



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



In the matter of:	)	
	)	
REDACTED	)	ISCR Case No. 14-05698
	)	
Applicant for Security Clearance	)	

**Appearances**

For Government: Candace L'ei Garcia, Esq., Department Counsel  
For Applicant: Mark S. Zaid, Esq.

07/27/2017

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**Decision**

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MENDEZ, Francisco, Administrative Judge:

Applicant presented sufficient evidence to mitigate security concerns raised by his familial ties to relatives who are citizens and residents of Turkey and Lebanon, as well as foreign preference and personal conduct concerns. Clearance is granted.

**Statement of the Case**

On November 16, 2015, the Department of Defense (DoD) Consolidated Adjudications Facility (CAF) sent Applicant a Statement of Reasons (SOR) alleging security concerns under the foreign influence, foreign preference, and personal conduct guidelines.<sup>1</sup> Applicant answered the SOR and requested a hearing to establish his continued eligibility for a security clearance (Answer).

On February 23, 2017, a date mutually agreed to by the parties, the hearing took place. Applicant testified and called several witnesses. Both sides offered documentary

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<sup>1</sup> Pursuant to Executive Order (E.O.) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended, and DoD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive). The CAF applied the previous version of adjudicative guidelines, which were in force from September 1, 2006 to June 7, 2017. The SOR was amended to correct minor typographical errors, such as the spelling of Applicant's name.

exhibits, which were admitted into the administrative record without objection. (Government Exhibits 1 – 6; Applicant's Exhibits A – G.)<sup>2</sup>

At the conclusion of the hearing, I advised both sides that the case appeared appropriate for summary disposition in Applicant's favor.<sup>3</sup> On February 27, 2017, Department Counsel objected, without elaboration, to the resolution of the case by summary disposition. The transcript of the hearing (Tr.) was received on March 3, 2017.

## **Findings of Fact**

### *General Background*<sup>4</sup>

Applicant was born in Turkey. He came to the United States in 1979, forgoing an opportunity to attend medical school for free in Turkey and pursue his childhood dream of becoming a doctor. Upon arriving in the United States, he applied to and was accepted at a leading U.S. graduate school for engineering, where he was a student of one of his witnesses. The witness eventually hired Applicant and, through his company, sponsored Applicant for permanent U.S. residency status (a "green card"). Applicant has resided in the United States continuously since emigrating from Turkey nearly forty years ago. He became a naturalized U.S. citizen in 1993.

Applicant and his wife, who was born in Lebanon, married in 1992. She is a naturalized U.S. citizen and they have two children. Both of their children were born in the United States and, as of the hearing, were scheduled to graduate in a few months from U.S. colleges. They both plan on attending U.S. graduate schools. For years, Applicant's wife wanted to apply for their children to also attain Turkish and Lebanese citizenship, but Applicant adamantly opposed the idea. Their children are only U.S. citizens, and Applicant has expressed to his wife on multiple occasions his desire to relinquish his Turkish citizenship. He generally identifies himself to others as an American with roots in a specific Christian denomination. He does not care much for his country of birth, where he was treated as a second-class citizen because of his faith.

Applicant has held a security clearance since 2009. Professionally, he has been hugely successful and the compensation he has earned is commensurate with his highly sought after expertise and services. His annual income, from his work and U.S. investments, tops \$500,000. He owns three homes in the United States. His U.S. assets total over five million dollars, with a large portion of that personal wealth tied up in U.S.

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<sup>2</sup> Prehearing correspondence, the notice of hearing, the case management order, and post-hearing correspondence are attached to the record as Appellate Exhibits I – IV.

<sup>3</sup> I did so after considering all the evidence and the position of the parties, including Department Counsel's closing argument wherein she conceded that the Government had "not met its burden of showing that applicant deliberately falsified his 2013 security clearance application" and left resolution of the case to my discretion. (Tr. 155-160) See *generally* Directive E3.1.6 (authorizing Department Counsel to take any appropriate action warranted under the circumstances when they find that SOR allegations are unfounded or the evidence does not support an unfavorable decision).

<sup>4</sup> See *generally* Tr. 26-111, 125-127, 133-142, 149-151; Exhibits 1 – 2, Exhibits B – E.

real estate. A recent personal financial statement reflects that Applicant pays U.S. income and other taxes totaling over \$175,000 (or, more than a third of his income). His and his wife's credit reports reflect excellent credit ratings.

Applicant and his wife do not own any foreign property, bank accounts, or assets, and they are not indebted to any foreign government, persons, or entity. They do not have any foreign financial business dealings, and have never worked for or had any connection to any foreign government.

Applicant has played a leading role in his U.S. church for the past 30 years. He has donated a significant amount of his personal time and wealth to the church. With his wife, he runs a successful business that provides children in several U.S. states with athletic opportunities. He is currently providing technical assistance and expertise free-of-charge to a U.S. Government agency that is experiencing cuts in its budget.

#### *Relatives in Turkey<sup>5</sup>*

Applicant counts his mother, siblings, nephews, and a cousin as his closest living relatives remaining in Turkey. He has a number of other distant relatives who are citizens and residents of Turkey. None of his relatives have any connection to the Turkish government or any other foreign government or entity. None of these persons are aware that he is a cleared U.S. government contractor.

Applicant reported his foreign relatives and travel on his initial and current security clearance applications. He also reported his foreign travel, including those to Turkey, to his facility security officer (FSO). He freely and fully discussed his foreign relatives, interests, and travel during multiple clearance interviews and at hearing.

Applicant's mother is financially supported by a business that her late husband (Applicant's father) co-owned with his brothers (Applicant's uncles). She also owns several properties in Turkey. Applicant may inherit a portion of his mother's estate when she dies. He estimates that the estate is worth about \$450,000, but its value has sharply declined over the years due to a downturn in the business. Applicant does not have to maintain his Turkish citizenship to inherit. However, if his Turkish citizenship and potential inheritance pose a security concern, he is willing to renounce both.

As of the hearing, Applicant's mother, one of his sisters, and his two nephews were visiting him in the United States. Applicant is trying to convince all four of them to immigrate to the United States. He wants his mother to live out the remaining years of her life surrounded by her four grandchildren in the relative comfort that he can provide her in the United States.

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<sup>5</sup> See generally Tr. 72-74, 111-131, 143-146, 149-150; Answer; Exhibits 1-5; Exhibit E.

### *Administrative Notice – Turkey<sup>6</sup>*

The Republic of Turkey is a constitutional republic with a multiparty parliamentary system and a president. The U.S.-Turkey friendship dates to 1831. Turkey is an important U.S. security partner and has been a valued North Atlantic Treaty Organization (NATO) ally since 1952. Turkey is a leader in the Alliance's Resolute Support Mission in Afghanistan and is also a vital member of the Counter-ISIL Coalition.

Turkey continues to face a significant terrorist threat from both external and home-grown sources. The current U.S. State Department travel warning for Turkey reflects an increased risk from terrorist groups and the potential for violence against U.S. citizens due to an increase in anti-American rhetoric. The U.S. State Department has also reported a number of significant human rights problems in Turkey, including inconsistent access to due process following the July 15, 2016 coup attempt.

### *Relatives in Lebanon<sup>7</sup>*

Applicant's wife is originally from Lebanon. She came to the United States in 1992, became a permanent U.S. resident in 1996 or 1997, and afterwards became a naturalized U.S. citizen. She also holds Lebanese and Turkish citizenship, but does not have a current foreign passport and has no interest in applying for one. She uses her U.S. passport when she travels abroad. She last traveled to Lebanon to visit her relatives in 2015, and before that had not visited Lebanon in over seven years. Her husband (Applicant) did not accompany her on this most recent trip to Lebanon. Applicant reported on his clearance applications his past trips to Lebanon to visit his wife's family, and fully discussed his and his wife's connections to and contacts in Lebanon during his clearance interviews.

Applicant's wife credibly testified about her willingness to renounce her foreign citizenships and any foreign inheritance she may be entitled to if such poses a security risk. Her relatives do not have any current connection to the Lebanese government, or any foreign government or entity. Her mother and sisters live in Lebanon. Her mother and one of her sisters also hold U.S. citizenship. Her mother travels frequently to the United States and stays with them. Applicant has limited contact with his wife's family in Lebanon, except for greeting them on special occasions (i.e. birthdays).

Applicant's mother-in-law and sister-in-laws are financially supported through income derived from his late father-in-law's business and property holdings. For a time, the business was a clothing contractor to the Lebanese military. It no longer has any contracts with or ties to the Lebanese military or government. His mother-in-law does not receive a pension from the Lebanese government.

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<sup>6</sup> See generally Exhibit 6 and the following U.S. State Department publications, which are publically available on its website (state.gov): Fact Sheet, *U.S. Relations with Turkey*, Dec. 23, 2016; *Turkey Travel Warning*, updated, Mar. 28, 2017; and U.S. State Department's 2016 Human Rights Report on Turkey. See also ISCR Case No. 16-02522 at 2 (App. Bd. Jul. 12, 2017) ("administrative notice may be taken of official documents posted by Federal departments and agencies on their websites.")

<sup>7</sup> See generally Tr. 53-68, 76-91, 115-118; Answer; Exhibits 1-5; Exhibit E.

Applicant's wife has other distant relatives residing in Lebanon and Syria, but she and Applicant are not close to any of these relatives. She cannot recall when she last traveled to Syria to visit her relatives living there, and her last contact with any of her Syrian relatives was well before she got married to Applicant in 1992.

Applicant's wife estimates that her mother's estate in Lebanon is worth approximately \$600,000 to \$800,000, but the value is likely to decrease as the family business is on the verge of bankruptcy. She is unclear as to whether she is entitled to inherit and lacks any interest in any potential inheritance in Lebanon. She works part time for a major U.S. retailer, and earns a good income through her work and as part owner of several U.S. businesses. She has never discussed with her relatives and they are unaware about Applicant's work for the U.S. government.

#### *Administrative Notice – Lebanon<sup>8</sup>*

Lebanon is a parliamentary republic, whose history since its independence in 1943 has been marked by periods of political turmoil interspersed with prosperity built on its position as a regional center for finance and trade. The country's 1975-90 civil war was followed by years of social and political instability. Sectarianism is a key element of Lebanese political life. Neighboring Syria has long influenced Lebanon's foreign policy and internal policies, and its military forces were in Lebanon from 1976 until 2005.

The United States seeks to maintain its traditionally close ties with Lebanon, and to help preserve its independence, sovereignty, national unity, and territorial integrity. However, a number of U.S.-designated terrorist organizations, most notably, Hezbollah, operate relatively freely within Lebanon. These terrorist organizations pose a significant security threat. Additionally, following the influx of refugees since the start of the crisis in Syria in 2011, Lebanon has experienced increased spillover violence.

The Department of State warns U.S. citizens to avoid travel to Lebanon because of the threats of terrorism, kidnapping, and violence. The State Department travel warning also notes that the Lebanese government cannot guarantee the protection of U.S. citizens and the U.S. Government's ability to help U.S. citizens kidnapped or taken hostage in Lebanon is limited. The State Department has also reported on serious human rights problems in Lebanon, including by Lebanese security forces.

#### *Dual Citizenship*

Applicant reported on his initial and current security clearance applications his dual U.S.-Turkish citizenship. He told clearance investigators from the onset that he was willing to renounce his Turkish citizenship, even if it meant forfeiting any potential inheritance. At the time, he needed to remain a Turkish citizen to inherit.<sup>9</sup>

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<sup>8</sup> See generally Exhibit 6 and the following U.S. State Department publications, which are publically available on its website (state.gov): *Lebanon Travel Warning*, updated, Feb. 15, 2017; and U.S. State Department's 2016 Human Rights Report on Lebanon.

<sup>9</sup> Exhibit 1 at 8; Exhibit 2 at 9; Exhibit 5 at 1.

At hearing, Applicant credibly testified that he is still willing to renounce his Turkish citizenship.<sup>10</sup> He explained that he had not taken such action after becoming a cleared U.S. Government contractor because the process itself could potentially raise unwarranted foreign attention. He explained to investigators during his recent clearance interviews that he no longer needed to remain a Turkish citizen to inherit.<sup>11</sup>

Applicant has taken no action to maintain his Turkish citizenship. After becoming a U.S. citizen, Applicant has not applied for nor accepted any foreign benefit. In 2008, he turned over for destruction to his FSO the Turkish passport that he had received before becoming a U.S. citizen. This Turkish passport had expired in 2005, and Applicant had not and has not since applied for a new Turkish passport. The FSO destroyed Applicant's Turkish passport in 2008. Since becoming a U.S. citizen nearly 25 years ago, Applicant has only held a U.S. passport, which he has used for all international travel, including to Turkey.<sup>12</sup>

Beyond destroying his Turkish passport and foregoing the opportunity to go to medical school for free, Applicant has taken other noteworthy actions over the years that evidence his decision to sever his ties to Turkey:

- (1) Upon immigrating to the United States, Applicant changed the name he had gone by in Turkey to his birth name. He explained that his family changed his name because they were member of a religious minority in Turkey and the name change would help Applicant avoid harassment and discrimination.<sup>13</sup>
- (2) Applicant applies for a visa before traveling to Turkey versus showing his Turkish birth certificate, which would allow him visa-free entry into Turkey.<sup>14</sup>
- (3) He has not voted in Turkish elections.<sup>15</sup>
- (4) He did not serve in the Turkish military. He applied for and received an education waiver from compulsory military service. After immigrating to the United States, the waiver expired. He did not travel back to Turkey for many years because he refused to serve in the Turkish military. He also refused to pay a minor bribe to Turkish bureaucrats that would have secured his release from military service. Instead, after the law changed, Applicant applied for a

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<sup>10</sup> Tr. 125-127.

<sup>11</sup> Department Counsel was afforded the opportunity to present rebuttal evidence, to include calling the investigator(s) who wrote the interview summaries containing the inaccurate information about Applicant purportedly maintaining his Turkish citizenship to protect his inheritance rights. (Tr. 154-155) No evidence was presented contradicting Applicant's credible testimony.

<sup>12</sup> Tr. 125-130, 141, 151-152; Exhibit 1 at 9; Exhibit A.

<sup>13</sup> Tr. 141-142; Exhibits 1, 2.

<sup>14</sup> Tr. 125-130.

<sup>15</sup> Tr. 138, 148-149.

permanent exemption from military service and in the process paid a fee that was more than twice as much as he would have paid as a bribe. He has traveled back to Turkey after receiving the permanent exemption from military service and has not encountered any issues.<sup>16</sup>

### *Candor during Security Processing*<sup>17</sup>

Applicant submitted a security clearance application in 2014. He reported his birth in Turkey, dual citizenship, foreign connections, and the Turkish passport he held before becoming a naturalized U.S. citizen. He also reported, on his current and initial clearance applications, his foreign travel, including travel to Turkey, both before and after becoming a U.S. citizen. He also discussed, during several clearance interviews between 2008 and 2014, his overseas travel, including before he was eligible for a U.S. passport. His employers are aware of his past possession of a Turkish passport and his travels to Turkey. When he turned over his Turkish passport to his FSO, the FSO reviewed it and alerted the DoD about its contents before destroying it. Applicant continues to report his foreign travel and submit required trip reports to his FSO.

On the current security clearance application, Applicant was asked whether he had ever used a foreign passport. He incorrectly replied no. Applicant, who suffers from dyslexia, credibly explained that in reading the question, he assumed it was asking about his use of a foreign passport after surrendering his former Turkish passport to his FSO, which was a precondition for his initial security clearance. Department Counsel, who cross-examined Applicant and had an opportunity to evaluate his demeanor at hearing, conceded that Applicant did not deliberately falsify his clearance application.

### *Whole Person*<sup>18</sup>

Applicant presented the testimony and statements of witnesses who have known him for decades. These witnesses have worked alongside him on a number of sensitive projects. Some of these persons know Applicant and his family in a social capacity. Each of these witnesses provided a favorable opinion as to Applicant's abilities, work product, honesty, reliability, trustworthiness, and overall good character. They have also witnessed how Applicant handles classified information and have no concerns with continuing his clearance. The pastor of Applicant's church, who has known Applicant since 1992, provided favorable information about Applicant's dedication to his wife and children, his loyalty to the United States, and his extensive volunteer work.

## **Law, Policies, and Regulations**

"[N]o one has a 'right' to a security clearance." *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). Individuals are eligible for access to classified

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<sup>16</sup> Tr. 138-139.

<sup>17</sup> See generally Tr. 30-31, 38-1, 47-50, 75, 131-132, 149-160; Exhibits 1-5.

<sup>18</sup> See generally Tr. 11-51; Exhibits E – G.

information “only upon a finding that it is clearly consistent with the national interest” to authorize such access. E.O. 10865 § 2.

On December 10, 2016, the Director of National Intelligence issued Security Executive Agent Directive 4 (SEAD-4), revising the adjudicative guidelines. These revised adjudicative guidelines are applicable to all security clearance decisions issued on or after June 8, 2017. Accordingly, I have applied the revised adjudicative guidelines (“AG”). ISCR Case No. 02-00305 at 3 (App. Bd. Feb. 12, 2003) (security clearance decisions must be based on current DoD policy and standards).

When evaluating an applicant’s eligibility for a security clearance, an administrative judge must consider the adjudicative guidelines. In addition to brief introductory explanations, the guidelines list potentially disqualifying and mitigating conditions. The guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, an administrative judge applies the guidelines in a commonsense manner, considering all available and reliable information, in arriving at a fair and impartial decision. AG ¶ 2.

Department Counsel must present evidence to establish controverted facts alleged in the SOR. Directive ¶ E3.1.14. Applicants are responsible for presenting “witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by the applicant or proven . . . and has the ultimate burden of persuasion as to obtaining a favorable clearance decision.” Directive ¶ E3.1.15.

Administrative Judges must remain fair and impartial, and conduct all hearings in a timely and orderly manner. Judges must carefully balance the needs for the expedient resolution of a case with the demands of due process. Therefore, an administrative judge will ensure that an applicant: (a) receives fair notice of the issues, (b) has a reasonable opportunity to address those issues, and (c) is not subjected to unfair surprise. Directive, ¶ E3.1.10; ISCR Case No. 12-01266 at 3 (App. Bd. Apr. 4, 2014).

In evaluating the evidence, a judge applies a “substantial evidence” standard, which is something less than a preponderance of the evidence. Specifically, substantial evidence is defined as “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of all the contrary evidence in the same record.” Directive, ¶ E3.1.32.1.

Any doubt raised by the evidence must be resolved in favor of the national security. AG ¶ 2(b). See *also* SEAD-4, ¶ E.4. Additionally, the Supreme Court has held that responsible officials making “security clearance determinations should err, if they must, on the side of denials.” *Egan*, 484 U.S. at 531.

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. 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 an 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**

The foreign influence security concern is explained at AG ¶ 6:

Foreign contacts and interests . . . are a national security concern if they result in divided allegiance. They may also be a national security concern if they create circumstances in which the individual may be manipulated or induced to help a foreign person, group, organization, or government in a way inconsistent with U.S. interests or otherwise made vulnerable to pressure or coercion by any foreign interest.

A person is not automatically disqualified from holding a security clearance because they have relatives living in a foreign country. Instead, in assessing an individual's potential vulnerability to foreign influence, an administrative judge must take into account the foreign government involved; the intelligence-gathering history of that government; the country's human rights record; and other pertinent factors.<sup>19</sup>

The United States and Turkey are allies, and the U.S. supports Lebanon's democratic institutions and efforts to rid itself of hostile forces. However, the serious security concerns raised by the threat posed by terrorists and other hostile elements in these two countries must be considered in assessing the security risks raised by Applicant's relationship to his relatives living in these countries. Applicant's relationship to these foreign relatives, coupled with the facts administratively noticed, raise a heightened security concern.

In assessing the security concerns at issue, I considered all the Guideline B disqualifying and mitigating conditions, including the following:

AG ¶ 7(a): contact, regardless of method, with a foreign family member, . . . if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion;

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 classified or sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information or technology;

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<sup>19</sup> See *generally* AG ¶ 6. See also ISCR Case No. 05-03250 at 4 (App. Bd. Apr. 6, 2007) (setting forth factors an administrative judge must consider in foreign influence cases).

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 . . . and the interests of the United States;

AG ¶ 8(b): there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, or allegiance to the 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;

AG ¶ 8(c): contact or communication with foreign citizens is so casual and infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation; and

AG ¶ 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.

An individual with relatives and other ties to a foreign country faces a high, but not insurmountable hurdle in mitigating security concerns raised by such foreign ties. An applicant is not required “to sever all ties with a foreign country before he or she can be granted access to classified information.”<sup>20</sup> However, what factor or combination of factors will mitigate security concerns raised by an applicant with relatives in a foreign country is not easily identifiable or quantifiable.<sup>21</sup>

Here, Applicant immigrated to the United States nearly 40 years ago and has been a U.S. citizen for over 25 years. He has created a life for himself and his family in the United States, and established strong bonds to the U.S. through his family, work, church, and community involvement. He clearly has no affection for his country of birth or any other foreign country, and his words in this regard are equally matched by his actions. However, his and his wife’s relationship to their surviving parents, siblings, and other close relatives living in Turkey and Lebanon are not casual nor insignificant, and it is not completely inconceivable that an adversary could attempt to exploit these familial bonds. Nonetheless, in light of the overwhelming record evidence regarding Applicant’s strong ties, professionally and personally, to the United States, he can be expected to resolve any potential conflict of interest in favor of U.S. national security interests.

Presumably, a similar security assessment or calculus was done nine years ago when Applicant was first granted a security clearance. Since that time, Applicant has amassed an impressive track record of properly handling and safeguarding (highly) classified and sensitive information. He has also complied with classified contract

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<sup>20</sup> ISCR Case No. 07-13739 at 4 (App. Bd. Nov. 12, 2008).

<sup>21</sup> ISCR Case No. 11-12202 at 5 (App. Bd. June 23, 2014).

requirements regarding the reporting of foreign contacts and travel. His ties to the United States have only deepened over the past decade, while his foreign connections and contacts have significantly diminished over the same period.

Security determinations must be based on a close examination of an applicant's current conduct and present circumstances. In a Guideline B case that involves an examination of the relevant country or countries at issue, to include their present relationship with the United States and other relevant factors. Moreover, a past favorable clearance adjudication does not bar security officials from reassessing an applicant's eligibility, especially when new matters arise. After reviewing the entire record and weighing the evidence, both favorable and unfavorable, I find that Applicant mitigated any security concerns arising from his foreign familial connections. All the above listed mitigating conditions apply in full or in part and together with the favorable whole-person matters noted herein mitigate the foreign influence security concerns.

### **Guideline C, Foreign Preference**

A security concern arises when an individual acts in such a way as to indicate a preference for a foreign country over the United States. Such action may indicate that the person may provide information or make decisions that are harmful to the United States. However, foreign citizenship by itself does not raise a security concern under Guideline C, unless the foreign citizenship is in conflict with U.S. national security interests or the person attempted to conceal the information about his foreign citizenship. See *generally* AG ¶ 9.

The evidence upon which DoD CAF adjudicators relied upon in alleging this security concern was unsubstantiated. Cf. AG ¶ 17(f). Applicant has taken no action that contravenes or undermines U.S. national security interests. He fully disclosed his foreign citizenship on his initial security clearance application, and has been candid and cooperative during the course of two separate clearance investigations. He has not exercised any right or privilege of foreign citizenship, or accepted any foreign benefit.

After leaving Turkey nearly 40 years ago, Applicant divested himself of many of his personal connections to his birth country, including the name he was forced to go by since grade school. He started a new life in the United States. Since becoming a U.S. citizen 25 years ago, he has rejected the obligations and potential benefits and entitlements of foreign citizenry. In short, Applicant's actions, both before and after receiving a security clearance nine years ago, demonstrate that his loyalty and preferences lie with the United States. Accordingly, the Guideline C allegation is decided in Applicant's favor.

### **Guideline E, Personal Conduct**

Conduct involving dishonesty during the security clearance process, such as the deliberate falsification of a security clearance application, raises a serious security concern. See *generally* AG ¶¶ 15, 16(a). Applicant's testimony explaining why he replied no to a question on his recent application asking if he had ever used his foreign

passport was credible, rationale, and consistent with the record evidence. He self-reported his past possession of a foreign passport and international traveled before becoming eligible for a U.S. passport. AG ¶ 17(f). He continues to self-report potentially security-significant related matters, including any foreign travel and connections. The evidence reflects that Applicant was cooperative and candid during his recent and past security clearance investigations, holds sound judgment, is trustworthy, and closely follows rules and regulations relating to the handling and safeguarding of classified information. Accordingly, the Guideline E allegation is decided in Applicant's favor.

### **Whole-Person Concept**

Under the whole-person concept, an administrative judge must evaluate an applicant's eligibility for a security clearance by considering the totality of an applicant's conduct and all the relevant circumstances. An administrative judge should consider the non-exclusive factors listed at AG ¶ 2(d). I hereby incorporate my above comments and highlight some additional relevant evidence.

Applicant's personal character and integrity, which are matters that must be considered in all suitability determinations, are unassailable. He has been cooperative and candid throughout the security clearance process. Furthermore, I observed his demeanor at hearing and found him forthcoming and resolute in his ability to resolve any potential conflict of interest in favor of the United States.

Additionally, Applicant demonstrated even before he was granted a security clearance nine years ago that he would not succumb to foreign pressure. Notably, he refused to pay a bribe that would have secured his release from compulsory military service in the Turkish armed forces. Instead, he refused to travel to Turkey, even though this meant he could not visit his family, including his late father. He only traveled back to Turkey after he was able to lawfully secure his release from military service, and in the process paid a far higher monetary price.

Applicant refused back then to compromise his core values and succumb to foreign pressure. Likewise, the evidence clearly demonstrates that he would not betray his adopted country if a foreign government or entity attempted to place pressure on him through his foreign relatives.<sup>22</sup> Overall, the record evidence leaves me with no questions or doubts about continuing Applicant's eligibility for a security clearance.

### **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 (Foreign Influence):  
Subparagraphs 1.a – 1.g:

FOR APPLICANT  
For Applicant

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<sup>22</sup> ISCR Case No. 10-09986 at 3 (App. Bd. Dec. 15, 2011) ("A clearance adjudication is an applicant's opportunity to demonstrate that, before being awarded a clearance, he actually possesses the judgment, reliability, and trustworthiness essential to a fiduciary relationship with this country.")

Paragraph 2, Guideline C (Foreign Preference):  
Subparagraph 2.a:

FOR APPLICANT  
For Applicant

Paragraph 3, Guideline E (Personal Conduct):  
Subparagraph 3.a:

FOR APPLICANT  
For Applicant

### **Conclusion**

In light of the record evidence, it is clearly consistent with the interest of national security to continue Applicant's eligibility for access to classified information. Applicant's request for a security clearance is granted.

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Francisco Mendez  
Administrative Judge