionally, every few months, by phone. He does not know if his sister or her husband have financial or property interest in Saudi Arabia or Pakistan. (Tr. 56-59, 66; App. Ex. C, Memorandum, dated March 25, 2013)

Applicant's sister in Pakistan is 49 years old and a housewife. Her husband works for the electric company. They have one child. Applicant does not know of any affiliation his sister and brother-in-law have with the Pakistan government. He does not know if they have any financial or property interests in Pakistan but assumes that they have some interests. (Tr. 59-61, 65-66; App. Ex. D, Memorandum, dated March 25, 2013)

Applicant's sister-in-law is 37 years old and a housewife in Pakistan. He occasionally speaks to her on the phone when his wife calls her about once a month. The sister-in-law's husband owns an apparel factory. They have two children. They have no known affiliation with the Pakistan government. Applicant does not know if they have any property or financial interests in Pakistan but assumes that they have such interests. (Tr. 61-63)

Applicant returns to the Middle East for only short visits. He usually returns every few years for family events like weddings. He usually goes to the UAE which he considers a very safe country. He last visited the UAE in 2008 for a nephew's wedding. He returned to Pakistan to see his mother prior to her death in 2002. He returned again in 2006 for a niece's wedding. He visited Saudi Arabia for a hajj pilgrimage but did not visit his sister living in Saudi Arabia. Applicant has no property or financial interests in Pakistan, the UAE, or Saudi Arabia. All of his financial and property are in the United States. His loyalty is to the United States and not to Pakistan, the UAE, or Saudi Arabia. He timely pays his taxes and does not have a criminal record. He has done his best to support his family. He sees the United States as providing him the opportunity to gain an education, have a good job, and have the ability to provide for and raise a family. He has voted in all elections since he became a U.S. citizen. (Tr. 18-32, 63-65)

Applicant's team leader wrote that he has known Applicant since 2000 in various capacities. Applicant is a good team member with good work ethic. He helped many in the company understand Muslims after the attacks on 9/11. Applicant is a kind and passive person who is an excellent team member. He is a good corporate citizen and U.S. citizen. He recommends that Applicant be granted eligibility for access to classified information. (App. Ex. A, Message, dated April 8, 2013)

Another of Applicant's supervisors wrote that he has known Applicant since 2009. Applicant is an excellent, diligent, hard worker. He is always willing to assume new responsibilities and is eager to continue to grow in his profession. He is dedicated,

loyal, and family oriented. He knows of no reason Applicant should not be granted eligibility for access to classified information. (App. Ex. B, Message, dated April 8, 2013)

*Pakistan* and India were part of a single British colony until after World War II. In 1947, India and Pakistan were granted independence by Great Britain with India forming a predominantly Hindu nation and Pakistan a predominantly Muslim nation. In 1971, part of Pakistan became the independent country of Bangladesh. The sovereignty of the state of Kashmir is still disputed by India and Pakistan.

Pakistan today has a parliamentary form of federal government with a population of over 170 million, almost all are Muslims. The country has very low income, half the population is illiterate, and the life expectancy is only 64 years. Pakistan has the eighth largest armed forces in the world. It is well trained and disciplined. However because of budget cuts, the armed forces have not been able to maintain their equipment as needed. Pakistan is one of the world's nuclear powers.

There are extensive terrorist activities in Pakistan. Pakistan was one of only three countries to recognize the Taliban regime in its neighbor Afghanistan. However, after September 11, 2001, Pakistan reassessed its relationship with the Taliban and pledged support for the United States and international efforts to remove the Taliban from power. However, the Taliban is known to be active in parts of Pakistan especially along the Afghan and Iranian borders. Financial resources from Pakistan have permitted the Taliban in Afghanistan to exist and gain strength. Al Qaida is believed to be headquartered in the border areas between Afghanistan and Pakistan. Pakistan's Army tried to control this area but met with major resistance. The United States considers these terrorist safe areas as ungoverned. The terrorists pose a threat to United States national security because of their ability to organize, plan, raise funds, and recruit, train and operate in the area. The State Department warns United States citizens to curtail non-essential travel to Pakistan because of the terrorist threats. Terrorists have demonstrated their willingness and capability to attack targets where Americans are known to congregate or visit. Pakistan's human rights situation and record are poor.

Pakistan and the United States established diplomatic relationships in 1947 and the United States provided economic and military assistance to Pakistan. The Soviet invasion of Afghanistan in 1979 highlighted the common interests of the United States and Pakistan. They agreed to a large economic and military assistance program. However, there continues to be incidents of violence against American interests. Since September 2001, Pakistan provided extensive assistance in the War on Terror and the United States stepped up its economic assistance. In 2004, the United States recognized Pakistan as a major non-NATO ally. The United States sold fighter aircraft to Pakistan thereby deepening this strategic relationship. The United States and Pakistan strategic partnership is based on the shared interests of the United States and Pakistan in building stable and sustainable democracy, and in promoting peace, stability, prosperity, and democracy in South Asia and across the globe. However, in recent years, this relationship has become very strained.(Hearing Exhibit II)

The UAE is a federation of individual ruled emirates. The government is a federal republic with a president and council of ministers. Its laws and practices come from Islamic ideals and beliefs. Only 15% to 20% of the people living in the UAE are considered citizens. Educational standards are high and continue to improve.

The UAE has significant gas and oil reserves which are expected to last into the next century. This gives the UAE significant resources to invest around the world. The UAE is a member of the United Nations, the Arab League, and the Gulf Cooperation Council. It has diplomatic relations with more than 60 countries including the United States and the other major industrial nations. UAE is also active in the Organization of Petroleum Exporting Countries and the Organization of Arab Petroleum Exporting Countries.

The United States and UAE have had friendly relations since 1971. Friendly petroleum commercial relations developed into friendly government-to-government ties including security assistance. The relationship increased dramatically as a result of the United States led coalition campaign to end the Iraqi occupation of Kuwait in 1991. In 2002, the United States and the UAE launched a strategic partnership dialogue covering virtually every aspect of the relationship. The UAE has been a key partner in the War on Terror, and UAE ports host more U.S. Navy ships than any other port outside the U.S. While the UAE has cooperated with the United States on terrorism, the UAE was one of three countries to recognize the Taliban rule in Afghanistan.

The country is one of the leading United States and coalition partners in the region against terrorism, providing military, diplomatic and financial assistance. In general, United States intelligence agencies report that terrorists have targeted United States personnel and interests to collect intelligence through human espionage and by other means. Travelers are advised by the State Department to be cautious of their surroundings and to maintain a high level of vigilance.

There are limited human rights problems due to lack of elections, questions about the independence of the UAE judiciary, and restrictions on civil liberties in the UAE. There are no reports of arbitrary or unlawful deprivation of life and no politically motivated disappearances. There are no reports of torture which is prohibited by the constitution. However, flogging is an authorized punishment. Prison conditions vary throughout the country with women receiving better treatment than men. Arbitrary arrests and detention are prohibited but there are reports of the government holding people without charges. While the law prohibits arrests and searches without probable cause, incidents do take place in practice. Fair and public but not timely trials are provided. United States' companies have been convicted of violating export control laws for their trading with UAE companies. (Hearing Exhibit 2)

Saudi Arabia is a monarchy-ruled Middle East country. There are no political parties or elections. There are significant human rights problems. The religious police harass and abuse individuals to comply with religious actions and customs. However, Saudi Arabia and the United States share a common concern over regional security. The United States' relationship with Saudi Arabia was strained after September 11,

2001, because the overwhelming majority of terrorists were from Saudi Arabia. There have been other terrorist attacks against United States citizens since 2001. This required the State Department to issue a travel warning for Saudi Arabia because of the terrorist activities targeted against American citizens and interests. Saudi Arabia believes in fighting terrorism in its own country, and has taken steps to curtail terrorist and terror plans within its borders. It has had some successes (See Hearing Exhibit III. Background notes, Saudi Arabia, dated June 2007 and Saudi Arabia Country Report on Human Rights Practices, 2006).

## **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 must be considered in evaluating an applicant's eligibility for access to classified information.

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

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

Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, the Applicant is responsible for presenting "witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by applicant or proven by Department Counsel. . . ." The Applicant has the ultimate burden of persuasion 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 safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation of potential, rather than actual, risk of compromise of classified information.

## Analysis

### Guideline B: Foreign Influence

Foreign contacts and interests may be a security concern if the individual has divided loyalties 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 the U.S. interest, or is vulnerable to pressure or coercion by any foreign interest. Adjudication under this guideline can and should consider the identity of the foreign country in which the foreign contact or financial interest is located, including but not limited to, such consideration as whether the foreign country is known to target United States citizens to obtain protected information and/or is associated with a risk of terrorism. (AG ¶ 6)

Two of Applicant's siblings and their family members are citizens and residents of the United States and are not security concerns. Two of Applicant's siblings and their spouses are citizens and residents of Pakistan. Six siblings and their spouses are residents of either the UAE or Saudi Arabia but citizens of Pakistan. Applicant's in-laws are citizens of the United States. Applicant's sister-in-law is a resident and citizen of Pakistan.

Applicant left Pakistan in 1992 for a better life in the United States. He and his Pakistan born wife became U.S. Citizens in 2007. His four children were born in the United States and are U.S. citizens. His in-laws are residents and citizens of the United States. All of his property and financial interests are in the United States. Since leaving Pakistan in 1992, he has returned to the Middle East to visit only a few times for family events. He visited Pakistan in 2002 when his mother died, and in 2006 for a family wedding. He has not visited Pakistan since 2006. He last visited the UAE for a wedding in 2008. He has frequent phone contact with his siblings in Pakistan, the UAE, and Saudi Arabia.

The contacts and relationships with family members in Pakistan, the UAE, and Saudi Arabia raise a security concern under Foreign Influence Disqualifying Conditions AG ¶ 7(a) (contact with a foreign family member, business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion); and AG ¶ 7(b) (connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual's obligation to protect sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information). Applicant's wife who is a U.S. citizen but has a sister that is a resident and citizen of Pakistan, raises AG ¶ 7(d) (sharing living quarters with a person or persons, regardless of citizenship status, if that relationship creates a heightened risk of foreign inducement, manipulation, pressure, or coercion).

The mere existence of foreign relationships and contacts is not sufficient to raise the above disqualifying conditions. The nature of Applicant's contacts and relationships must be examined to determine whether it creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion. "Heightened" is a relative



term denoting increased risk compared to some normally-existing risk that can be inherent anytime there are foreign contacts and relationships. One factor that heightens the risk in Applicant's case is the worsening relationship between the United States and Pakistan, and the threats of violence, harassment, repressions, and terrorism in both Saudi Arabia and Pakistan.

Applicant raised facts to mitigate the security concerns arising from his family members in Pakistan, UAE, and Saudi Arabia. I have considered Foreign Influence Mitigating Conditions AG ¶ 8(a) (the nature of the relationships with foreign persons, the country in which these persons are located, or the positions or activities of those persons in that country are such that it is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual, group, organization, or government and the interests of the U.S.); AG ¶ 8(b) (there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the U.S., that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest); and AG ¶ 8(c) (contact or communication with foreign citizens is so casual or infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation).

The UAE is a key ally of the United States and is a U.S. partner in the war against terrorism. It provides the U.S. with military, diplomatic, and financial assistance. The UAE presents little if any security threat for U.S. citizens. The nature of the governments of Pakistan and Saudi Arabia, the threats from terrorist organizations operating in both countries, the disregard for human rights in both countries, and the increase in hostility to the United States, place a heavier burden on Applicant in mitigating the disqualifying conditions and the security concerns. All of Applicant's family members were born in Pakistan. All but one left Pakistan many years ago to live and work in other Middle East countries or the United States. Except for short visits, Applicant has not lived or spent any time in the UAE or Saudi Arabia. His family members have been in the countries of their residence for many years and have only minimal and normal citizen and resident contacts or relationships with the local governments. Applicant has no connection or affiliation with either the UAE or Saudi Arabia. His connection to Pakistan is it is his country of birth. All of Applicant's property and financial interests are in the United States. In addition to his immediate family members, he has in-laws and other family members who are citizens and residents of the U.S. Based on this information, there is no heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion. It is unlikely that Applicant will be placed in a position to choose between his sense of loyalty or obligation to his family members in the Middle East and his sense of loyalty or obligation to U.S. interests. The mitigating condition at AG ¶ 8(a) applies.

Applicant left his family in Pakistan for a better life. His returns every few years to the UAE (most recent 2008) and Pakistan (most recent 2006) are only for limited periods to see his family and attend family events, and not because of any feeling of obligation to either country or the local governments. He established his deep sense of loyalty and admiration for the United States and its way of life. He sees the United

States as offering him freedom, justice, tolerance, and an opportunity to reach his potential and care for his family. He has no allegiance or sense of loyalty to Pakistani, the UAE, or Saudi Arabian governments. He has never lived or spent a significant amount of time in the UAE or Saudi Arabia. He has a profound sense of belonging and obligation to the United States. He has lived in the United States for over half of his life, became a United States citizen, married another person from Pakistan who is a U. S. citizen, and has four children born in the United States. His only property and financial interests are in the United States. It is clear that his loyalties and obligations are to the United States and not to Pakistan, the UAE, or Saudi Arabia.

Applicant has strong ties to his family. Applicant also has strong ties to the United States. The ties to his family are not so strong as to place Applicant in a position to have to choose between the family members and the interests of the United States. These factors present an acceptable risk to the national interest if Applicant has access to classified information. In balancing all of the factors mentioned and considered above, I am satisfied Applicant's loyalty to the United States is such that he can be expected to resolve any conflict of interest in favor of the United States interest. AG ¶ 8(b) applies.

Applicant continues to make periodic trips to attend family events in the UAE and Pakistan. He has not visited his family members in Saudi Arabia. His only visit to that country was to complete his religious obligation for a hajj pilgrimage. He has monthly telephone contact with most of his siblings. His wife, and occasionally him, have telephone contact with her sister in Pakistan. While the monthly family contacts with his family and occasional attendance at family events appear to be minimal, the mere existence of continued contacts with the family members shows that the family relationships are close and not casual. Since these relationships are not casual or infrequent, the mitigating condition at AG ¶ 8(c) does not apply.

Applicant has met his heavy burden to show that his family in Pakistan, the UAE, and Saudi Arabia do not cause a security concern. I conclude Applicant has mitigated security concerns for foreign influence arising from his family in Pakistan, the UAE, and Saudi Arabia. I am satisfied Applicant's loyalty to the United States is sufficient to offset his loyalty to family members so that he can be expected to resolve any conflict of interest in favor of the United States. I resolve the Guideline B security issues in favor of Applicant.

### **Whole-Person Concept**

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for a security clearance by considering the totality of the applicant's conduct and all the circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(a):

- (1) the nature, extent, and seriousness of the conduct;
- (2) the circumstances surrounding the conduct, to include knowledgeable participation;
- (3) the frequency and recency of the conduct;
- (4) the individual's age and maturity at the time of the conduct;
- (5) the extent to

which participation is voluntary; (6) the presence or absence of rehabilitation and other permanent behavioral changes; (7) the motivation for the conduct; (8) the potential for pressure, coercion, exploitation, or duress; and (9) the likelihood of continuation or recurrence.

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

I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case. I carefully considered all of the circumstances discussed above in regard to disqualifying and mitigating conditions as well as the following factors in light of the whole-person concept. The “whole-person concept” requires consideration of all available information about Applicant, not a single item in isolation, to reach a commonsense determination concerning Applicant’s security worthiness. Applicant has a relationship with family in Pakistan, the UAE, and Saudi Arabia. This simple fact alone might be sufficient to establish security concerns over Applicant’s vulnerability to coercion, exploitation, or pressure. However, mere family ties with people in foreign countries are not, as a matter of law, disqualifying under Guideline B. Whether an applicant’s family ties in a foreign country pose a security risk depends on a commonsense evaluation of the overall factors and circumstances of the family ties.

I considered that Applicant left Pakistan at age 24 to seek education and have a better life. He became a United States citizen, started his family in the United States, and became a productive member of our society. He worked hard to establish a life in the United States and he has strong loyalties to the United States. He is not loyal to Pakistan, the UAE, or Saudi Arabia. He has spent very limited time in the UAE and Saudi Arabia. His connection to Pakistan is because it is his country of birth. However, except for one sibling, his entire family left Pakistan to live and seek their fortune elsewhere. Only one sibling returned to Pakistan after living in the UAE for over 50 years. Applicant established he is a loyal U.S. citizen. It is clear that Applicant can be expected to resolve any conflict of interest in favor of the United States because he has strong ties to the United States as opposed to the ties to his family members in Pakistan, UAE, and Saudi Arabia.

Decisions under these circumstances do not assign blame or presume misconduct by Applicant. The Government has a compelling interest in protecting sensitive information. This requires that any doubt about the risks associated with Applicant’s foreign contacts be resolved in favor of the government. Applicant has frequent contact with his family in Pakistan, the UAE, and Saudi Arabia. His strong loyalty to the United States and his lack of connections to Pakistan, the UAE, and Saudi Arabia offset the risks inherent with his family members who live in Pakistan, UAE, and Saudi Arabia. Overall, the record evidence leaves me without questions and doubts about Applicant’s eligibility and suitability for access to classified information. For all these reasons, I conclude Applicant has met the heavy burden to mitigate the potential

security concerns for foreign influence arising from his family members in Pakistan, UAE, and Saudi Arabia. Applicant is granted access to classified information.

### **Formal Findings**

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

Paragraph 1, Guideline B:	FOR APPLICANT
Subparagraphs 1.a – 1.d:	For Applicant

### **Conclusion**

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

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THOMAS M. CREAN  
Administrative Judge