



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



In the matter of:

Applicant for Security Clearance

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ISCR Case No. 15-05082

Appearances

For Government: Robert J. Kilmartin, Esq., Department Counsel

For Applicant: *Pro se*

12/21/2016

Decision

COACHER, Robert E., Administrative Judge:

On February 6, 2016, the Department of Defense (DOD) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline C, foreign preference. 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 (AG) implemented by the DOD on September 1, 2006.

Applicant responded (Answer) to the SOR on February 29, 2016, and requested an administrative determination in lieu of a hearing. I was assigned the case on December 12, 2016. On December 13, 2016, after reviewing the SOR, the Answer, the Government's File of Relevant material (FORM), and Applicant's response to the FORM (marked as Applicant Exhibit (AE) A), I proposed that this case was appropriate for a summary disposition in Applicant's favor. Department Counsel did not object.

The Government's concern under Guideline C is that Applicant possessed a current Irish passport. Applicant presented documentary evidence showing that he turned the passport over to his employer's facility security officer (FSO) in May 2016.

Based on the record evidence as a whole, I conclude that the security concern is mitigated under mitigating condition AG ¶ 11(d).

The concerns over Applicant's surrendered foreign passport do not create doubt about his current reliability, trustworthiness, good judgment, and ability to protect classified information. In reaching this conclusion, I weighed the evidence as a whole and considered if the favorable evidence outweighed the unfavorable evidence. I also gave due consideration to the whole-person concept. Accordingly, I conclude that he met his ultimate burden of persuasion to show that it is clearly consistent with the national interest to grant his eligibility for access to classified information. This case is decided for Applicant.

Robert E. Coacher
Administrative Judge