



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



In the matter of:)
)
) ISCR Case No. 11-13760
)
Applicant for Security Clearance)

Appearances

For Government: Ray T. Blank, Jr., Esq., Department Counsel
For Applicant: *Pro se*

04/25/2013

Decision

NOEL, Nichole L., Administrative Judge:

Applicant contests the Defense Department’s intent to deny his eligibility for a security clearance to work in the defense industry. Applicant failed to mitigate the foreign influence concerns raised by his relationships with wife and her parents, all of whom are citizens of the People’s Republic of China (China). Applicant also failed to mitigate the security concerns raised by his personal conduct. He did not report suspicious contacts with two women during his December 2009 trip to China. He also gave his wife, a Chinese national, access to sensitive work-related documents. Clearance denied.

Statement of the Case

On August 22, 2012, the Department of Defense (DOD) issued a Statement of Reasons (SOR) detailing security concerns under the foreign influence guideline.¹ DOD

¹ This case is adjudicated under Executive Order (EO) 10865, *Safeguarding Classified Information within Industry*, signed by President Eisenhower on February 20, 1960, as amended; as well as DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program*, dated January 2, 1992, as amended (Directive). In addition, the *Adjudicative Guidelines for Determining Eligibility for Access to Classified Information* (AG), effective within the Defense Department on September 1, 2006, apply to this

with Chinese nationals. He also failed to disclose pertinent information regarding his wife's imminent arrival to the United States during his subject interview. His understanding of security risks seems to be limited to overt acts of attempted espionage and does not encompass the subtle risks that can be present in seemingly banal activities. Furthermore, Applicant does not appreciate that his off-duty conduct and relationships are relevant to assessment of his security worthiness. Applicant has demonstrated that he does not possess the sound judgment required of those given access to classified information. Accordingly, his access must be revoked.

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:	AGAINST APPLICANT
Subparagraphs 1.a and 1.d:	Against Applicant
Subparagraphs 1.b – 1.c.:	For Applicant
Paragraph 2, Guideline E:	AGAINST APPLICANT
Subparagraphs 2.a -2.b.:	Against Applicant

Conclusion

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

Nichole L. Noel
Administrative Judge