DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS

In the matter of:	)	
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	)	
	)	
Applicant for Security Clearance	)	

Appearances

For Government: Nicole Smith, Esquire, Department Counsel
For Applicant: *Pro se*

09/06/2016

Decision

WESLEY, Roger C., Administrative Judge:

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

Statement of Case

On October 30, 2015, September 17, 2010, the Department of Defense (DOD) Consolidated Adjudications Facility (CAF) issued a Statement of Reasons (SOR) detailing reasons why DOD adjudicators could not make the affirmative determination of eligibility for a security clearance, and 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 (E.O. 10865), *Safeguarding Classified Information Within Industry* (February 20, 1990), 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 DoD on September 1, 2006.

Applicant responded to the SOR on December 15, 2015, and requested a hearing. The case was assigned to me on April 1, 2016. The case was scheduled for hearing on May 23, 2016. A hearing was held as scheduled, for the purpose of considering whether it would be clearly consistent with the national interest to grant, continue, deny, or revoke Applicant's application for a security clearance. At hearing, the Government's case consisted of two exhibits (GEs 1-2); Applicant relied on one witness (himself) and nine exhibits (AEs A-I). The transcript (Tr.) was received June 1, 2016.

Procedural Issues

Before the close of the hearing, Applicant requested the record be kept open to permit him the opportunity to supplement the record with information on United Kingdom (U.K.) pension benefits and whether they are reconcilable with United States (U.S.) preference claims. There being no objections from Department Counsel, and for good cause shown, Applicant was granted 14 days to supplement the record. Department Counsel was afforded two days to respond. Within the time permitted, Applicant supplemented the record with an explanation letter. Applicant's submission was admitted as AE J.

Upon receiving Applicant's post-hearing explanatory letter, I asked the parties whether either had any objections to my taking official notice of a bilateral social security agreement and administrative implementing agreement between the United States and the United Kingdom that was entered into force on January 1, 1985. There being no objections, I took official notice of the U.S.-U.K. pension agreement and assigned an Official Notice I (ON I) designation to the agreement. (ON I)

Administrative or official notice is the appropriate type of notice used for administrative proceedings. *See* ISCR Case No. 05-11292 (App. Bd. April 12, 2007); ISCR Case No. 05-11292 (App. Bd. April 12, 2007). Administrative notice is appropriate for noticing facts or government reports that are well known. *See Stein*, Administrative Law, Sec. 25.01 (Bender & Co. 2006). Administrative notice of the U.S.-U.K. pension agreement was extended to the document itself, consistent with the provisions of Rule 201 of Fed. R. Evid. This notice did not foreclose Applicant from challenging the accuracy and reliability of the information contained in the U.S.-U.K. pension agreement.

Summary of Pleadings

Under Guideline B, Applicant allegedly: (a) has a sister, stepson, and several friends and relatives who are citizens and residents of the U.K. and (b) has a son who is a citizen and resident of the United Kingdom, and a member of the British Army. Under Guideline C, Applicant allegedly has been accepting retirement benefits from his U.K. pension since 2013.

In his answer to the SOR, Applicant admitted all of the allegations with explanations. He claimed that the common and aligned interests of the United Kingdom

and the United States have been demonstrated and reinforced from World War II through the present day. He further claimed that the defense interest of both countries are numerously and currently reinforced by a Memorandum of Understanding.

Citing his naturalized U.S. citizenship, Applicant claimed that his relatives and friends in the land of his birth pose no present security concern. He claimed that his son has served two tours of duty in Afghanistan as a member of the British Army, working alongside U.S. armed forces, and has served in additional postings both in Afghanistan and in the Middle East. He claimed, too, that his U.K. pension is an ordinary state pension to which he contributed for over 40 years working in the United Kingdom. He claimed his pension payments represent entitlements from past labors (not preferences), and are regularly transferred to the United States, on which he pays federal state income taxes. And he claimed that he intends on activating his company pension for the purpose of improving his U.S. 401(k) position.

Findings of Fact

Applicant is a 75-year-old senior design and development engineer for a defense contractor who seeks a security clearance. The allegations covered in the SOR and admitted by Applicant are adopted as relevant and material findings. Additional findings follow.

Background

Applicant immigrated to the United States in May 2005 and became a naturalized U.S. citizen in September 2013. (GEs 1-2) He received a U.S. passport in October 2013. (GE 1) He married his first wife in July 1963 and divorced her in January 1973. (GE 1) Applicant remarried in December 1975 and divorced her in July 2009. (GEs 1-2) He has one adult son from his second marriage. (GEs 1-2) He remarried for the third time in December 2012 to a woman with U.S. citizenship. (GE ; Tr. 65)

Applicant attended college in the United Kingdom and earned a bachelor's degree in December 1979. He earned a master's degree in September 1980 from a U.K. university. (GE 1) He claimed no U.K. military service.

Applicant has worked for his current U.S. employer since 2009 (GEs 1-2; Tr. 45) Between 1979 and 2009, he was employed by an affiliate of his current employer in the United Kingdom, a U.K.-based firm. (GEs 1-2; Tr. 45) With his current firm, he serves as a senior research and development systems engineer. (GE 1) Previously, he was employed by other companies. Applicant is credited with developing several patents that he assigned to his current U.S. employer for use. (AE B; Tr. 61))

Applicant remains a dual citizen of the United States and the United Kingdom. While expressing his fealty to the United States, he does not want to renounce his U.K. citizenship. (GEs 1-2; Tr. 51, 62) Applicant possessed U.K. passports from approximately 1965 through 2009. He was issued a new U.K. passport in July 2009, which carried an expiration date of January 2010. (GE 1) Applicant exchanged his old

U.K. passport in 2009 for a new one for the purpose of enabling him to extend his three-year work visa in the United States. (GE 1) In his December 2013 security clearance application (SCA), he listed countries in which he used his old and new U.K. passports between June 2005 and October 2008. (GE 1) In March 2014, he surrendered his unexpired U.K. passport to his security officer. (AE C; Tr. 54)

Before immigrating to the United States in May 2005, Applicant lived and worked in the United Kingdom. He occasionally visited the United States for work purposes. His work-related visits typically lasted one to two weeks at a time: once in 2002, twice in 2003, and once in 2005, prior to permanently entering the United States in May 2005. (GEs 1-2) While holding U.K. passports, he used them when he traveled for work or for vacation to various Western European countries. (GE 1)

While working in the United Kingdom, Applicant earned government pension entitlements in excess of $1 million. (GEs 1-2; Tr. 41-43) He began receiving U.K. pension benefits in 2013. (GEs 1-2; Tr. 45-46) He continues to receive those benefits, around 1,400 U.K. pounds a month out of his only remaining U.K. account that is currently overdrawn by about 2,000 pounds. (Tr. 50) He expressed no intention of relinquishing these benefits or risk forfeiting these benefits by renouncing his U.K. citizenship. (GEs 1-2; Tr. 43-44, 63, 66)

Applicant assured, though, that he does not have any split allegiance to the United states and the United Kingdom. (Tr. 67) He is fully committed to the United States, his adopted country. Asked how he squares his U.S. benefits with his U.K. pension benefits, he reconciled his continued enjoyment of his U.K. pension benefits with the exercise of his U.S. rights and privileges on grounds that his U.K. pension benefits were already earned when he became a naturalized U.S. citizen. (Tr. 67-69)

Applicant plans to activate his company U.K. pension account for the purpose of improving his 401(k) retirement account. (GE 2; Tr. 51) His company contributes about 60 percent of the amounts transferred to his U.K. account. Once received, his U.K. company payments are transferred regularly to his U.S. account from a U.K. account and used to pay his federal and state taxes accrued on his pension payments. (Tr. 45-46, 64) His company pension account currently pays him about $18,000 a year. (Tr. 46-49)

Relatives Residing in the United Kingdom

Applicant's sister, stepson, and several friends and relatives are citizens and residents of the United Kingdom. (GE 1; Tr. 56-57) His son is a citizen and resident of the United Kingdom and a member of the British Army. (GE1; Tr. 54-55) He served two tours of active duty in Afghanistan, working alongside U.S. armed forces. He also served in additional short-term postings, both in Afghanistan and in the Middle East. (GE 2; Tr.) His sister has three children who are all citizens and residents of the United Kingdom. (GE 1; Tr. 57)

Applicant maintains monthly email contact with his son and contact with his sister three or four times a year. (Tr. 55-57) His son expects to end his military service in 2017 and immigrate to the United States. (Tr. 55) Neither his son nor his sister possess details of Applicant's work responsibilities. (Tr. 55-58) Applicant rarely has any contacts with his U.K. friends or other relatives. (Tr. 58-59)

Country Status of the United Kingdom

The United Kingdom is a constitutional monarchy with a bicameral federal parliament, whose charters allocate equal power, and an independent judiciary, long recognized for its commitment to the rule of law. In its foreign relations, the United Kingdom has historically been a strong and dependable ally of the United States and has fought beside the United States and other allies in virtually every significant conflict since WW I (with the exception of Vietnam). Diplomatic relations between the United States and the United Kingdom date to 1785 and were broken only by the War of 1812 before they were reestablished in 1815.

U.S.-.U.K. relations are grounded in the WW II experience. Similarities in culture, historical background, and shared democratic ideals have made U.S. relations with the United Kingdom exceptionally strong and close. Both countries share extensive links in their international relations that range from commercial, cultural, and environmental contacts to political and defense cooperation. *See* AEs E-G. Bilateral cooperation between the United States and the United Kingdom is reflective of common language, and ideals and democratic practices of the two countries. Bilateral economic relations remain strong between the United States and the United Kingdom. The United Kingdom is one of the largest markets for U.S. goods and exports, and is one the largest suppliers of U.S. imports. And the United States and the United Kingdom share the world's largest bilateral foreign direct investment partnerships.

U.S.-UK Bilateral Agreement on Social security Benefits

In February 1984, the United States and the United kingdom entered into a bilateral agreement on Social Security benefits that recognizes and combines pension rights earned in the respective countries and provides reciprocal enforcement machinery to ensure reciprocal payment entitlements. (ON I, at Part III, Art. 7) For so long as the U.S.-U.K. pension agreement remains in force, Applicant need not concern himself with U.K. citizenship retention to ensure vesting of his pension benefits. (ON I)

By virtue of the U.S.-U.K. pension agreement, Applicant's U.K. pension rights are counted as a part of his earned Social Security rights under the U.S.'s Social Security system. To be eligible to collect these earned U.K. pension benefits, Applicant need not be a U.K. citizen. (ON I) Put another way, U.K. pension benefits are dependent only on Applicant's employment in the United Kingdom. Pension contributions made in the United Kingdom are not conditioned on U.K. nationality. (ON I and AE J)

Applicant has not voted in U.K. elections since immigrating to the United States; nor has he sought political office in the United Kingdom Applicant has never served or

registered with the U.K. military and has no desire or intention to comply with any obligation to serve or bear arms in behalf of a foreign state (the United Kingdom included).

Applicant's U.S. Assets and Commitments

Applicant is committed to staying and working in the United States, and to the best of his knowledge is not entitled to any other U.K. rights, privileges or benefits (such as medical or education benefits). He has only one remaining bank account in the United Kingdom (maintained only for receiving and transmitting his U.K. pension payments), and no real estate, stocks or other assets in the United Kingdom. Further, he has no financial obligations outside of the United States. (GE 2; Tr. 45)

Since becoming a naturalized U.S. citizen, Applicant has closed all but one of his U.K. bank accounts. (Tr. 45, 48) The only U.K. account he has retained is the one he uses to receive his U.K. pension benefits. He retains a U.K. pension that currently has around $2,000 in the account.

By contrast, Applicant earns a current salary of $150,000 a year with his employer. (Tr. 53) He owns a home in the United States valued at $225,000, with a mortgage of $174,000. (Tr. 53) And he has a 401(k) retirement account administered in the United States worth approximately $182,000. (Tr. 53) He expressed his intention to fully retire in the United States. (Tr. 60)

Endorsements and Awards

Applicant is well-regarded by supervisors and coworkers who have worked with him and know him and has earned numerous awards crediting him with his contributions. (AE A; Tr. 60-62) He is recognized for developing several U.S. patents, which he has assigned to his employer. (AE B; Tr. 61-62)

Policies

The AGs list guidelines to be used by administrative judges in the decision-making process covering DOHA cases. These guidelines take into account factors that could create a potential conflict of interest for the individual applicant, as well as considerations that could affect the individual's reliability, trustworthiness, and ability to protect classified information. The AGs 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." These guidelines must be considered before deciding whether or not a security clearance should be granted, continued, or denied. The guidelines do not require administrative judges to place exclusive reliance on the enumerated disqualifying and mitigating conditions in the guidelines in reaching 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) of the revised AGs, which are 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 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 chances; (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 Preference

The Concern: When an individual acts in such a way as to indicate preference for a foreign country over the United States, then he or she may be prone to provide information or make decisions that are harmful to the interests of the United States. *See* AG ¶ 9.

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 the this Guideline can and should considered 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 Directive, a decision to grant or continue an applicant's request for 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. 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 showing of material bearing, 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, consideration must take account of 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 burden of proof shifts to the applicant for the purpose of establishing his or his security worthiness through evidence of refutation, extenuation or mitigation of the Government's case. Because Executive Order 10865 requires that all security clearances be clearly consistent with the national interest, "security-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).

Analysis

Applicant is a well-regarded senior engineer for a U.S. defense contractor who emigrated from the United Kingdom to the United States in 2005 on a work-related visa and became a naturalized U.S. citizen in 2013. Through his naturalized U.S. citizenship, he acquired a U.S. passport. While he has since surrendered his U.K. passport, he retains his U.K. citizenship and has no intention of renouncing it in the foreseeable future. Trust concerns relate to foreign preference, potential conflicts of interest associated with Applicant's acceptance of U.K. retirement benefits, and foreign influence relative to his having family members and friends who are citizens and residents of the United Kingdom.

Foreign Preference

Dual citizenship concerns necessarily entail allegiance assessments and invite critical considerations of acts indicating a preference for the interests of the foreign country over the interests of the United States. The issues, as such, raise concerns over Applicant's preference for a foreign country over the United States. By accepting U.K. retirement benefits after emigrating to the United States and joining his current employer, he created initial concerns over his having a split preference for the United States and the United Kingdom.

Because Applicant retains earned pension rights in the United Kingdom as the result of retirement benefits accrued to him through years of employment by a U.K.

affiliate of his current employer, one of disqualifying condition (DC)s applies to Applicant's situation. Applicable is DC ¶ 10(a) of AG ¶ 9, "exercise of any right, privilege or obligations of foreign citizenship after becoming a U.S. citizen or through the foreign citizenship of a family member. This DC includes but is not limited to:

(1) possession of a current foreign passport;

(2) military service or a willingness to bear arms for a foreign country;

(3) accepting educational, medical, retirement, social welfare, or other such benefits from a foreign country;

(4) residence in a foreign country to meet citizenship requirements;

(5) using foreign citizenship to protect financial or business interests in another country;

(6) seeking or holding political office in a foreign country; and

(7) voting in a foreign election."

Specifically, DC ¶ 10(a)(3) has some potential application to the established facts and circumstances herein. By accepting retirement benefits from the United Kingdom, Applicant was able to vest rights derivative of his employment in the United Kingdom that are not currently available to non-U.K. residents and citizens. As a dual citizen of the United States and the United Kingdom, he has paid income and property taxes to the U.K. government and receives U.K. pension benefits.

However, any reliance on his U.K. citizenship that might have been imputed to Applicant to protect his U.K. pension entitlements is neutralized for the most part by virtue of the U.S.-U.K. pension agreement of 1985 that recognizes and combines pension entitlements between the two countries: incorporating his U.K. pension rights, as such, with those pension rights he can be expected under the U.S. Social Security system. As a result of the agreement, Applicant is no longer dependent on his continued U.K. citizenship to vest his pension.

Although Applicant no longer relies on his U.K. citizenship to ensure the vesting of his pension rights from the fruits of his labors in that country, he continues to disavow any intentions to renounce his U.K. citizenship out of concern of jeopardizing his U.K. pension rights. His cited reasons for maintaining U.K. citizenship reflect concerns about his forfeiting his U.K. pension rights and his belief that his dual citizenship is not excluded by U.S. law and draw no specific coverage of any of the disqualifying conditions of Guideline C of the AGs.

While Applicant's declination to relinquish his U.K. citizenship might preclude him from taking advantage of MC ¶ 11(b), "the individual has expressed a willingness to

renounce dual citizenship," his refusal to renounce cannot be used as a sword to compound security concerns over his holding dual citizenship with the United Kingdom, or to provide any additional basis for disqualification. Maintenance of passive dual citizenship is not an independent grounds for clearance denial under the Directive.

Failure to satisfy a mitigating condition may be taken into account when assessing an applicant's overall claim of extenuation, mitigation, or changed circumstances, but may not be turned into a disqualifying condition. *See* ISCR Case No. 01-02270 (App. Bd. Aug. 29, 2003). That Applicant may wish to keep his U.K. citizenship out of concern for minimizing potential impediments to vesting his U.K. pension rights is not sufficient reason to preclude him from mitigating security concerns over his holding U.K. pension rights, if those rights do not entail his exacting preferential retirement privileges from the United Kingdom.

To be sure, the Appeal Board has looked to indicia of active exercise of dual citizenship in cases involving an applicant's employment of foreign property interests. In cases where there is record evidence of a dual-citizen applicant having substantial real property interests in a country that are not available to non-residents or citizens on the same terms, the Appeal Board has considered such interests to represent special benefits or privileges that reveal a preference to that particular country. *See* ISCR Case No. 08-02864 at 4 (App. Bd. Dec. 29, 2009); *See* ISCR Case No. 16098 at 2 (App. Bd. May 29, 2003).

Applicant's situation is clearly distinguishable from the facts outlined in ISCR Case No. 08-02864 *supr*a. In Applicant's case, he has no vested property interests or privileges in the United Kingdom (save for a small bank account) or rights that are not available to U.S. citizens in similar circumstances under the U.S.-U.K. pension agreement of 1985. Applicant's U.K. pension entitlements rest on U.S.-U.K reciprocity principles and do not represent special benefits or privileges.

Overall, Applicant persuades that his preference is with the United States. He satisfies his burden threshold in several ways: demonstrated lack of any prior exercise of any privileges associated with his U.K. citizenship after becoming a U.S. citizen and demonstrated firm support of the United States and its institutions since becoming a naturalized US citizen.

Credited with being a dedicated and trustworthy defense contractor employee, he absolves himself of foreign preference concerns and carries his evidentiary burden on the presented issue of whether his preference lies with his native country (the United Kingdom) or his adopted country (the United States). Favorable conclusions warrant with respect to the allegations covered by subparagraph 2.a of Guideline C.

Foreign influence

Applicant has established strong roots in the United States. Determined to make a new life for himself in the United States with his new employer (affiliated with the past

employer he was associated with during his many years of residence in the United Kingdom), he acquired dual citizenship with the United States, accepted employment with his new U.S. employer, and accepted U.K. retirement benefits under a U.S.-U.K. pension agreement that offers reciprocal protections.

The United Kingdom is a longstanding friend and ally of the United States with core values of democracy, free markets, and adherence to the rule of law that compares favorably to our own. The United Kingdom has bilateral defense treaties with the United States by which each member is committed to the mutual protection of the other against outside aggressors. Since WW I, the United Kingdom has participated in conflicts as a U.S. ally. The United Kingdom has long flourished under well-established constitutional government and institutional respect for human rights, and has benefitted from its strong bilateral security and trade relations with the United States.

Still, the Government urges trust concerns over risks that Applicant might use his U.S. and U.K. contacts to defend his pension rights and protect his son (currently a member of the British Army), friends, and other family members from potential pressure. As such, he presents a potential heightened security risk that is addressed by disqualifying condition (DC) ¶ 7(a), "contact with a foreign family member, business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion," of the AGs for foreign influence.

The presence of friends and family members in the United Kingdom who hold British citizenship warrants some 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." Although, security concerns over these friends and family members are slight, given the strong historical relationship that has existed for so many years between the United States and the United Kingdom and the strong commitments Applicant has demonstrated to protecting U.S. security interests.

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

Based on his case-specific circumstances, MC ¶ 8(a), "the nature of the relationships with foreign persons, the country in which these persons are located, or

the persons or activities of these persons in that country are such that it is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual, group, organization, or government and the interests of the U.S.," is fully available to Applicant. Of benefit to Applicant, too, is MC ¶ 8(b), "there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the United States, that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest." Applicant's demonstrated loyalty, patriotism, and professional commitments to the United States, are well demonstrated and sufficient under these circumstances to neutralize all potential conflicts that are implicit in his professional relationships with U.K. government and military officials.

Further, 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," and MC ¶ 8(f), "the value or routine nature of the foreign business, financial, or property interests is such that they are unlikely to result in a conflict and could not be used effectively to influence, manipulate, or pressure the individual," are fully available to Applicant. His U.K. contacts, while considerable, involve a close U.S. ally and do not promise to create any future risks of exploitation and pressure. And his U.K. financial interests consist of only a very small U.K. bank account that he uses to receive his U.K. benefits.

All told, Applicant's interests and contacts withe family members and friends in the United Kingdom, while inferentially considerable, do not appear to pose heightened risks of pressure, coercion, and influence that could be brought to bear on Applicant, . Both the United Kingdom's strong ties to the United States and Applicant's demonstrated commitments to U.S. defense and security interests minimizes any risk of pressure, coercion, or compromise in the near and foreseeable future.

Whole-person assessment is available to minimize Applicant's exposure to any potential conflicts of interests with U.K. government and military officials. His supervisors and colleagues who have who have worked closely with Applicant consider him reliable and trustworthy. And Applicant is not aware of any risks of coercion, pressure, or influence that he or any of his friends and family members might be exposed to.

Overall, any potential security concerns attributable to Applicant's having pension rights sources in the United Kingdom, are sufficiently mitigated to permit safe predictive judgments about Applicant's ability to withstand any U.K. risks of undue foreign influence. Favorable conclusions warrant with respect to the allegations covered by subparagraphs 1.a and 1.b of the SOR pertaining to Guideline B.

Formal Findings

In reviewing the allegations of the SOR in the context of the findings of fact, conclusions, and the factors and conditions listed above, I make the following separate formal findings with respect to Applicant's eligibility for a security clearance.

GUIDELINE B (FOREIGN INFLUENCE):	FOR APPLICANT
Subparas. 1.a-1.b:	For Applicant
GUIDELINE C (FOREIGN PREFERENCE):	FOR APPLICANT
Subpara. 2.a:	For Applicant

Conclusions

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