



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



In the matter of:

Applicant for Security Clearance

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ISCR Case No. 11-15196

Appearances

For Government: Jeff Nagel, Esq., Department Counsel

For Applicant: Alan K. Hahn, Esq.

08/28/2012

Decision

WESLEY, Roger C., Administrative Judge:

Based upon a review of the pleadings, exhibits, and testimony, I conclude that Applicant mitigated the security concerns regarding foreign influence. Eligibility for access to classified information is granted.

Statement of Case

On March 19, 2012, the Defense Office of Hearings and Appeals (DOHA) issued a Statement of Reasons (SOR) detailing reasons why DOHA could not make the preliminary affirmative determination of eligibility for granting a security clearance, and DOHA recommended referral to an administrative judge to determine whether a security clearance should be granted, continued, denied, or revoked. 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 (AGs) implemented by the Department of Defense on September 1, 2006.

Besides the exhibits offered by the parties, I took administrative notice of 14 documents cited in the Government's Administrative Notice: *Annual Report to Congress on Foreign Economic Collection and Industrial Espionage - 2008*, Office of the National Counterintelligence Executive (July 2009); *Annual Report to Congress on Foreign Economic Collection and Industrial Espionage-2000*, Office of the National Counterintelligence Executive (undated); *Businessman Pleads Guilty to Supplying Indian Government with Controlled Technology*, U.S. Department of Justice (March 2008); *Privileges Denied to Indian Corporation and Three Executives*, U.S. Department of Commerce (December 2007); *California man to Plead Guilty to Plot to Export Restricted Technology to India*, U.S. Department of Commerce (July 2007); *High tech Firms/Executives Sentenced to Export Case*, U.S. Department of Commerce (November 2005); *Chyron Corporation Settles Charges of Unlicensed Export to India*, U.S. Department of Commerce (November 2005); *Berkeley Nucleonics Corporation Settles Charges of Unlicensed Exports*, U.S. Department of Commerce (June 2004); *Sentry Settles Charges of Unlicensed Exports*, U.S. Department of Commerce (June 2004); *CRS Report for Congress: India-U.S. Relations*, Congressional Research Service (October 2010); *Background Note: India*, U.S. Department of State (July 2010); *Country Reports on Terrorism, Chapter 2-Country Reports*, U.S. Department of State (August 2011); *Country Specific Information, India*, U.S. Department of State (July 2011); 2010 Human Rights Reports, India, U.S. Department of State (April 2011).

Administrative or official notice is the appropriate type of notice used for administrative proceedings. Administrative notice is appropriate for noticing facts or above-named government reports that are well known. See *Stein*, Administrative Law, Section 25.01 (Bender & Co. 2006). For good cause shown, administrative notice was granted with respect to the referenced background reports addressing the geopolitical situation in India. Administrative notice was extended to the documents themselves, consistent with the provisions of Rule 201 of Fed. R. Evid.

Applicant responded to the SOR on April 26, 2012, and requested a hearing. The case was assigned to me on June 1, 2012, and was scheduled for hearing on June 28, 2012. The hearing was convened on that date. At hearing, the Government's case consisted of three exhibits (GEs 1-3). Applicant relied on one witness (herself) and 10 exhibits (AEs A-J). The transcript (Tr.) was received on July 10, 2012.

Summary of Pleadings

Under Guideline B, Applicant allegedly has family members residing in India. In her response to the SOR, Applicant admitted each of the allegations with explanations. She claimed that her mother is a naturalized U.S. citizen, who is 82 years of age and a retired school teacher. She explained that her mother has never been affiliated with the Indian government or military. She claimed that her father was employed by a U.S. Government agency working in India, and was also never affiliated with the Indian government or military. She explained that her mother has recently returned to India to spend some time in her home independently; she will eventually return to the United States to live with Applicant and/or her sister. Applicant explained the relationships of

her other relatives (*i.e.*, her cousin and in-laws) and friend residing in India. She provided explanations, too, of the condominium and two bank accounts she has in India. And she provided family background about herself, her husband (also a naturalized U.S. citizen), and her two children.

Applicant claimed her Indian passport was canceled when she became a U.S. citizen in February 2001, and subsequently shredded by Defense Security Service (DSS) personnel. She claimed she formally renounced her Indian citizenship in 2010 in accordance with India's new legal requirements. And she claimed she is a loyal U.S. citizen with no divided loyalties between the United States and India.

Findings of Fact

Applicant is a 46-year-old chief financial officer for a computer products company who is a subcontractor for a prime defense contractor. Her company has a pending facility clearance application that awaits adjudication of her personal clearance application. The allegations covered in the SOR and admitted by Applicant are incorporated and adopted as relevant and material findings. Additional findings follow.

Background

Applicant was born and raised in India to parents of Indian descent. She immigrated with her parents to the United States in 1983 and became a naturalized U.S. citizen in February 2001. (GEs 1 and 2; Tr. 47,54)

Applicant married in March 1991 and has two children from her marriage. (GE 1; Tr. 50) Applicant earned an associate of arts degree from a local college and a bachelor's degree from a respected university in her state. (GE 1; Tr. 27-28, 48-49) She claims no military service.

Applicant's husband is a naturalized U.S. citizen and has an expired Indian passport. (Tr. 49) Applicant's children were all born in the United States. (Tr. 51) Her oldest daughter attends a respected university in her state; another attends a local high school. (GE 2; Tr. 51) All of her children are U.S. citizens by birth and do not hold dual citizenship with any other country. (GEs 1 and 2; Tr. 51)

Both of Applicant's parents returned to India six months after their initial arrival in the United States in 1983. (Tr. 50) At the time, Applicant's father worked for a U.S. agency in India and was a green card holder. (Tr. 61) He passed away in 1986. (Tr. 49-50)

When Applicant became a naturalized U.S. citizen in February 2001, her Indian passport was stamped canceled and returned to her by the Indian consulate in her state. (GE 2; Tr. 74) In accordance with a new Indian law (enacted in 2010), she and her husband filed for renunciation of their Indian citizenship. They received renunciation certificates from the Indian Embassy in August 2010 confirming their citizenship

renunciation. (AE I) She surrendered her expired passport in December 2011. (Tr. 57) Applicant's loyalties extend only to the United States, and not India. (Tr. 76)

Applicant's mother became a naturalized U.S. citizen in 2009 at the age of 82 and a full-time resident of the United States while dividing her time with Applicant and her sister. (Tr. 60-62, 95) Recently, her mother returned to India to recapture her roots and spend more time in her home independently before she gets too old. (Tr. 76-77) When she can no longer live independently, she plans to return to the United States and reside with either Applicant or her sister. Applicant communicates with her mother weekly while her mother resides in India. (Tr. 62-63). However, she provides no financial support to her mother. (Tr. 79)

Besides her parents and children, Applicant has a sister who immigrated to the United States four years before Applicant's arrival and has since become a naturalized U.S. citizen. (Tr. GEs 1 and 2; Tr. 27) Additionally, Applicant has a cousin, in-laws, and a childhood friend who are citizens and residents of India. Her cousin is employed by a local retailer in India and has no affiliations with either the Indian government or its military. (GEs 1 and 2; Tr. 63-64) Applicant maintains only casual, infrequent (yearly) contact with her cousin and does not consider herself close to him. (Tr. 64, 80)

By contrast, Applicant's father-in-law is a dual U.S.-Indian citizen, who has lived and worked in the United States, but has frequently traveled back and forth between India and the United States. (Tr. 96) Due to poor health, he moved back to India where he can get preferred treatment for his diagnosed prostate cancer. (Tr. 66)

Applicant's mother-in-law is a 76-year-old homemaker who cares for her husband. (Tr. 67) She is a green-card holder and once applied for U.S. citizenship, but was declined because she could not speak English. (Tr. 82-84, 96) Neither of Applicant's in-laws have ever been affiliated with the Indian government or military. (Tr. 66-67) Applicant communicates with her in-laws every two to three months and provides no financial assistance. (Tr. 82-84)

Applicant's listed friend was her best childhood friend. (Tr. 81-82) She communicates with him infrequently. She is not aware of his ever being affiliated with the Indian government or military

Applicant's business and property interests

Following their marriage, Applicant and her husband operated a local Indian restaurant for several years. (Tr. 51, 85) In May 1998, they started their computer products business. (Tr. 52) Applicant and her husband own their computer products company: Applicant owns 60 per cent of the company; while her husband owns the remaining 40 per cent. (Tr. 52) Their wholly-owned company is a subcontractor for a large computer hardware company who is sponsoring their company's facility clearance application. (Tr. 57, 92-94)

Applicant and her husband resell computer products exclusively to U.S. defense agency customers in accordance with the terms of their letter arrangements with their sponsor. (Tr. 58, 87-90, 104) They take no title to their sponsor's products and their sold products are shipped directly from their sponsor's warehouse to their U.S. customers. (Tr. 87-88) Applicant and her husband need their personal security clearances to facilitate the hiring of more employees to access U.S. agency sites. (Tr. 90-91)

Applicant's company currently employs 10 employees at their local office and 10 more in their other state location. (Tr. 98) All of her company's employees are U.S. citizens. (Tr. 86, 97-98) Applicant's company maintains a "virtual office" as well in India to ensure more efficient outsourcing of their services on behalf of their sponsor. (GE 3; Tr. 58-60) They employ no staff at this location and provide no detail as to how the office is operated. (Tr. 59)

Applicant's company has no current plans for exporting. Should Applicant and her husband decide to export their products, they will adhere to U.S. export guidelines. (Tr. 53-54) Applicant's company is a Small Business Administration (SBA) certified minority business which provides information technology equipment, such as computers, notebooks, servers, networking equipment, and related peripherals to U.S. agencies. (GE 3; Tr. 86-87). Her company has no facility security officer (FSO) and no facility background in security operations and procedures. (Tr. 92)

Applicant and her husband have prospered with their computer business and currently own two homes in their local region. (AEs A and B; Tr. 34-35) One home (their previous residence) has an estimated value of \$637,000. (AE D; Tr. 38) Their current residence is estimated to be worth \$1,500,000 (AE E; Tr. 38) Besides their two homes, they have a U.S. savings account (\$114,000) and a stock/money market portfolio worth \$139,000. (AE F; Tr. 40-41) They estimate to have a net worth of over \$1.3 million that for the most part is U.S.-based.

In addition to their U.S.-based assets, Applicant and her husband own a condominium in India that they purchased in 2007. They estimate its market value to be approximately \$100,000. (Tr. 101) They were hoping to "flip it" when they purchased it and turn a profit, but are still awaiting construction completion. (Tr. 69-70)

To facilitate their making the monthly payments on their condominium in local currency, they opened two Indian bank accounts in 2007. (Tr. 71-72) These accounts are relatively modest and hold no more than \$20,000 combined. (AE G; Tr. 44-45) Both Applicant and her sister are eligible for inheritance of their mother's estate in India. (Tr. 71-72) She values her mother's home in India at approximately \$300,000. (Tr. 78) Neither Applicant nor her husband have any plans to retire in India. (Tr. 70)

Applicant's travels to India

Before Applicant became a naturalized U.S. citizen, she traveled to India once in June 1987, once in 1988, and once in 1991 to attend her wedding. (Tr. 75) Once she

obtained her U.S. passport, she always used her U.S. passport when traveling. (Tr. 55, 76)

Country information on India

Considered the world's largest democratic republic, India is also a very diverse country, in population, geography, and climate. (*Background Note, India, supra*, at 2-4) India is the world's second most populous country and the world's seventh largest country in area. (*id.*)

India is a constitutional democracy, whose Constitution defines it as a "sovereign, socialist, secular democratic republic." (*Background Note: India, supra*) It is a "multiparty, federal, parliamentary democracy with a bicameral parliament" and an historical reputation for respecting the rights of its citizens. (*see id.*) True, there have been reports of extrajudicial killings of persons in custody, disappearances, torture and rape by police and security forces, who generally enjoy de facto impunity. (*2010 Human Rights Reports, India, supra*, at 2-12) The basic problem stems from the lack of any clear accountability, which too often has resulted in cited human rights violations going unpunished. (*id.*, at 1) Police and security officials reportedly use torture and threaten violence during interrogations to extort money and summarily punish prisoners. (*id.* at 6-8)

Since gaining its independence from great Britain in 1947, India has been involved in wars with Pakistan in 1947, 1965, and 1971, and has had to defend itself against a 1999 intrusion of Pakistani-backed forces into Indian-held territory that nearly turned into full-scale war. (*CRS Report for Congress: India-U.S. Relations, supra*, at 7; *Background Note: India, supra*, at 3-4) India survived a 1975 declaration of a state of emergency that carried a suspension of many civil liberties. (*id.* at 3) The country has experienced two assassinations of its leaders: Prime Minister Indira Gandhi in October 1984 and Prime Minister Rajiv Gandhi in May 1991. (*id.*) In recent years, India has been confronted with sporadic outbreaks of religious riots (which resulted in numerous deaths and casualties, and violent attacks by separatist groups in various parts of the country. (*id.*)

Before its demise in the early 1990s, the Soviet Union was India's principal and most reliable trading partner, and an important source of economic and military assistance. (*Background Note: India, supra*, at 8-9) U.S. efforts to strengthen its ties with India have been hampered some by U.S. differences over India's nuclear weapons programs, its cooperation with the Iranian military, its lack of a negotiated resolution of the Kashmir dispute with Pakistan, and the pace of India's efforts to achieve long-planned economic reforms. (*CRS Report for Congress: India-U.S. Relations, supra*, at 11, 22-23, and 45)

Important U.S. concerns have been raised, too, over reported cases involving government-sponsored entities and their illegal export, or attempted illegal export, of U.S. restricted dual-use technology to India, including (1) high-tech testing equipment

that posed potential risks of diversion to a weapons of mass destruction program, (2) dual use equipment that can be used in military and civilian aircraft to extract engine vibration information, (3) equipment that can be used to manufacture material that improves the accuracy of strategic ballistic missiles with nuclear capabilities, (4) an animation system that can be diverted to weapons of mass destruction technology, (5) nuclear pulse generators to two Indian entities capable of mounting diversion to the development of weapons of mass destruction or missiles, and (6) heat treating containers to an Indian entity capable of mounting diversion to the development of weapons of mass destruction or missiles. See Administrative Notice, *supra*, at 5, and the specific cases referenced, *supra*.

Recommended travel restrictions exist for U.S. citizens visiting India. The State Department cautions U.S. citizens to avoid travel in general (with several noted exceptions) to the state of Jammu & Kashmir. (*Country Specific Information, supra*, at 2-8)

Endorsements

Applicant is highly regarded by her friends, associates, and neighbors. They extol her community contributions and find her reliable, trustworthy, and committed to preserving U.S. vital interests. (AE J)

Policies

The AGs list guidelines to be used by administrative judges in the decision-making process covering DOHA cases. These guidelines take into account factors that could create a potential conflict of interest for the individual applicant, as well as considerations that could affect the individual's reliability, trustworthiness, and ability to protect classified information.

These guidelines include "[c]onditions that could raise a security concern and may be disqualifying" (disqualifying conditions), if any, and many of the "[c]onditions that could mitigate security concerns." They must be considered before deciding whether or not a security clearance should be granted, continued, revoked, or denied. The guidelines do not require administrative judges to place exclusive reliance on the enumerated disqualifying and mitigating conditions in the guidelines in arriving at a decision. Each of the guidelines is to be evaluated in the context of the whole person in accordance with AG ¶ 2(c)

In addition to the relevant AGs, administrative judges must take into account the pertinent considerations for assessing extenuation and mitigation set forth in AG ¶ 2(a) . AG ¶ 2(a) is intended to assist the judges in reaching a fair and impartial commonsense decision based upon a careful consideration of the pertinent guidelines within the context of the whole person. The adjudicative process is designed to examine a sufficient period of an applicant's life to enable predictive judgments to be made about whether the applicant is an acceptable security risk.

When evaluating an applicant's conduct, the relevant guidelines are to be considered together with the following AG ¶ 2(a) factors:

(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.

Viewing the issues raised and evidence as a whole, the following adjudication policy factors are pertinent herein:

Foreign Influence

The Concern: 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. See AG ¶ 6.

Burden of Proof

Under the AGs, a decision to grant or continue an applicant's security clearance may be made only upon a threshold finding that to do so is clearly consistent with the national interest. Because the Directive requires administrative judges to make a commonsense appraisal of the evidence accumulated in the record, the ultimate determination of an applicant's eligibility for a security clearance depends, in large part, on the relevance and materiality of that evidence. See *United States, v. Gaudin*, 515 U.S. 506, 509-511 (1995). As with all adversarial proceedings, the judge may draw only those inferences which have a reasonable and logical basis from the evidence of record. Conversely, the judge cannot draw factual inferences that are grounded on speculation or conjecture.

The Government's initial burden is twofold: (1) it must prove by substantial evidence any controverted facts alleged in the SOR, and (2) it must demonstrate that the facts proven have a material bearing to the applicant's eligibility to obtain or maintain a security clearance. The required materiality showing, however, does not require the

Government to affirmatively demonstrate that the applicant has actually mishandled or abused classified information before it can deny or revoke a security clearance. Rather, the judge must consider and weigh the cognizable risks that an applicant may deliberately or inadvertently fail to safeguard classified information.

Once the Government meets its initial burden of proof of establishing admitted or controverted facts, the evidentiary burden shifts to the applicant for the purpose of establishing his or her security worthiness through evidence of refutation, extenuation, or mitigation. Based on the requirement of Exec. Or. 10865 that all security clearances be clearly consistent with the national interest, the applicant has the ultimate burden of demonstrating his or her clearance eligibility. “[S]ecurity-clearance determinations should err, if they must, on the side of denials.” See *Department of the Navy v. Egan*, 484 U.S. 518, 531 (1988). And because all security clearances must be clearly consistent with the national interest, the burden of persuasion must remain with the Applicant.

Analysis

Applicant is a chief financial officer of a U.S.-based computer products company with a pending facility clearance application. Absent any proof that Applicant and her company are not sponsored by their prime contractor, jurisdiction to adjudicate Applicant’s security clearance is retained.

Applicant immigrated to the United States with her parents in 1983, attended U.S. colleges, and became a naturalized U.S. citizen in 2001. With her husband (also a naturalized U.S. citizen from India) she founded her computer products company in May 1998. Her company maintains offices in her state of residence and one in India. Except for her mother, cousin, in-laws, and childhood friend, all of her family members and important associations reside in the United States with U.S. citizenship.

Applicant and her husband and family have deep roots in India, a country rich in history and socio/political traditions, constitutional government and institutional respect for human rights, intermixed with periodic reports of abuses by police and government authorities. Despite encouraging efforts in the development of strategic partnerships between India and the U.S. in recent years, there have been cited instances of illegal and damaging export practices by Indian firms associated with the Indian government to create dual-use diversion risks.

The Government urges security concerns over risks that Applicant’s mother, her other family members, and her childhood friend residing in India, might be subject to undue foreign influence by Indian government authorities to access classified information in Applicant’s possession or control. Because Applicant and her husband have family members who have Indian citizenship by birth and reside currently in India, they present potential heightened security risks covered by disqualifying condition (DC) ¶ 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,”

of the AGs for foreign influence. The citizenship/residence status of these family members in India (principally her mother, cousin, and in-laws) pose some potential concerns for Applicant because of the risks of undue foreign influence that could potentially impact the privacy interests subject to Applicant's control.

While Applicant's family, her husband's family, and her childhood friend do not have any identified Indian government or military service, they are longstanding Indian citizens and residents with presumed government service providers. Applicant herself controls important property interests in India. While these presumed links are not quantitatively measurable, they are sufficient to invite consideration of DC 7(b), "connection 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." Without more to identify the extent and quality of these presumed links, however, limited weight can be reasonably placed on this disqualifying condition.

Applicant and her immediate family, her extended family members (*i.e.*, her mother, cousin, and in-laws), and her childhood friend residing in India have recognized family roots in India. Their citizenship status and presence in India does not by itself create a heightened risk. None of Applicant's family members and childhood friend residing in India have any track history of being subjected to any coercion or influence. Nor do they appear to be vulnerable to the same. Applicant's contacts with her family members are manageable risks, and clearly not of the magnitude that could make them subject to a heightened security risk of pressure or compromise under the foreign influence guideline.

The AGs governing collateral clearances do not dictate *per se* results or mandate particular outcomes for applicants with relatives who are citizens/residents of foreign countries in general. What is considered to be an acceptable risk in one foreign country may not be in another. While foreign influence cases must by practical necessity be weighed on a case-by-case basis, guidelines are available for referencing in the supplied materials and country information about India.

Unlike the old AGs, the new ones do take into account the country's demonstrated relations with the U.S. as an important consideration in gauging whether the particular relatives with citizenship and residency elsewhere create a heightened security risk. The geopolitical aims and policies of the particular foreign regime involved do matter.

India has long been known to be a country with a rich history of constitutional government and generally recognized respect for human rights and the rule of law. It continues to be a country with emerging strategic relationships with the U.S. and a history of constitutional government. And it is a country that on balance does not present a heightened risk under the foreign service guideline.

While the reports of illegal exporting of potential dual-use technology has been matter of some security concern to the United States, India's emergent status as a strategic partner of the United States in controlling the proliferation of nuclear weapons is an important political development that serves to promote political solidarity, and reduce security risks and concerns between the two nuclear powers.

Based on her case-specific circumstances, MC ¶ 8(a), "the nature of the relationships with foreign persons, the country in which these persons are located, or the persons or activities of these 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 a foreign individual, group, organization, or government and the interests of the United States," is available to Applicant. Neither Applicant, her immediate and extended family, nor her childhood friend residing in India pose any known heightened security risks that could subject them to potential pressures and influence from Indian government and military officials.

Of benefit to Applicant, too, is MC ¶ 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 United States, that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest." Applicant's demonstrated loyalty, patriotism, and professional commitments to the United States, is well demonstrated and enough under these circumstances to neutralize all potential conflicts that are implicit in his relationships with her immediate and extended family and childhood friend. MC ¶ 8(c), "contact or communication with foreign citizens is so casual and infrequent that there is little likelihood that it could create risk for foreign influence or exploitation," has some applicability, too, based on Applicant infrequent contacts with her cousin, in-laws, and friend.

Two other mitigating conditions have mixed application to Applicant's situation. MC ¶ 8(e), "the individual has promptly complied with existing agency requirements regarding the reporting of contacts, requests, or threats from persons, groups, or organizations from a foreign country," has some prospective value. But there is really no documented record of Applicant's prior reporting of her contacts with members of her family to warrant any more than minimal consideration at this time.

On the other hand, MC ¶ 8(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," has a good deal more application to Applicant's situation. Her financial interests in India (primarily a condominium and two bank accounts) are relatively modest, and are not likely to create any interest conflicts in the foreseeable future.

Whole person assessment is available also to minimize Applicant's exposure to potential conflicts of interests with her Indian family members and childhood friend. Most importantly, Applicant is not aware of any risks of coercion, pressure, or influence that

any of his family members might be exposed to. So, in Applicant's case, the potential risk of coercion, pressure, or influence being brought to bear on her, or any of her respective family members and friend is minimal and mitigated.

Overall, any potential security concerns attributable to Applicant's having property interests, family members, and friend residing in India are sufficiently mitigated to permit safe predictive judgments about Applicant's ability to withstand risks of undue influence attributable to his familial relationships in India. Favorable conclusions warrant with respect to the allegations covered by Guideline B.

Formal Findings

In reviewing the allegations of the SOR and ensuing conclusions reached in the context of the findings of fact, conclusions, conditions, and the factors listed above, I make the following formal findings:

GUIDELINE B (FOREIGN INFLUENCE):	FOR APPLICANT
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Subparas. 1.a through 1.g:	For Applicant
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Conclusion

In light of all the circumstances presented by the record in this case, it is clearly consistent with the national interest to grant or continue Applicant's security clearance. Clearance is granted.

Roger C. Wesley
Administrative Judge

