



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



In the matter of:

Applicant for Security Clearance

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ISCR Case No. 14-06954

Appearances

For Government: Andrew Henderson, Esq., Department Counsel
For Applicant: *Pro se*

08/15/2016

Decision

WESLEY, Roger C., Administrative Judge:

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

Statement of Case

On June 1, 2015, the Department of Defense Consolidated Adjudications Facility (DoD CAF) issued a Statement of Reasons (SOR) detailing reasons why the DOD could not make the affirmative determination of eligibility for granting a security clearance, and the DoD CAF 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, DoD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (directive); and the Adjudicative Guidelines (AGs) implemented by the DoD on September 1, 2006.

Applicant responded to the SOR on July 13, 2015, and requested a hearing. The case was assigned to me on January 14, 2016, and was scheduled for hearing on April 27, 2016. 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 (himself) and one exhibit (AE A). The transcript (Tr.) was received on May 6, 2016.

Besides its three exhibits, the Government requested administrative notice of certain facts with respect to the following documents: *Afghanistan: Post-Taliban Governance, Security, and U.S. Policy*, Congressional Research Service (October 2015); *Report on Enhancing Security and Stability in Afghanistan*, U.S. Department of State (June 2015); *Obama Adjusts Troop Levels for Continuing Afghanistan Mission*, U.S. Department of State (October 2015); *Army General Killed in Afghanistan*, U.S. Army (August 2014); *Country Reports on Human Rights Practices for 2014: Afghanistan*, U.S. Department of State (undated); *Afghanistan Travel Warning*, U.S. Department of State (May 2015).

Additionally, I took administrative notice without objection of *Background Note: Afghanistan*, U.S. Department of State (November 2011); *Country Specific Information: Afghanistan*, U.S. Department of State (August 2013)

Administrative notice is the appropriate type of notice used for administrative proceedings. Administrative notice is appropriate for noticing facts or government reports that are well known. *Cf. Stein*, Administrative Law, Section 25.01 (Bender & Co. 2006). For good cause shown, administrative notice was granted with respect to the identified background reports addressing the geopolitical situation in Afghanistan, in accordance with the provisions of Rule 201 of the Federal Rules of Evidence.

Procedural Issues

Before the close of the hearing, Applicant requested leave to supplement the record to document additional endorsements. For good cause shown, Applicant was granted seven days to supplement the record; Department Counsel was afforded two days to respond. Within the time permitted, Applicant submitted two endorsements, as well as certificates of recognition and appreciation. Applicant's submissions received no objections and were admitted as AEs B and C.

Summary of Pleadings

Under Guideline B, Applicant allegedly has (a) a mother and sister who are citizens and residents of Afghanistan; (b) a brother and sister-in-law who are citizens of Afghanistan residing in the United States; (c) a mother-in-law and father-in-law who are citizens and residents of Afghanistan; and (d) a spouse who is a citizen and resident of Afghanistan.

In his response to the SOR, Applicant admitted each of the allegations of the SOR with explanations. He claimed that his mother and sister at this time are residents

of the United States, and will remain U.S. residents with the intention of becoming U.S. citizens. He claimed that while his mother-in-law and father-in-law are citizens and residents of Afghanistan, he will have no contact with them. And he claimed that his brother and sister-in-law are residents of the United States, soon to become U.S. citizens.

Findings of Fact

Applicant is a 28-year-old linguist for a defense contractor who seeks a security clearance. The allegations covered in the SOR and admitted by Applicant are incorporated and adopted as relevant and material findings. Additional findings follow.

Background

Applicant married in October 2013 in Afghanistan to an Afghan citizen and resident. (GE 1; Tr. 26) He has no children from this marriage. (GE 1) He earned his high school diploma in January 2006, while a citizen and resident of Afghanistan. He claimed no post-high school education or military credits.

Applicant immigrated to the United States in February 2009 and became a naturalized U.S. citizen in March 2014. (GE 1) Following his graduation in 2006, he worked as a translator for the U.S. Army in Afghanistan for three years (2006-2009). (Tr. 31-32, 36) Between 2009 and 2013, he worked as a translator for the Army. (Tr. 26, 36)

Applicant's mother, brother, and sister immigrated to the United States in 2009. They have become permanent residents in the United States and have applied for U.S. citizenship. (GE 2; Tr. 28, 36) Only his mother-in-law and father-in-law remain citizens and residents of Afghanistan. Applicant's father-in-law worked as a translator for the U.S. Army in Afghanistan. (Tr. 36) His in-laws currently work in Afghanistan for the U.S. Army (Special Forces) as linguists. Applicant's in-laws have never been questioned or threatened by Afghan government or military officials because of Applicant's work as a translator. Applicant has had no contact with his in-laws. (Tr. 27) His wife maintains occasional contact with her parents about non-working matters. (Tr. 27-28)

Endorsements

Applicant is well regarded in his work as an Army linguist in Afghanistan supporting U.S. combat operations. (AEs A and B) He was credited by his commanding officer in October 2011 with outstanding translations during field combat and humanitarian operations. (AE A) Applicant's commanding officer characterized him as a valuable team member assisting coalition forces in Afghanistan. Other members of his command were equally complimentary in their crediting Applicant with outstanding translations. (AEs A-B) Stressing his strong grasp of English and dedication under fire while involved in combat operations in high stress environments, they highlighted his courage and devotion to his linguist duties while placing his personal safety at great risk to support the Army's missions. (AEs A-B) In recognition of his achievements while

carrying out his Army missions, Applicant earned a certificate of training in 2008 and a certificate of appreciation in 2006. (AE B)

Country information on Afghanistan

Afghanistan is a country in Southwestern Asia. It is sometimes referred to as the crossroads of Central Asia. Since the British relinquished control of Afghanistan in August 1919, Afghanistan has been an independent state. Between 1919 and 1973, Afghanistan moved away from its longstanding isolation under a succession of Muslim rulers: King Amanullah (1919-1929), Nadir Khan (1929-1933), and Mohammad Zahir Shah (Nadir Khan's 19-year-old son), who ruled Afghanistan for over 40 years (1933-1973). See *Background Note: Afghanistan, supra*, at 1-2.

Prime minister Sardar Mohammad Daoud (between 1953 and 1963) mounted a military coup in 1973 and seized power amid charges of corruption and malfeasance against Zahir Shah and his royal family. (*Background Note: Afghanistan, supra*, at 2) Daoud proceeded to abolish the monarchy, abrogate the constitution, and declare Afghanistan a republic. His economic and social reforms contributed little, however, to stabilizing political conditions in the country.

Following a Soviet-supported overthrow and assassination of Daoud in April 1978, a Marxist government was formed with the backing of the Soviets. See *Background Note: Afghanistan, supra*; *Country Specific Information: Afghanistan, supra*. Sur Muhammad Taraki was installed as the country's president of the revolutionary council. Opposition to the Taraki government increased as many of members of Afghan elites, religious establishments, and intelligentsia were imprisoned, tortured, or murdered. A revolt against the Marxist government occurred in the summer of 1978 and quickly spread into a countrywide insurgency. (*Background Note: Afghanistan, supra*, at 3)

Soviet invasion

Seeking to take advantage of the unrest following the April 1978 coup, the Soviet Union quickly signed a bilateral treaty of friendship and cooperation with the new Afghan regime and increased its military assistance to the regime. See *Background Note: Afghanistan, supra*; *Country Specific Information: Afghanistan, supra*. Faced with a deteriorating security situation, the Soviets invaded Afghanistan in December 1979, killed the Afghan ruler, and, backed by 120,000 Soviet troops, installed Babrak Karmal (an exiled leader of the Parcham faction) as the country's prime minister. (*Background Note: Afghanistan, supra*)

Afghan freedom fighters (*mujahideen*) who opposed the Karmal communist regime, armed with increased weapons and training assistance from the United States and its allies, collaborated with other Peshawar-based guerilla groups in the 1980s to destabilize the Karmal regime. See *Country Specific Information: Afghanistan, supra*. The resistance movement eventually led to an agreement known as the Geneva

Accords (signed by the front-line states of Pakistan and Afghanistan, the United States, and the Soviet Union). The agreement served to ensure that Soviet forces withdrew from the country in accordance with their expressed commitments in February 1989. (*Id.*)

Ascendency of the Taliban

By the mid-1990s, the Taliban had risen to power in reaction to the anarchy and increase of warlords in the aftermath of the withdrawal of Soviet forces. (*Background Note: Afghanistan, supra*, at 3-4) Many of the Taliban had been educated in *madrassas* in Pakistan with roots in rural Pashtun areas of the country. See *Country Specific Information: Afghanistan, supra* Beginning with its capture of Kandahar in 1994, the Taliban mounted an aggressive expansion of its control throughout Afghanistan. By the end of 1998, its forces occupied almost 90 percent of the country, and reduced its opposition largely to a small sections of the northeast and the Panjshir valley. (*Id.*)

Bolstered by its imposition of an extreme interpretation of Islam on the entire country, the Taliban committed massive human rights violations (particularly directed at women and children), and committed serious atrocities against minority populations. See *Background Note: Afghanistan, supra*, at 4. From the mid-1990s, the Taliban provided sanctuary to Osama bin Laden, and provided a base of operations for his and other terrorist organizations. (*Country Specific Information: Afghanistan, supra*) Bin Laden and his Al-Qaida group are known to have provided financial and political support to the Taliban, and acknowledged their responsibility for the September 11, 2001 terrorist attacks against the United States. (*id.*)

Beginning in October 2001 (following the Taliban's refusal to expel bin Laden), the United States and its coalition partners initiated a military campaign, targeting terrorist facilities and Taliban military and political assets within Afghanistan. U.S. military and anti-Taliban forces routed the Taliban and caused their rapid disintegration. After the fall of Kabul in November 2001, a UN-sponsored conference was created to restore stability and governance in Afghanistan. See *Country Specific Information: Afghanistan, supra*. From this conference emerged a Transitional Authority headed by President Hamid Karzai. This authority (renamed the Transitional Islamic State of Afghanistan) was charged with the responsibility of drafting a constitution. (*id.*)

While the core insurgent faction in Afghanistan remains the Taliban movement, other militant factions present security challenges to the United states and the allied government of Afghanistan. One militant faction cited by U.S. officials as a particularly potent threat to Afghan security is the "Haqqani Network," which the Administration reported to Congress in September 2012 as an organization that meets the criteria for FTO [Foreign Terrorist Organization] designation. See *Afghanistan: Post-Taliban Governance, Security and U.S. Policy, supra*, at 15-17; *Administrative Notice, supra*, at 3)

In 2012, the Haqqani Network was designated by the U.S. Department of State as an FTO. See *Post-Taliban Governance, Security, and U.S. Policy, supra*, at 22. Other groups designated by the U.S. Administration as FTOs include a Pakistani group,

known as the Pakistani Taliban, that supports the Afghan Taliban from both sides of the Afghan-Pakistani border. Another Pakistani group known as the Lakshar-e-Taryyiba (LET) has been increasingly active inside Afghanistan. (*Id.*)

A new constitution was drafted and ratified by a constitutional loyal *jirga* on January 4, 2004. See *Background Note: Afghanistan, supra*, at 4-5; *Country Specific Information: Afghanistan, supra*. The Afghan constitution provides for indirect election of the National Assembly's upper house by the provincial councils and by reserved presidential appointments. On December 4, 2004, the country was renamed the Islamic Republic of Afghanistan. (*id.*) Hamid Karzai was sworn in as Afghanistan's President on December 7, 2004. (*id.*) He presided over the new government's first convened parliament in late 2005.

Presidential and provincial elections in Afghanistan for 2010 were coordinated by the Afghanistan Independent Election Commission (IEC), with assistance from the United Nations (UN). *Id.* Challenged presidential election results in 2010 have not been widely disseminated. See *Country Specific Information: Afghanistan, supra*.

Political conditions in Afghanistan

A new democratic government assumed control of Afghanistan in 2004 following a popular election. See *Background Note: Afghanistan, supra*. While the national government has continued to expand its authority, it has been hampered in its ability to deliver necessary social services and remains dependent on U.S.-led assistance. See *Unclassified Report on Progress Toward Security and Stability in Afghanistan, supra*. With its international community support at work, its ability to secure its borders and maintain internal order is increasing. Although the Taliban-led insurgency in Afghanistan has lost ground in some areas, it remains resilient and capable of challenging U.S. and NATO goals. See *Country Specific Information: Afghanistan, supra*, at 23.

Today, Afghanistan remains at risk from continuing threats from the Afghan insurgency and extremist networks, including the Taliban, al Qaida, the Haqqani Network, and other insurgent and extremist groups. See *Report on Enhancing Security and Stability in Afghanistan, supra*, at 23; *Administrative Notice-Afghanistan, supra*, at 3. International terrorists, fueled by Taliban and Al Qaida support, continue to assert power and intimidation within the country. See *Afghanistan: Post-Taliban Governance, Security and U.S. Policy, supra*, at 13-14. Revenue from opium trafficking continue to sustain the insurgency and Afghan criminal networks. See *Report on Enhancing Security and Stability in Afghanistan, supra*.

In recognition of the continued threat posed by these networks to U.S. interests in Pakistan, President Obama recently delayed the reduction of U.S. forces in Afghanistan and planned transition to an embassy-based presence. See *Administrative Notice-Afghanistan, supra*, at 3. Instead, he authorized the continued deployment of 5,500 U.S. forces in October 2015 in Afghanistan to support the U.S. counter-terrorism mission there after 2016. See *Obama Adjusts Troop Levels for Continuing Afghanistan Mission, supra*.

Safety and security remain key concerns because these terrorist organizations continue to target U.S. and Afghan interests by suicide operations, bombings, assassinations, car-jackings, assaults, and hostage-taking. See *Country Specific Information, Afghanistan, supra*, at 2-3. From December 2014 to May 2015, U.S. forces suffered four confirmed insider attacks, which resulted in the death of one U.S. soldier and three U.S. contractors, and the wounding of 12 additional personnel. See *Unclassified Report on Progress Toward Security and Stability in Afghanistan, supra*, at 29; *Administrative Notice, supra*, at 3. And on August 5, 2014, a senior U.S. Army General was killed by a member of the Afghan National Army during a visit to the Afghan National Defense University in Kabul. See *Army General Killed in Afghanistan, supra*, at 23; *Administrative Notice, Afghanistan, supra*, at 3. Risks of terrorist activity remain extremely high at the present time. (*Id.*, at 2-4)

Human rights conditions in Afghanistan remain poor by all reported accounts. State Department reports confirm active insurgent activity in Afghanistan. See *Country Reports on Human Rights Practices for 2014: Afghanistan, supra*, at 1-3. No section of Afghanistan is safe or immune from violence. See *Travel Warnings, Afghanistan, supra*. Kabul, in particular, has experienced increased militant attacks in recent years, including rocket attacks, vehicle-borne improvised explosive devices (IEDs), and suicide bombings by the remnants of Taliban and members of other terrorist groups hostile to the Afghan government. (*Id.*) Foreigners throughout the country continue to be targeted for violent attacks and kidnappings: some motivated by terrorism, and others by common criminal activity. See *Country Specific Information: Afghanistan, supra*; *Administrative Notice-Afghanistan, supra*, at 4.

To date, Afghanistan has still not been able to build effective, honest, and loyal provincial and district institutions and lacks a coherent tribal engagement strategy for unifying the country. Besides being subject to Afghan laws, Afghan Americans may also be subject to other laws that impose special obligations on Afghan citizens. See *Country Specific Information: Afghanistan, supra*, at 6. U.S. citizens who are also Afghan nationals do not require visas for entry into Afghanistan. Likewise, for U.S. passport holders born in Afghanistan, a visa is not required for entry. For these individuals, the Embassy of Afghanistan issues a letter confirming nationality for entry into Afghanistan. (*Id.*, at 2) The Afghan drug trade remains a major source of revenue for corrupt officials, the Taliban, and other insurgent groups who conduct operations in the country. (*Id.*, at 8-9.)

Policies

The AGs list guidelines to be used by administrative judges in the decision-making process covering Defense Office of Hearings and Appeals (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 linguist for a U.S.-based defense contractor. He is an Afghan citizen by birth and a naturalized U.S. citizen. His mother, sister, brother, and sister-in-law reside in the United States, with intentions of becoming naturalized U.S. citizens. Security concerns relate to foreign influence trust issues associated with Applicant's having a mother-in-law and father-in-law who are citizens and residents of Afghanistan with whom he maintains little contact.

Applicant's in-laws who are citizens and residents of Afghanistan have deep roots in Afghanistan, 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 Afghanistan and the U.S. in recent years, terrorist organizations continue to target U.S. and Afghan interests by suicide operations, bombings, assassinations, car-jackings, assaults, and hostage-taking. Human rights problems continue to plague law-enforcement efforts. And foreigners throughout the

country continue to be targeted for violent attacks and kidnappings: some motivated by terrorism, and others by common criminal activity.

The Government urges security concerns over risks that Applicant's in-laws residing in Afghanistan might be subject to undue foreign influence by either Afghan government authorities or terrorist organizations linked to the Taliban and al Qaida to access classified information in Applicant's possession or control. Because Applicant's in-laws have Afghan citizenship by birth and reside in Afghanistan, 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." The citizenship/residence status of these extended family members in Afghanistan pose some potential concerns for Applicant because of the risks of undue foreign influence that could potentially impact the privacy and security interests subject to Applicant's control.

Because neither of Applicant's two family members residing in Afghanistan have any identified Afghan government or military service affiliation, no 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," or DC ¶ 7(d), "sharing living quarters with a person or persons, regardless of citizenship status, if that relationship creates a heightened risk of foreign inducement, manipulation, pressure, or coercion," have any application to Applicant's situation. Neither of Applicant's in-laws residing in Afghanistan have any history of being subjected to any coercion or influence, or appear to be vulnerable to the same at the hands of Afghan government or military authorities.

To be sure, Applicant's in-laws are at some potential risk to terrorist attacks for so long as they reside in Afghanistan. However, they know nothing about Applicant's linguist work that could be exploited by known terrorist organizations operating in Afghanistan.

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. The AGs take into account the country's demonstrated relations with the United States 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. The AGs also take into account the applicant's demonstrated loyalty and willingness to assume heavy risks associated with assisting the Army's combat operations in a war zone.

While the reports of terrorism and human rights abuses in Afghanistan are a matter of some security concern to the United States, Afghanistan's emergent status as a strategic partner of the United States in its' continuing war against terrorism is an important political development that serves to promote political solidarity, and reduce security risks and concerns between the two allied governments.

Based on his case-specific circumstances, 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," is available to Applicant. Applicant's demonstrated loyalty and professional commitments to the United States are well demonstrated and sufficient under these circumstances to neutralize any potential conflicts that are related to his relationships with his immediate and extended family. 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's infrequent contacts with his family members residing in Afghanistan.

One other mitigating condition has 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." Between 2007 and 2013, Applicant completed over 50 military deployments to Afghanistan as a cultural advisor without any suggestions of a reporting lapse. Under these circumstances, presumptions are warranted that he complied with all reporting requirements covering foreign contacts.

Whole-person assessment is available also to minimize Applicant's exposure to potential conflicts of interests with his in-laws residing in Afghanistan. As an Army linguist, Applicant is strongly committed to protecting U.S. security interests in Afghanistan and has consistently avoided any notable actions that might add risk to U.S. security interests.

Although his in-laws residing in Afghanistan remain at some risk to terrorist attacks, they know nothing about his linguist missions that could be exploited in a hostage situation. Whatever security risks associated with Applicant's family members residing in Afghanistan are imposed on Applicant, they are manageable ones based on Applicant's demonstrated devotion to duty and the protection of classified information made available to him in the course of executing his command assignments. So, in Applicant's case, the potential risk of coercion, pressure, or influence being brought to bear on him, or his in-laws residing in Afghanistan is minimal and mitigated.

Overall, potential security concerns over Applicant's extended family members in Afghanistan are sufficiently mitigated to permit safe predictive judgments about Applicant's ability to withstand risks of undue influence attributable to his familial

relationships in Afghanistan. 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

Subparagraphs 1.a-1.e:

For Applicant

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