



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



In the matter of:)
)
-----) ISCR Case No. 16-02897
)
Applicant for Security Clearance)

Appearances

For Government: Michelle Tilford, Esq., Department Counsel
For Applicant: Tokay T. Hackett, Esq.

08/16/2018

Decision

KATAUSKAS, Philip J., Administrative Judge:

Applicant contests the Defense Department's intent to revoke his eligibility for access to classified information. He presented sufficient evidence to explain, extenuate, and mitigate the security concern stemming from his problematic financial history and his contacts with a citizen and resident of the Ukraine. Accordingly, this case is decided for Applicant.

Statement of the Case

On December 27, 2016, the Department of Defense (DOD) Consolidated Adjudications Facility (CAF) sent Applicant a Statement of Reasons (SOR) alleging that his circumstances raised security concerns under Guideline F (financial considerations) and Guideline (foreign influence).¹ Applicant answered the SOR on February 20, 2017, and requested a hearing to establish his eligibility for continued access to classified information.

¹ The DOD CAF took this action under Executive Order (E.O.) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended, and Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive).

On May 18, 2018, a date mutually agreed to by the parties, a hearing was held. Applicant testified at the hearing and called one character witness. The Government offered five exhibits, which were marked for identification as GE 1 through 5 and admitted without objection. Applicant's Exhibits (AE) A through O were admitted without objection. The transcript of the hearing (Tr.) was received on June 6, 2018.

Procedural Issue

On December 10, 2016, the Security Executive Agent issued Directive 4 (SEAD-4), establishing a "single, common adjudicative criteria for all covered individuals who require initial or continued eligibility for access to classified information or eligibility to hold a sensitive position."² The National Security Adjudicative Guidelines (hereinafter "new adjudicative guidelines" or "AG"), which are found in Appendix A to SEAD-4, are to be used in all security clearance cases decisions issued on or after June 8, 2017.³ In light of this explicit direction (and absent lawful authority to the contrary), I have applied the new adjudicative guidelines. ISCR Case No. 02-00305 at 3 (App. Bd. Feb. 12, 2003) (security clearance decisions must be based on current DoD policy and standards).⁴ DOD CAF adjudicators reviewed this case using the previous version of the adjudicative guidelines, dated September 1, 2006, which were in effect at the time. My decision and formal findings under the revised Guideline F and Guideline B would not be different under the 2006 Guidelines.

Findings of Fact

Under Guideline F, the SOR alleges that Applicant received a Memorandum of Reprimand (MOR) in October 2009 for committing larceny of Government funds with the total loss being about \$53,789. The SOR further alleges that Applicant is delinquent on a home mortgage in the amount of \$8,585.⁵ Applicant admitted the MOR allegation but denied the mortgage allegation.⁶

² SEAD-4, ¶ B, *Purpose*.

³ SEAD-4, ¶ C, *Applicability*.

⁴ See also ISCR Case No. 07-00029 at 3 (App. Bd. Dec. 7, 2007) (when the guidelines were last revised, the Board stated: "Quasi-judicial adjudications must be made within the bounds of applicable law and agency policy, not without regard to them.")

⁵ SOR ¶ 1.

⁶ Answer ¶ 1.

Under Guideline B, the SOR alleges that Applicant has a girlfriend who is a citizen and resident of the Ukraine and that Applicant has sent her at least \$20,000 for financial support.⁷ Applicant admitted this allegation.⁸

Applicant is 44 years old, has a bachelor's degree (1997), a law degree (2000), a Master's in Business Administration (2001), and is currently pursuing a Master of Laws.⁹ He married his first spouse in November 2004, and they divorced in October 2005. They had no children. Applicant married his second spouse in 2006, and they divorced in June 2014.¹⁰ During Applicant's second marriage, they had a child who died in 2006 of leukemia at age two.¹¹ During that second marriage, around 2008 and 2009, Applicant and his spouse adopted two children from the Ukraine, a son (age 14) and a daughter (age 13), both of whom are special needs children. In addition, during that marriage, Applicant's spouse gave birth to a child (a boy age 5) she conceived during an affair.¹² The three children live with Applicant's second ex-spouse in another state. Applicant tries to visit them every other weekend, even though the drive is 15 hours round-trip.¹³

Applicant testified about his military service. He joined the Army in 2003 as an enlisted military-intelligence systems-integration expert, which involved the logistics of repairing Special Forces equipment. When his three-year enlistment ended, he received a direct commission in January 2006 as an intelligence analyst.¹⁴ Between 2006 and his honorable discharge in October 2012, Applicant served in rotations in Iraq and Afghanistan. Although he was not filling a combat role, enemy rockets shelled his position almost weekly.¹⁵ One of Applicant's character references has known him since 2009 and was his direct supervisor during their tours together in Iraq and Afghanistan. The author stated that Applicant was "an asset to the program . . . showed good judgment . . . and is reliable and trustworthy."¹⁶

Applicant testified about the October 2009 MOR. In the 2006-2007 timeframe, he was working for a Government agency. His spouse and children had moved out of state

⁷ SOR ¶ 2.

⁸ Answer ¶ 1.

⁹ Tr. 32-34; GE 1.

¹⁰ Tr. 59-61; GE 1.

¹¹ Tr. 41.

¹² Tr. 61-64, 76-77, 107-08. GE 1.

¹³ Tr. 64-66. Applicant has worked for a defense contractor since October 2013. GE 1.

¹⁴ Tr. 36.

¹⁵ Tr. 36-40, 74; Applicant's Supplemental Answer to the SOR, Enclosure 5.

¹⁶ Applicant's Supplemental Answer to the SOR, Enclosure 10.

from where Applicant was working. At first, Applicant commuted back and forth from the job site to his family out of state. That, however, was quite burdensome, a 120-mile round trip. So, with his employer's approval, Applicant started staying at a hotel near the job site during the week. He used his Government-issued credit card to cover food and lodging. That credit card, however, had a \$3,500 credit limit, which Applicant soon reached. That meant that Applicant had to carry the excess expenses until the Government reimbursed him, which routinely took eight to ten weeks. He had neither the cash nor the credit to carry the expenses that had accrued (about \$12,000). Because Applicant was overdue on his hotel room, the hotel kicked him out.¹⁷

Faced with no lodging near the job site, Applicant contacted a friend who lived nearby. They set up a lease agreement for Applicant to pay \$500 per month to his friend for living in the friend's home. Applicant would then submit a voucher to the Government for reimbursement. After that agreement with his friend, Applicant reconsidered and thought that \$500 per month was too low a rent for the area where his friend lived. So, Applicant submitted vouchers for \$3,500 per month, but he only paid his friend \$500/month. Applicant knew what he was doing was wrong, and at hearing he admitted that being reimbursed for expenses he had not incurred was a windfall. He admitted that he should have spoken to his supervisor about the systemic problem with Government reimbursements. Although Applicant disagreed with the amount owed, he decided not to challenge it. Instead, Applicant is paying monthly to repay the Government for the fraudulent reimbursements he received.¹⁸ He will make those payments until the Government has been paid in full. Except for a brief period of underemployment, discussed below, Applicant has been consistently employed. Applicant has never missed an MOR payment.¹⁹ As noted, Applicant was honorably discharged in October 2012. No criminal charges were ever filed against him. The SOR did not allege any security concerns under Guideline E (personal conduct) or Guideline J (criminal conduct). Although when Applicant left the service, his military security clearance was deactivated, his civilian security clearance remained in effect after his discharge.²⁰

Applicant testified about the home mortgage that was in default when the SOR was issued. He had just returned from an overseas deployment in 2015, and he was transitioning to a civilian job. Applicant was underemployed, making only 20% of what he had made overseas. At that time, he was paying his own rent (for a room in the basement of a house) and the mortgage on his house, where his ex-spouse and children were living. Applicant fell behind on the mortgage. He did, however, do a loan modification that

¹⁷ Tr. 42-46.

¹⁸ Applicant's Supplemental Answer to the SOR, Enclosure 6 (payments of \$1,046.74 per month).

¹⁹ Answer ¶ 1.a; Tr. 44-47, 94-95, 99-100. At time, Applicant's first child was staying at a hospice for terminally ill children. As noted, she died in 2006. He testified that his judgment was clouded by her condition and her death. *Id.* 47.

²⁰ Tr. 105.

lowered his monthly mortgage payments. Applicant has been current on his mortgage for the last 17 months, and his ex-spouse now makes those payments.²¹

Applicant testified about his relationship with a citizen and resident of the Ukraine. He testified that he is now engaged to his girlfriend, who is a Ukrainian national, and that they have been engaged for about three years.²² In about 2012 or 2013, after the death of his first child and while he was overseas, Applicant's second marriage began to fall apart. Knowing that he was heading for a divorce, Applicant began looking for a wife. He went on a dating website (a legal one) and posted some minimal personal information and a couple photos of himself. Applicant met three women online in addition to his fiancée'. His recollection is that he first met his fiancée' in person somewhat earlier than the January 2014 date he listed on his SF 86. Applicant was attracted to his fiancée', because she was smart, an accountant, had a daughter, and did not ask him for any money. He thought that as a Ukrainian she would be sympathetic to him, because he had adopted two special needs children from the Ukraine. Applicant intends to marry his fiancée', and he sponsored her and her daughter in 2017 to come to the United States. They are waiting for the consular interview at the U.S embassy in Kiev. The only other family member his fiancée' has in the Ukraine is her grandfather, who is dying of diabetes. Neither Applicant's fiancée' nor her mother have any ties to the Ukrainian military, government, or intelligence services.²³

Applicant and his fiancée' have met in person about six times in the Ukraine, twice in Dubai, and once in Montenegro. He spoke to his fiancée's mother years ago and not since then; she speaks only a few words of English. He spoke twice briefly to his fiancée's daughter. His fiancée' has recently become unemployed. Therefore, Applicant has sent her \$1,000 per month for the last 10 months. That money goes to help support his fiancée' and her daughter. He also sent her \$20,000 to buy a coffee vending truck and has seen a photo his fiancée' standing next to the truck.²⁴

Applicant was asked if his loyalty to the United States would ever be compromised because of the nationality of his fiancée'? He answered "No." Applicant was asked if his contacts with the Ukraine would create divided loyalties. He answered "No." Applicant declared his love for the United States, pointing out that he served in the military and subjected himself to hostile fire while serving overseas.²⁵

²¹ Tr. 48-53, 95, 102; Applicant's Supplemental Answer to the SOR, Enclosure 7.

²² Tr. 54. His fiancée' is 30 years old, unmarried, and has a 13 year-old daughter. *Id.* 84; Applicant's Supplemental Answer to the SOR, Enclosure 3.

²³ Tr. 54, 58, 77-81, 98-99, 103-04. Applicant has never met or spoken to the father of his fiancée's daughter. *Id.* 104.

²⁴ Tr. 82-83, 88, 90-91, 103.'

²⁵ Tr. 56-57. I watched his testimony on this point closely, looking for signs of equivocation or qualification. There were none.

Applicant's character witness was a retired Army colonel. He served two combat tours in Iraq as a battalion commander and one tour in Afghanistan. He has an undergraduate degree in Political Science and a master's degree from the Army War College. He is currently employed by a defense contractor.²⁶ The witness met Applicant in between tours in 2008 and 2009. He has known Applicant for almost 10 years. The witness worked with Applicant in close proximity and has had extensive opportunities to observe Applicant's work performance. In the witness's opinion, Applicant is a reliable and intelligent colleague and a key policy analyst in his agency.²⁷ Knowing about the MOR, the mortgage, and Applicant's fiancée' would not change the witness's opinion of Applicant. The witness has seen Applicant protect American interests in the course of performing his duties. Applicant is trustworthy.²⁸

Applicant submitted five character reference letters.²⁹ The authors of those letters have known Applicant from as recently as one year ago to October 2009, some from authors who served with Applicant overseas. Applicant is uniformly described as a "valuable member of the team . . . [who is] well respected by his peers." He "demonstrates exceptional professionalism and conscientiousness . . . and the judgment necessary to protect classified information . . . [and there is] no doubt that [Applicant] is a loyal and patriotic American."³⁰ Applicant's second ex-spouse describes Applicant as a "good father and visits the children at least every other weekend . . . which is a 15-16 hour round trip from his job and residence"³¹

The Government has requested that I take administrative notice of certain facts about the Ukraine. Therefore, I make the following findings of fact: In 2014, Russia seized and occupied Crimea in an effort to annex it, which caused the United States to impose sanctions against those entities and individuals responsible for the aggression. The conflict is ongoing. The U.S. State Department advises U.S. citizens to avoid separatist-controlled areas of Ukraine, particularly the eastern regions of Donetsk and Luhansk where separatist groups have detained and kidnapped U.S. citizens. The U.S. State Department has also warned U.S. citizens to avoid all travel to Crimea due to the continued presence of Russian Federation military forces occupying the region as a *de facto* government and committing abuses against the local population. The Ukrainian government is known to commit human rights violations, including government intervention on personal freedoms. Separatist groups, present in several regions, are

²⁶ Tr. 19-21, 29-30.

²⁷ Tr. 22-23, 27.

²⁸ Tr. 23-27.

²⁹ Applicant's Supplemental Answer to the SOR, Enclosure 10.

³⁰ *Id.*

³¹ AE J.

known to specifically target U.S. citizens. The ongoing conflicts in Ukraine between the elected government and separatist groups create potential threats to U.S. citizens.³²

Law and Policies

“[N]o one has a ‘right’ to a security clearance.” *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). Individuals are eligible for access to classified information “only upon a finding that it is clearly consistent with the national interest” to authorize such access. E.O. 10865 § 2; SEAD-4, ¶ E.4. When evaluating an applicant’s eligibility for a security clearance, an administrative judge must consider the adjudicative guidelines. In addition to brief introductory explanations, the guidelines list potentially disqualifying and mitigating conditions. The guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, an administrative judge applies the guidelines in a commonsense manner, considering all available and reliable information, in arriving at a fair and impartial decision. SEAD-4, Appendix A, ¶¶ 2(c), 2(d).

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

Administrative Judges are responsible for ensuring that an applicant receives fair notice of the issues raised, has a reasonable opportunity to litigate those issues, and is not subjected to unfair surprise. ISCR Case No. 12-01266 at 3 (App. Bd. Apr. 4, 2014). In resolving the ultimate question regarding an applicant’s eligibility, “[a]ny doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security.” SEAD-4, Appendix A, ¶ 2(b). See *also* SEAD-4, ¶ E.4. Moreover, the Supreme Court has held that officials making “security clearance determinations should err, if they must, on the side of denials.” *Egan*, 484 U.S. at 531.

A person who seeks access to classified information enters into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it grants access to classified information. Decisions include, by necessity, consideration of the possible risk an applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation of potential, rather than actual, risk of compromise of classified information.

³² GE 5.

Discussion

Guideline F, Financial Considerations

The SOR alleges that Applicant has a MOR and a delinquent home mortgage, which purportedly raise a security concern under Guideline F. The financial considerations security concern is explained at AG ¶ 18, which in pertinent part, states:

Failure to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Financial distress can also be caused or exacerbated by, and thus can be a possible indicator of, other issues of personnel security concern such as excessive gambling, mental health conditions, substance misuse, or alcohol abuse or dependence.

Guideline F is not limited to a consideration of whether a person with financial issues might be tempted to compromise classified information or engage in other illegality to pay their debts. It also addresses the extent to which the circumstances giving rise to delinquent debt and other security-significant financial issues cast doubt upon a person's self-control, judgment, and other qualities essential to protecting classified information.³³

In assessing Applicant's case, I considered the following pertinent disqualifying and mitigating conditions:

AG ¶ 19(a): inability to satisfy debts;

AG ¶ 19(d): deceptive or illegal financial practices such as embezzlement, employee theft, check fraud, expense account fraud, mortgage fraud, filing deceptive loan statements and other intentional financial breaches of trust;

AG ¶ 20(a): the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;

AG ¶ 20(b): the conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, a death, divorce or separation, clear victimization by predatory lending practices, or identity theft), and the individual acted responsibly under the circumstances; and

³³ ISCR Case No. 11-05365 at 3 (App. Bd. May. 1, 2012).

AG ¶ 20(d): the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts.

A security clearance adjudication is not a debt-collection process. Rather, an administrative judge examines the way applicants handles their personal financial obligations to assess how they may handle their security obligations.³⁴ Here, Applicant's security clearance eligibility was called into question by his past financial problems. I conclude that disqualifying conditions AG ¶¶ 19(a) and (d) apply. The next inquiry is whether any mitigating conditions apply.

The basis for the MOR was Applicant's fraudulent conduct in 2006 and 2007.³⁵ He was never charged criminally. Applicant did not challenge the amount stated in the MOR, even though he disagreed with the amount. Instead, he agreed to a monthly repayment plan to which he has consistently adhered. By agreeing to the MOR payment plan, Applicant acknowledged his wrongdoing. Moreover, Applicant will stay on that plan until the Government has been fully repaid. Applicant's debt under the MOR arose in unusual circumstances over ten years ago, and he has taken steps to resolve that debt. It is notable that Applicant's conduct did not trigger concerns under Guideline E (personal conduct) or Guideline J (criminal conduct). In addition, the 2009 MOR did not keep Applicant from receiving an honorable discharge in 2012. Nor did it keep him from keeping his civilian security clearance. A security clearance adjudication is not intended to punish an applicant for past mistakes, misconduct, or shortcomings. Rather, it involves an evaluation of an applicant's judgment, reliability, and trustworthiness in light of the security guidelines in the Directive.³⁶ AG ¶¶ 20(a) and (d) apply.

Applicant's home mortgage became delinquent when he returned from an overseas deployment 2015. He was underemployed, making 80% less than he made overseas. Applicant was also paying rent for his basement room and paying the mortgage for the house where his ex-spouse and children were living. He addressed that financial issue by having his mortgage modified to reduce his monthly payment. He remained current for almost a year and a half, and his ex-spouse now makes the monthly mortgage payment. AG ¶¶ 20(a), (b), and (d) apply.³⁷

³⁴ See *generally* ISCR Case No. ISCR Case No. 12-09719 at 2-3 (App. Bd. Apr. 6, 2016).

³⁵ As noted, his daughter died in 2006, after spending time in a hospice care facility for terminally ill children.

³⁶ See ISCR Case No. 09-02160 (App. Bd. Jun. 21, 2010).

³⁷ In light of the evidence presented at the hearing, which the Government did not have when the SOR was issued, Department Counsel agreed that Applicant had mitigated the concern about the home mortgage. Tr. 113-14.

Guideline B, Foreign Influence

The concern is set forth 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 following disqualifying conditions are applicable: AG ¶ 7

AG ¶ 7(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

AG ¶ 7(b): connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual's obligation to protect classified or sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information or technology.

AG ¶ 7(a) requires evidence of a “heightened risk.” The “heightened risk” required to raise this disqualifying condition is a relatively low standard. “Heightened risk” denotes a risk greater than the normal risk inherent in having a close relationship with an individual living under a foreign govern. The mere possession of a close relationship with an individual in a foreign country is not, as a matter of law, disqualifying under Guideline B. If an applicant has such a relationship, this factor alone is sufficient to create the potential for foreign influence and could potentially result in the compromise of classified information.³⁸

As noted, the Ukrainian government is known to commit human rights violations, including government intervention on personal freedoms. Separatist groups, present in several regions, are known to specifically target U.S. citizens. Given the ongoing conflicts in Ukraine between the elected government and separatist groups and the potential

³⁸ See *generally* ISCR Case No. 03-02382 at 5 (App. Bd. Feb. 15, 2006); ISCR Case No. 99-0424 (App. Bd. Feb. 8, 2001).

threats against U.S. citizens, Applicant's relationship with his fiancée' creates a heightened risk of foreign exploitation and coercion and the potential risk for a conflict of interest. AG ¶¶ 7(a) and 7(b) are established. The question is whether any of the potential mitigating conditions apply.

Guideline B is not limited to countries hostile to the United States. "The United States has a compelling interest in protecting and safeguarding classified information from any person, organization, or country that is not authorized to have access to it, regardless of whether that person, organization, or country has interests inimical to those of the United States."³⁹ Furthermore, "even friendly nations can have profound disagreements with the United States over matters they view as important to their vital interests or national security."⁴⁰

The following mitigating conditions are potentially applicable:

AG ¶ 8(a): the nature of the relationships with foreign persons, the country in which these persons are located, or the positions or activities of those persons in that country are such that it is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual, group, organization, or government and the interests of the United States; and

AG ¶ 8(b): there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, or allegiance to the group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the United States, that the individual can be expected to resolve and conflict of interest in favor of the U.S. interest.

The evidence shows that Applicant is engaged to marry a woman who is a Ukrainian citizen and resident. There is no reason on this record to question the sincerity of his intentions toward his fiancée' and her daughter. Applicant intends to have his fiancée' and her daughter come to the United States and ultimately become citizens. Applicant has taken the initial steps to accomplish that. His only other connection to the Ukraine is his fiancée's mother, and Applicant has had fewer than a handful of conversations with her, because she speaks very little English.⁴¹ The fiancée' and her mother have no ties to the Ukrainian government, military, or intelligence service

³⁹ ISCR Case No. 02-11570 at 5 (App. Bd. May 19, 2004).

⁴⁰ ISCR Case No. 00-0317 (App. Bd. Mar. 29, 2002).

⁴¹ Sadly, his fiancée's aging grandfather is terminally ill.

Balanced against Applicant's relationship with his fiancée' are his ties to the United States. Applicant joined the Army in 2003. He served rotations in Iraq and Afghanistan and was subjected to hostile fire. Character references from those who served with him characterize him as trustworthy, loyal, and reliable. His character witness, who has known him for 10 years and has worked with him, echoed those opinions. Applicant received an honorable discharge after almost 10 years of service. His second ex-spouse praised him as a good father and one who makes an effort to visit his children regularly, even though the trip to do so is a burdensome one. Applicant testified credibly and unequivocally that his relationship with his fiancée' would not compromise his loyalty to the United States. On this record, it is unlikely that Applicant's relationship with his fiancée' will place him in a position of having to choose between the interests of the Ukraine and the interests of the United States. Similarly, Applicant has such deep and longstanding relationships and loyalties to the United States that he would resolve any conflicts in favor of the United States. AG ¶¶ 8(a) and (b) apply.

The record does not raise doubts about Applicant's 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 or *vice versa*. I also gave due consideration to the whole-person concept.⁴² Accordingly, I conclude that Applicant met his ultimate burden of persuasion to show that it is clearly consistent with the national interest to grant him eligibility for access to classified information.

Formal Findings

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

Paragraph 1, Guideline F (Financial Considerations):	For Applicant
Subparagraphs 1.a-b:	For Applicant
Paragraph 2, Guideline B (Foreign Influence)	For Applicant
Subparagraph 2.a:	For Applicant

Conclusion

In light of the record as a whole, it is clearly consistent with the national interest to grant Applicant access to classified information.

Philip J. Katauskas
Administrative Judge

⁴² AG ¶ 2(a)(1)-(9).

