



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



In the matter of: )  
)  
) ISCR Case No. 14-05994  
)  
Applicant for Security Clearance )

**Appearances**

For Government: Caroline Heintzelman, Esq., Department Counsel  
For Applicant: Alan Edmunds, Esq.

06/15/2017

**Decision**

DAM, Shari, Administrative Judge:

Applicant mitigated the security concerns raised under the guideline for foreign influence, related to her work in Iraq and a friend from Jordan. She did not mitigate the security concerns raised under the guideline for personal conduct, related to allegations of falsification, previous criminal incidents, and employment problems. National security eligibility is denied.

**Statement of the Case**

On June 21, 2016, the Department of Defense (DOD) issued a Statement of Reasons (SOR) to Applicant, detailing security concerns under Guideline B, Foreign Influence, and Guideline E, Personal Conduct. The action was taken under Executive Order (EO) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the Adjudicative Guidelines effective within the DOD on September 1, 2006. This decision applies the new Adjudicative Guidelines (AG) that came into effect on June 8, 2017.<sup>1</sup>

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<sup>1</sup>I considered the previous Adjudicative Guidelines, effective September 1, 2006, in addition to the new Adjudicative Guidelines, effective June 8, 2017. My Decision would be the same if the case was considered under the previous Adjudicative Guidelines, which were in effect on the day of the hearing.

On July 14, 2016, Applicant answered the SOR (Answer), and requested a hearing. On November 2, 2016, the Defense Office of Hearings and Appeals (DOHA) assigned Applicant's case to me. On December 20, 2016, DOHA issued a hearing notice, setting the hearing for January 11, 2017. The hearing convened as scheduled. At the hearing, Department Counsel offered Exhibits (GE) 1 through 11. Applicant offered Exhibits (AE) A through U. All exhibits were admitted without objections. The record closed at the conclusion of the hearing.

### **Request for Administrative Notice**

Department Counsel submitted a formal request that I take administrative notice of certain facts relating to Iraq and Jordan. The request and the attached documents pertinent to Iraq and Jordan are included in the record as Hearing Exhibits (HE) 1 and 2. Applicant did not object to my consideration of those administrative notice documents. (Tr. 11-12). Applicant also submitted administrative notice documents pertinent to Iraq and Jordan, which are included in the record as AE S and AE T. Department Counsel did not object to my consideration of those documents. (Tr. 14.) The facts administratively noticed are limited to matters of general knowledge and pertinent to Iraq and Jordan, and not subject to reasonable dispute. The facts administratively noticed are set out in the Findings of Fact, below.

### **Findings of Fact**

Applicant denied all five allegations in Paragraph 1 of the SOR, and all seven allegations in Paragraph 2 of the SOR.

Applicant is 70 years old. She was born in Iraq. She earned a bachelor's degree from an Iraqi university in 1981. She came to the United States in 1970 and became a U.S. citizen in 1976. She obtained a master's degree in 1983 from an American university. She is divorced since 2003 and has two adult children. She is a linguist and is fluent in Arabic, Assyrian, and Kurdish. She obtained a real estate broker's license in 2002. She completed a certification course in human terrain training and Iraqi immersion in 2010.

Prior to and subsequent to working for federal contractors, Applicant has worked as a legal assistant for law firms, and has done translation work for private companies. She began a position with a federal contractor in February 2005. (Tr. 14-18; GE 1.) She completed three security clearance applications: February 2005; January 2011; and May 2015. (GE 3, GE 2, GE 1.)

### **Foreign Influence**

Applicant does not own property in Iraq or Jordan. She does not have financial assets in either country. She owns a house in the United States. (Tr. 48-49.) Her children and mother are citizens and residents of the United States. Her father is deceased. She considers herself a passionate American. (Tr. 51-52.) In May 2015, she reported that her assets in the United States totaled about \$535,000. (GE 4.) She is

active in community organizations. (AE P.) She has not returned to Iraq since leaving in September 2009. She worked for a defense contractor since then. (Tr. 53.)

#### Foreign Influence Allegations:

(SOR ¶ 1.a) Applicant admitted that she developed a friendly relationship with an Iraqi officer, who worked closely with the U.S. Forces, while she served as a linguist and translator in Iraq. She said the last time she had contact with that officer was in June 2011. (Tr. 22; GE 5; Answer.)

(SOR ¶ 1.b) Applicant denied that she hosted or attended parties with Iraqi soldiers while serving as a linguist. She said that soldiers never lived in her quarters. She acknowledged that on occasion she served as a translator at events, attended by Iraqi and U.S. officials, including the officer noted above. Her sister, who served as a linguist in Iraq at the same time, and another linguist stated they never witnessed Applicant engaging in those activities. (Tr. 22; GE 5; AE C, AE D.) The Army reported that she improperly engaged in hosting and attending parties. (GE 7.)

(SOR ¶ 1.c) Applicant testified that she no longer maintains contact with an individual, who was born in Iraq and resides in Jordan, as alleged. Her last contact with him was in 2010. She said she worked with him. (Tr. 23; Answer.)

(SOR ¶ 1.d) Applicant admitted that she associated and worked with three Iraqi resident citizens of Iraq while there. She spoke to one of them a year ago and the other in about 2010. Another individual with whom she associated while in Iraq became a U.S. citizen. (Tr. 24-25; GE 5; Answer.)

(SOR ¶ 1.e) Applicant admitted that she worked on a television program while working as a linguist in Iraq; however, she denied that she worked with Iraqi nationals or that the program was sponsored by the Iraqi government. She testified that she did translation work for an American, who was producing an Iraqi television show. She said she had authorization to help with the project. (Tr. 25-27; Answer.) The U.S. advisor on the project confirmed that Applicant had authorization to work on the program. (AE I.) However, in an affidavit, dated June 2013, Applicant stated that she worked on a television project between January and August 2009, during which time she “met with Iraqi national crew members, who were colleagues and friends” of the American producer. (GE 6.)

#### Personal Conduct Allegations

(SOR ¶ 2.a) In September 1990, while employed as a translator and legal assistant for an immigration law firm, Applicant was arrested and charged with bribery of a public official, a felony. She was caught passing money to an immigration agent on behalf of clients who were about to be deported. She pleaded guilty and was sentenced to 18 months of incarceration and three years of supervised probation. She served in a detention center from December 1991 to May 1992, and then went into a halfway house for two months. She was released from probation in March 1995. (GE 4, GE 10.) She

realized she made a serious mistake in committing this crime and learned an important lesson. (Tr. 33-34, 62.)

(SOR ¶ 2.b) In 1997, Applicant pleaded guilty to theft by deception, a misdemeanor. She was sentenced to a year of probation, and ordered to pay \$7,000 in restitution.

Applicant explained that her daughter's friend, who worked at a retail store, stole her credit card, used it to charge a large amount of items, and then voided the charges and collected a refund from the retailer. Applicant said she assumed the blame for the young woman and legal responsibility for the debt because she felt sorry for her and did not want her to go to jail. The young girl was arrested, but was not convicted as a result of Applicant's actions. Applicant testified that she was unaware of the theft of her credit card at the time the girl used it. (Tr. 37, 44-47; Answer.) The young girl submitted a November 2016 affidavit stating that Applicant was not aware of the theft of her charge card. (AE J.) According to an investigative report from May 2015, the girl told the police that Applicant knew about the transactions. (GE 4.)

(SOR ¶ 2.c) From April 2005 until September 2009, Applicant was deployed to Iraq with the U.S Army, where she worked as a contract linguist. In early September 2009, subsequent to an U.S. Army intelligence investigation, Applicant was terminated and released from her employment. The Army based its decision on the following violations: unofficial communications with members of the Iraqi military, including generals; and receiving unauthorized gifts from members of the Iraqi military, including a vehicle. (GE 7.) An Incident History report prepared on September 9, 2009, by Applicant's personnel office, cited the above allegations and other infractions. (GE 8.)

Applicant acknowledged that she was terminated from her position in September 2009, but denied the truth of the underlying reasons. She said the allegations were based on false accusations from other linguists and personality problems she had with them. (Tr. 39; Answer.) She referred to an August 3, 2009 email from her site manager, who told her not to return to work until he told her to do so. He stated she was not in trouble. (AE K.) A letter she later received from her personnel manager stated that she was terminated effective September 17, 2009, at will. It accused her of being a security risk. (Tr. 40.)

After she returned home from Iraq, Applicant requested a copy of the incident and adverse information reports that were filed in September 2009. She received them in March 2010. (Tr. 65-66.) The Army's adverse information report referenced incidents involving Applicant's travel to another country with a large amount of money; negative information about her husband; improper use of her cell phone; and numerous and inappropriate interactions with local businessmen and soldiers. (GE 7.) An Incident History report, dated January 22, 2010, referenced her inappropriate hosting of parties for local soldiers, receipt of a vehicle as an unauthorized gift from an Iraqi officer, and information that she had been denied employment by a federal investigative agency. (GE 8.)

(SOR ¶ 2.d) Applicant denied that she operated a vehicle on base in violation of Command policies, as documented by the Army. She said she was authorized to use a car because she was an authorized escort on base. She said she used the particular car referenced in this allegation because it had air conditioning. She drove it seven to ten days and a security officer was with her. (Tr. 41; Answer; AE G, AE L.)

Applicant submitted a letter from the Iraqi officer referenced in SOR ¶ 2.c above. He stated that the automobile was not a gift to her, but was a loaner car he authorized her to use for a few days. He said the allegations made against Applicant about this issue were false. (AE B.) According to the Army's report, Applicant told the investigator that the officer had given the car to her as a gift. According to Command rules, interpreters were not allowed to operate vehicles on base. (GE 7.)

(SOR ¶ 2.e) On May 6, 2015, Applicant submitted a security clearance application (SCA). In Section 13A: Employment Activities, Applicant disclosed that she had worked for a federal contractor from April 2005 to September 2009. She stated the reason she left was: "Employment at Will, Investigation closed without adverse action. Termination and/or lapse of employer's contract. Contract. [sic] Reduction of US Forces in Iraq." (GE 1.) She answered "no" to questions inquiring whether, within the past seven years, she had been fired; quit a job after being told she would be fired; left a job by mutual agreement following charges or allegations of misconduct; or left a job by mutual agreement following notice of unsatisfactory performance. (GE 1.)

Applicant denied that she falsified the above answer. She testified that when she left her position in September 2009, she was not told the reasons she was being removed. (Tr. 65.) She said she consulted an attorney, who advised her to use the above language in the 2015 SCA. She testified that she felt she should have mentioned the September 2009 incident report, which is why she wrote "incident report" on her copy of the 2015 SCA in the employment section referencing the job. She made the note to remind herself to mention it to the investigator when she was interviewed. Subsequently, she was unable to discuss the termination with the investigator during her May 2015 interview because it went too fast. (Tr. 45-46; 65-69; GE 1, AE M.) She acknowledged that she did not give the adverse information to the investigator after the interview. (Tr. 71.) She admitted that she made a mistake by not disclosing the termination and reasons in the SCA. (Tr. 65.)

(SOR ¶ 2.f) Applicant denied that she falsified information during an Army interview in May 2015 about the 1997 theft. She testified that she did not tell the investigator that she voluntarily gave the young girl her credit card to use. (Tr. 74.) She submitted the affidavit from the girl attesting to that fact, although the girl also said that when she first met with the police she stated that Applicant knew of the credit card transaction. (AE J.) According to the summary report of that interview, Applicant acknowledged that she was aware of the misuse of her credit card. (GE 4.)

(SOR ¶ 2.g.) Applicant denied that the five allegations in SOR ¶¶ 1.a through 1.e raised personal conduct security concerns.

## Letters of Recommendation and Other Mitigation

Applicant submitted various certificates of achievement, documenting her accomplishments as a linguist while working in Iraq. (AE A, AE F, AE Q.) Numerous authors complimented Applicant's outstanding performance, experience, loyalty, and impressive interpretative skills. (Answer; AE B, AE M, AE P.)

### **Administrative Notice**

#### Iraq

I have taken administrative notice of facts contained in U.S. Government pronouncements concerning the state of Iraq, as outlined in HE 1, including the following: Iraq faces many challenges fueled by sectarian and ethnic divisions. Numerous terrorist groups are increasingly active throughout Iraq. The Islamic State of Iraq and the Levant (ISIL or Islamic State) controls some of the country's territory. Threats of kidnapping and violence are high, and the Department of State warns U.S. citizens that all but essential travel to Iraq should be avoided. Additionally, human-rights related problems including disappearances, torture, denial of fair public trial, and limits on freedom of speech and expression have been noted. (HE 1; AE S.)

#### Jordan

Jordan is a small, Middle Eastern country governed by a constitutional monarchy. It has a developing economy. Jordan has a pro-Western foreign policy, and has had close relations with the United States for more than forty years. Torture, arbitrary arrest, prolonged detention, denial of due process, and restrictions on freedom of speech are Jordanian human rights problems. Despite aggressive governmental action against terrorists, the threat of terrorism in Jordan remains high. Jordan cooperates with the United States in fighting international terrorism. Terrorists in Jordan target U.S. interests to exploit and undermine U.S. national security interests. Terrorist groups conduct intelligence activities as effectively as state intelligence services. (HE 2; AE T.)

### **Policies**

When evaluating an applicant's suitability for national security eligibility, the administrative judge must consider the AGs. In addition to brief introductory explanations for each guideline, the AGs list potentially disqualifying and mitigating conditions, which are useful in evaluating an applicant's national security eligibility.

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 AG ¶ 2, describing the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(c), the entire process is a conscientious scrutiny of a number of variables known as the whole-person concept. The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision.

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that “[a]ny doubt concerning personnel being considered for national security eligibility 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. Likewise, I have avoided drawing inferences grounded on mere speculation or conjecture.

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

A person applying for national security eligibility seeks to enter 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 national security eligibility. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to protect or safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified or sensitive information. Finally, as emphasized in Section 7 of Executive Order 10865 “[a]ny determination under this order adverse to an applicant shall be a decision in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See *also* Executive Order 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

## **Analysis**

### **Guideline B: Foreign Influence**

The security concern relating to the guideline for foreign influence is set out in AG ¶ 6:

Foreign contacts and interests, including, but not limited to, business, financial, and property 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. Assessment of foreign contacts and interests should consider the country in which the foreign contact or interest is located, including, but not limited to, considerations such as whether it is known to target U.S. citizens to obtain classified or sensitive information or is associated with a risk of terrorism.

The guideline includes several conditions that could raise security concerns under AG ¶ 7. Two are potentially applicable in this case:

(a) contact, regardless of method, 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

(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.

Iraq and Jordan have internal anti-western terrorism threats that operate openly and contrary to U.S. interests. Accordingly, Applicant's connections or relationships with the SOR-alleged individuals, who are citizens and/or residents of those two countries, have the potential to generate a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion under AG ¶ 7(a). Applicant's relationships with individuals who serve in the Iraqi military create a potential conflict of interest between Applicant's "obligation to protect sensitive information or technology and [her] desire to help" individuals living in Iraq or Jordan. The evidence is sufficient to raise these disqualifying conditions. AG ¶ 7(b).

AG ¶ 8 provides three conditions that could mitigate the foreign influence security concerns arising in this case:

(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 United States;

(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; and

(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.

There is insufficient evidence to establish mitigation under AG ¶ 8(a) for any of the five allegations in Paragraph 1 of the SOR. All of the relationships arose during Applicant's employment in Iraq and involved Iraqi nationals. Two of the allegations referenced associations with Iraqi military personnel, which could have easily placed



Applicant in a position of having to choose between the interests of a foreign individual, group, or government and the interests of the United States.

AG ¶ 8(b) provides mitigation for the allegations. A key factor in the AG ¶ 8(b) analysis is Applicant's "deep and longstanding relationships and loyalties in the United States," such that she "can be expected to resolve any conflict of interest in favor of the U.S. interest." She has lived in the United States since 1970, about 47 years. She became a citizen in 1976. Her adult children and mother are U.S. citizens and residents. She owns a home and has financial investments in the United States. She does not have any assets in Iraq or Jordan. She obtained a master's degree from a U.S. university in 1983. She has worked at various jobs in the United States, including as a translator for law firms and private companies. She is active in her community. She expressed a strong sense of loyalty and patriotism toward the United States.

Applicant testified that she has not had contact with the Iraqi officer alleged in SOR ¶ 1.a since 2011. The last time she had communication with an associate, who was born in Iraq and now resides in Jordan, was in 2010. She said she spoke to one Iraqi citizen she knew about a year ago, and another Iraqi citizen she knew in 2010. The other individual with whom she associated while in Iraq became a U.S. citizen. There is no evidence that she maintains contact with other Iraqi nationals. She has not returned to Iraq since leaving when her contract work for the U.S. Army ended. There is evidence to establish some mitigation under AG ¶ 8(c) for the allegations in SOR ¶¶ 1.a through 1.e, as her contact with individuals in Iraq has been infrequent and casual since leaving the country in September 2009.

#### **Guideline E: Personal Conduct**

AG ¶ 15 expresses the security concerns pertaining to personal conduct:

Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness and ability to protect classified or sensitive information. Of special interest is any failure to cooperate or provide truthful and candid answers during the national security investigative or adjudicative processes.

AG ¶ 16 describes two conditions that could raise a security concern and may be disqualifying in this case:

- (a) deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine national security clearance eligibility or trustworthiness, or award fiduciary responsibilities; and
- (d) credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse

determination, but which, when combined with all available information, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information. This includes, but is not limited to, consideration of: (3) a pattern of dishonesty or rule violations.

SOR ¶¶ 2.a, 2.b, 2.c, 2.d, and 2.g, are supported by credible evidence. Applicant was convicted of a bribery felony in 1990 and a credit card fraud misdemeanor in 1997. Both crimes raise questions about Applicant's judgment, integrity, and willingness to comply with rules and regulations. In September 2009, she was released and terminated from her position as a contract linguist for allegations involving violations of employment rules, including improper relationships with Iraqi military personnel, which also raise judgment concerns. Applicant presented evidence from an Iraqi officer, who stated that he loaned a vehicle to her for work and did not give it to her as a gift. While that has some persuasive weight, the Army asserted that she gave them a contradictory statement and told them it was a gift. According to pertinent rules and policies, as a linguist she was prohibited from driving on base. Given this contradiction of facts, the evidence weighs in favor of the Government. The evidence establishes security concerns under AG ¶ 16(d)(3) as to those five allegations.

Applicant intentionally falsified or gave misleading information in response to an employment question on her May 2015 SCA, as alleged in SOR ¶ 2.e. She did not disclose that her employer terminated her in September 2009 for alleged misconduct, although she admitted that she knew that to be the basis for her termination in March 2010. Instead, she falsely certified that the reason for leaving the position was a reduction in U.S. forces and made other inaccurate statements. The evidence establishes security concerns under AG ¶ 16(a) as to this allegation.

Applicant gave false or contradictory information to the Army investigator in May 2015, when she said that she was unaware that her credit card was used without her authorization. According to the detailed investigative report, the young girl told the police that Applicant knew of the young girl's fraudulent behavior. This more credibly explains Applicant's assumption of guilt for the theft by deception, and her agreement to serve one year of probation and to pay \$7,000 in restitution. Despite the contradictory statements, the evidence weighs in favor of the Government and establishes security concerns under AG ¶ 16(a) as to SOR ¶ 2.f.

AG ¶ 17 includes three conditions that could mitigate security concerns arising from Applicant's personal conduct:

(a) the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;

(c) the offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment; and

(d) the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that caused untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur.

Applicant did not make a prompt or good-faith effort to correct the misrepresentations she made on her 2015 SCA regarding her employment record. There is no evidence that she subsequently clarified to the investigator the information about her termination of employment in Iraq. Her explanation for pleading guilty to the theft charge is not credible, in view of the surrounding facts. Failing to disclose requested information during a security clearance investigation is not a minor offense. AG ¶ 17(a) and AG ¶ 17(c) do not provide mitigation for the allegations in SOR ¶¶ 2.e or 2.f.

Applicant admitted that she should have disclosed the termination in the 2015 SCA; however, she consistently denied the basis for termination in September 2009, and that her behaviors involved non-compliance with company policies. Instead, she asserted that the cited violations were false accusations. Her defense raises questions about her judgment and ability to take responsibility for her actions, which evidence is necessary to establish full mitigation under AG ¶ 17(d) for SOR ¶¶ 2.c, and 2.d. AG ¶ 17(d) provides some mitigation for the allegation in SOR ¶ 2.a because Applicant expressed remorse for her mistake in committing the bribery felony in 1990.

### **Whole-Person Concept**

Under the whole-person concept, the administrative judge must evaluate an Applicant's national security eligibility 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(d):

(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 national security eligibility must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept.

Applicant is an intelligent and educated 70-year-old woman. Although she was born in Iraq, she has been a U.S. citizen and resident for over 40 years. She has strong connections to the United States through her community and employment positions. According to letters of recommendation, she displayed professionalism and linguistic competency while working for a federal contractor. She received numerous certificates of achievement for that work. She acknowledged that she developed associations with Iraqi nationals while in Iraq from 2005 to 2009, some of which raised security concerns. However, she has not had ongoing contact with any of those individuals since leaving Iraq about nine years ago, nor has she returned to Iraq since then. The likelihood that similar foreign influence security concerns will arise is significantly diminished.

The more serious security concerns raised in this case under the personal conduct guideline involve Applicant's falsification of her 2015 SCA; failing to disclose relevant information to an investigator during a security interview; two criminal convictions; and a pattern of employment problems while working in Iraq. Applicant expressed remorse over her 1990 criminal conviction and failure to disclose requested information in the SCA. She asserted that the employment problems, alleged in the SOR, were based on false accusations and personality problems she had with other linguists. While there may be some truth to those assertions, her refusal to acknowledge accountability for any of the problems she encountered while in Iraq is troublesome. Her statement that she pleaded guilty to a theft in 1997 in order to prevent a young girl from going to jail is also suspect and concerning, especially since her version of the facts is inconsistent with an investigator's report. At this time, she has not provided sufficient evidence of rehabilitation to mitigate her history of personal conduct issues spanning from 1990 to 2009. Overall, the record evidence leaves doubt as to Applicant's present eligibility and suitability for a security clearance or assignment in sensitive duties. She mitigated the security concerns arising under the guideline for foreign influence, but not those raised under the guideline for personal conduct.

### **Formal Findings**

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

Paragraph 1, Foreign Influence	FOR APPLICANT
Subparagraphs 1.a through 1.e:	For Applicant
Paragraph 2, Personal Conduct	AGAINST APPLICANT
Subparagraph 2.a through 2.g:	Against Applicant

## **Conclusion**

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

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Shari Dam  
Administrative Judge