



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



In the matter of:

Applicant for Security Clearance

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ISCR Case No. 16-03523

Appearances

For Government:
Adrienne Driskill, Esq., Department Counsel

For Applicant:
Ryan C. Nerney, Esq.
The Edmunds Law Firm

June 19, 2018

Decision

ROSS, Wilford H., Administrative Judge:

Based on a review of the pleadings, testimony, and exhibits, I conclude that Applicant has mitigated the concerns related to foreign influence, personal conduct, and financial considerations. His request for national security eligibility and a security clearance is granted.

Statement of the Case

On January 9, 2017, in accordance with DoD Directive 5220.6, as amended (Directive), the Department of Defense issued Applicant a Statement of Reasons (SOR)

alleging facts that raise security concerns under Guidelines B, E, and F.¹ The SOR further informed Applicant that based on information available to the government, DoD adjudicators could not make the preliminary affirmative finding it is clearly consistent with the national interest to grant or continue Applicant's national security eligibility for a security clearance.

Applicant answered the SOR, with attachments, on March 17, 2017, and requested a hearing before an administrative judge. (Answer.) Department Counsel was prepared to proceed on April 28, 2017. The case was assigned to me on May 9, 2017. The Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing on June 12, 2017, scheduling the hearing for August 23, 2017. The hearing was convened as scheduled. The Government offered Government Exhibits 1 through 4, which were admitted without objection. Applicant testified on his own behalf, called three additional witnesses, and submitted Applicant Exhibits A through J, which were also admitted without objection. The record was left open for receipt of additional documentation. Applicant presented two documents, which I marked Applicant Exhibits K and L, which were admitted without objection. DOHA received the transcript of the hearing (Tr.) on August 31, 2017.

Procedural Ruling

By email dated August 31, 2017, the Government requested I take administrative notice of certain facts relating to the People's Republic of China (China). Department Counsel provided a nine page summary of the facts, supported by relevant excerpts from eleven Government documents pertaining to China, identified as HE I. The documents provide elaboration and context for the summary. I take administrative notice of the facts included in the U.S. Government reports. They are limited to matters of general knowledge, not subject to reasonable dispute. Applicant's counsel indicated that there was no objection to my considering HE I in an email also dated August 31, 2017. The facts so noticed are set out in the Findings of Fact.

Findings of Fact

Applicant admitted to SOR allegations ¶¶ 1.a, 2.b, 3.a, 3.b, and 3.c. He admitted in part and denied in part SOR allegation ¶ 1.b. He denied SOR allegation ¶ 2.a. After a thorough and careful review of the pleadings, exhibits, and testimony, I make the following findings of fact.

Applicant is 53 years old and divorced with one child. He is a retired senior master sergeant (E-8) in the Air Force Reserve. Applicant has a Bachelor of Science degree. He is attempting to retain the security clearance he currently holds.

¹ I considered the previous Adjudicative Guidelines, effective September 1, 2006, as well as the new Adjudicative Guidelines, effective June 8, 2017. My decision would be the same if the case was considered under either set of guidelines.

Applicant is of Chinese descent, but he and his family were refugees from Vietnam. His family left Vietnam in approximately 1979. Eventually, Applicant arrived in the United States. He joined the Air Force in the early 1980s. Applicant became a naturalized American citizen in 1985, while a member of the Air Force. (Tr. 56-57, 96-100; Government Exhibit 1 at Sections 9, 15.)

Paragraph 1 – Guideline B (Foreign Influence)

The Government alleges in this paragraph that Applicant is ineligible for clearance because he has, or had, foreign contacts or financial interests.

1.a. From 2002 to 2008 Applicant was self-employed in the electronics field. His major contract was with a Japanese corporation. The general manager for the contract was a Japanese citizen, hereafter referred to as Mr. A. Applicant closed his firm in December 2008 because of the downturn in the economy and shortly afterward began working for an American firm, Company One. Applicant and Mr. A continued to correspond by email on an occasional basis until 2016, primarily about sports. (Tr. 58-59, 156; Government Exhibit 1 at Section 13A.)

In early 2011 Mr. A contacted Applicant. Mr. A at that time was stationed in a European country. He asked Applicant for a loan of approximately \$40,000 so he could arrange to conclude his affairs in Europe and return to Japan. Applicant had the funds available and transferred the money to Mr. A in July 2011. Applicant loaned an additional \$10,000 to Mr. A in 2013. The loans were repaid in full by Mr. A in May 2016, as shown by banking documents. Applicant has had no contact with Mr. A since 2016. Applicant does not intend to transfer money to Mr. A again. (Tr. 58-66, 102-103; Government Exhibit 1 at Section 20A; Government Exhibit 2 at 3-4; Applicant Exhibit K.)

1.b. Applicant admitted that he has relatives in China. The contacts are distant relatives of Applicant's father. Applicant and his father visited these people once, in 1992. Applicant's father, who is deceased, asked Applicant to maintain contact with these family members. Applicant does this by calling them on Chinese New Year, and other special occasions. He had dinner with one of them seven years ago, when he was in China on business. He has had no other personal contact with these people, since the initial visit. (Tr. 66-69, 118-123; Government Exhibit 2 at 4-5.)

Applicant does not have relatives in Thailand. His connection with Thailand was a single friend. The friend lived with Applicant in the United States for a while in approximately 1992, then went home to Thailand. This person emailed Applicant to ask for a \$1,000 loan in early 2017. Applicant had no desire to lend money to this person, and did not respond to the email. Before that event, Applicant's last contact with this person was in 2014 or 2015 by email. Applicant last saw this person ten or twelve years ago during a trip to Thailand. (Tr. 69-71, 116-117; Government Exhibit 2 at 5.)

Paragraph 2 – Guideline E (Personal Conduct)

2.a. Applicant traveled to China on personal leave between October 11, 2012, and November 12, 2012. The Government alleged that Applicant failed to follow his employer's security policies and regulations regarding foreign travel with regard to this trip. Applicant denied this allegation.

He stated in his Answer:

Prior to leaving for my vacation, I contacted Human Resources at corporate [Company One] and asked them whom I should inform about my travel plans. They provided me with a lady's name whom I contacted. I know that I checked with this person at least twice before I left to ensure that all necessary paperwork was completed. . . . At the time, I did not know that we had a local person handling this task. . . . I believe that I complied with my reporting requirements as I notified corporate Human Resources of my travel plans and completed the necessary paperwork with them. I believe that there was a lack of communication with the local . . . Group and corporate on my plans. In the future, I will ensure to notify all local and corporate parties.²

Because he was going on an international trip, Applicant was informed by an email dated September 17, 2012, from the Export Compliance Coordinator at corporate headquarters that he had to receive an International Travel Briefing and complete a Checklist (not otherwise described). There is no information as to how the Export Compliance Coordinator knew of Applicant's trip to China. Corporate records show that Applicant received the travel briefing on September 18, 2012. Applicant testified that he filled out the "Foreign Travel Request Form," and returned it to the office that had contacted him. At that time he also asked whether there was anything else he had to do, and was informed there was not. (Tr. 86-87, 126-127; Government Exhibit 3 at 5-7, 24.)

Earlier, on February 8, 2012, Applicant signed a form entitled "Reporting Responsibilities," and returned it to his group security officer. Part of that form states:

I ALSO UNDERSTAND THAT I MUST REPORT TO MY SSO/CSO ANY:

-FOREIGN TRAVEL AT LEAST 30 DAYS IN ADVANCE (to receive advance warning of any force protection conditions and related travel briefing). (Government Exhibit 3 at 1-2.) (Capitalization and emphasis in original.) (See Tr. 126-127, 156.)

² Applicant's work location with his group was in a different state than the corporate headquarters of Company One.

Based on the information he received from corporate Human Resources (HR), Applicant stated that he did not realize that he also had to contact his group security officer. During his trip he had reason to contact his supervisor, who is located at corporate headquarters. The supervisor contacted the security officer, and then told Applicant that he had to fill out the travel form after his return. According to Applicant, he filled out another copy of the "Foreign Travel Request Form," and returned it to the security officer. After his trip Applicant was told by the security officer that he was to inform this security officer prior to overseas trips. He replied in an email dated November 17, 2012, "I didn't know who to report to prior to my vacation so I called HR and they provided me with the forms to fill out and that's why I thought they were the right people to talk to." (Tr. 81-87, 128-131; Government Exhibit 3 at 3-7.)

Applicant's "Foreign Travel Request Form" for this trip is found on pages 11-14 of Government Exhibit 3. It is unclear from the record whether this is the form he returned to HR, or the one he subsequently gave to his security officer. (Tr. 131-132.)

2.b. When Applicant went to China he carried with him a piece of company equipment. This item of equipment was not classified, but was controlled. More specifically, Applicant was supposed to obtain a "hand-carry letter" for the equipment before going to China. The letter is for the information of U.S. Customs and Border Protection. He did not obtain such a letter. The Government alleges that the requirement to obtain a hand-carry letter was a company security policy or regulation. No such specific written policy was provided. The requirement is contained within the email sent to Applicant by his company's Export Compliance Coordinator on September 17, 2012. (Tr. 88-89; Government Exhibit 3 at 6-7, 24-26.)

On September 18, 2012, Applicant informed the person who sent him the September 17, 2012 email that he would be traveling with this piece of equipment. Despite Applicant indicating to the proper person at the company home office that he would be taking this piece of equipment with him, he was not provided with a hand-carry letter by that office. Nor was Applicant informed that he should not take the piece of equipment with him. Applicant testified that he forgot sending this email, and forgot he had the piece of equipment with him, which is rather small. (Tr. 90-92, 133-139, 147-151; Government Exhibit 4.)

The record is fragmentary, but it appears there was some concern expressed about Applicant having this piece of equipment with him in China. What the express concern was, and whether it was resolved, is unclear from the record. (Tr. 140-143; Government Exhibit 3 at 24-32.)

Paragraph 3 – Guideline F (Financial Considerations)

The Government alleges in this paragraph that Applicant is ineligible for clearance because he has engaged in financial acts that show poor judgment on his part. Applicant admitted the factual elements of all three subparagraphs, but denied that his acts had security significance.

3.a In approximately 2009 Applicant lent about \$65,000 to his then sister-in-law. This loan was to allow the sister-in-law to open a frozen yogurt shop. The sister-in-law eventually paid Applicant approximately \$7,000 on the loan. The rest of the loan was unpaid and the shop closed. Applicant vehemently stated he would not lend this person money ever again. (Tr. 71-76.)

3.b. In November 2013 Applicant lent \$42,000 to his sister. This money was so his sister could buy a house at a discounted rate. Starting in March 2014 Applicant's sister began paying this money back on a monthly basis. She made consistent payments and completely paid back this loan in February 2016, as shown by banking documents. (Tr. 77-79, 151-152; Government Exhibit 3 at 32; Applicant Exhibit L.)

3.c. The Government alleges that Applicant's conduct lending money to Mr. A, discussed under subparagraph 1.a, above, also has security significance under this guideline.

Applicant made the following general statement concerning his finances, "I only loan money to people when I have money. I never take - - I never put my family in jeopardy." (Tr. 76.)

Applicant submitted documentation showing that he is financially stable now, and that he was financially stable at the time of the transactions discussed above. Applicant showed that his earnings were from a habit of savings and good investments. His current net worth is well over \$600,000. (Tr. 79-80, 104-116; Applicant Exhibits J, K, and L.)

Mitigation

Applicant had a very successful career in the Air Force, retiring in 2013 as a senior master sergeant. His awards included the Meritorious Service Medal, and two Air Force Achievement Medals. (Applicant Exhibits H and I; Tr. 100-101.)

A chief master sergeant in the Air Force, who served with Applicant, provided a letter of recommendation. He has known Applicant for over 23 years and states Applicant is "honest, reliable and trustworthy." (Applicant Exhibit A at 7.)

Applicant has served for several years as chairman of the board of a non-profit organization, which is involved in international humanitarian efforts. The founder and president of the organization testified, and provided a letter on Applicant's behalf. He has known Applicant for many years and stated, "I have never had any reason to question [Applicant's] character, honesty, ethics, [or] loyalty to country or life values." (Applicant Exhibit A at 6; Tr. 35-45.) (See Tr. 41-53.)

Applicant Exhibit A contains six additional letters of recommendation. They are all from co-workers of Applicant, either with Company One or Company Two. They all recommend Applicant for a position of trust, stating that he is honest, and trustworthy.

Applicant's current supervisor at Company Two testified on Applicant's behalf. He has been Applicant's supervisor since November 2015. He testified that Applicant is ethical and reliable. (Tr. 14-23.)

Applicant's supervisor at Company One also testified on Applicant's behalf. He has worked with Applicant since 2009. The witness described Applicant as having exemplary character, stating Applicant is "one of the finest people I have ever met." (Tr. 24-33.)

China

I take administrative notice of the facts set forth in the Administrative Notice documents concerning China, which are incorporated herein by reference.

China is a large and economically powerful country, with a population of over a billion people and an economy growing at about 10% per year. China has an authoritarian government, dominated by the Chinese Communist Party. It has a poor record with respect to human rights, suppresses political dissent, and engages in arbitrary arrests and detentions, forced confessions, torture, and mistreatment of prisoners.

China is one of the most aggressive countries in seeking sensitive and protected U.S. technology and economic intelligence. It targets the United States with active intelligence gathering programs, both legal and illegal. As a result, it is a growing threat to U.S. national security.

Policies

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines (AG). In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are to be used in evaluating an applicant's eligibility for access to classified information.

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, administrative judges apply the guidelines in conjunction with the factors listed in AG ¶ 2 describing the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(a), the entire process is a conscientious scrutiny of a number of variables known as the whole-person concept. The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision.

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that "[a]ny doubt concerning personnel being considered for national security eligibility will be resolved in favor of national security." In reaching this decision, I have

drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record.

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

A person 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 and endures throughout off-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 the applicant may deliberately or inadvertently fail to protect or safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified information.

Section 7 of EO 10865 provides that adverse decisions shall be “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See *also* EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

Analysis

Paragraph 1 - Guideline B (Foreign Influence)

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

Foreign contacts and interests, including, but not limited to, business, financial, and property interests, are a national security concern if they result in divided allegiance. They may also be a national security concern if they create circumstances in which the individual may be manipulated or induced to help a foreign person, group, organization, or government in a way inconsistent with U.S. interests or otherwise made vulnerable to pressure or coercion by any foreign interest. Assessment of foreign contacts and interests should consider the country in which the foreign contact or interest is located, including, but not limited to, considerations such as whether it is known to target U.S. citizens to obtain classified or sensitive information or is associated with a risk of terrorism.

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

- (a) contact, regardless of method, with a foreign family member, business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion;
- (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; and
- (f) substantial business, financial, or property interests in a foreign country, or in any foreign owned or foreign-operated business that could subject the individual to a heightened risk of foreign influence or exploitation or personal conflict of interest.

Applicant worked for a citizen of Japan, and lent that person money. Applicant has distant relatives in China. He also had prior contact with a person from Thailand. The evidence is sufficient to raise these disqualifying conditions.

China is known to be aggressive in attempting to obtain American technology. Accordingly, Applicant's remote family connections in that country could have the potential to generate a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion under AG ¶ 7(a).³

AG ¶ 8 provides conditions that could mitigate security concerns. I considered all of the mitigating conditions under AG ¶ 8 including:

- (a) the nature of the relationships with foreign persons, the country in which these persons are located, or the positions or activities of those persons in that country are such that it is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual, group, organization, or government and the interests of the United States;
- (b) there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, or allegiance to the group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the United States, that the

³ The mere possession of close family ties with a person in a foreign country is not, as a matter of law, disqualifying under Guideline B. However, if only one relative lives in a foreign country and an applicant has contacts with that relative, this factor alone is sufficient to create the potential for foreign influence and could potentially result in the compromise of classified information. See ISCR Case No. 03-02382 at 5 (App. Bd. Feb. 15, 2006); ISCR Case No. 99-0424 (App. Bd. Feb. 8, 2001).

individual can be expected to resolve any conflict of interest in favor of the U.S. interest;

(c) contact or communication with foreign citizens is so casual and infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation; and

(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.

Applicant has minimal contact with his distant relatives who live in China. He has not seen any of them in seven years and has no desire to see them in the future. His contact with them is by telephone several times a year, primarily on holidays. AG ¶¶ 8(a), (b), and (c) apply.

AG ¶ 8(f) also applies. Applicant lent a former co-worker from Japan approximately \$50,000 several years ago. This person has completely repaid the loan. Applicant did this one time, and will not do so again. There is virtually no potential for influence, since the money was repaid in full.

Applicant is a proud American citizen, as well as a veteran of the Air Force. He would immediately report any attempts to influence him. (Tr. 94-97)

Applicant has completely mitigated the security significance of the presence of his distant relatives in China, as well as his one-time loan of money to Mister A. Paragraph 1 is found for Applicant.

Paragraph 2 - Guideline E (Personal Conduct)

The security concerns pertaining to the personal conduct guideline are set out in AG ¶ 15:

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

The Government alleges that Applicant's conduct during his leave to China in 2012 showed poor judgment on his part. This is because he failed to notify his branch security officer of the trip, and failed to obtain a hand-carry letter concerning a piece of company equipment. The record is clear that Applicant's company's home office was fully informed in advance of his overseas trip. He received an email from the Export Compliance Coordinator of his employer setting forth specific requirements he had to meet to travel overseas, including obtaining a hand-carry letter. In answer to that email

Applicant stated that he was planning to travel with the piece of company equipment in question here. The record also shows that he received a travel briefing around the same time.

Applicant acknowledges he has a certain amount of personal responsibility here. However, it is also true that a reasonable person could rely on the appropriate personnel at corporate headquarters, when specifically notified by a traveler of pertinent facts, to have made sure the traveler was fulfilling all of the company requirements.

The only disqualifying condition that is arguably applicable to this case under AG ¶ 16 is:

(d) credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information. This includes, but is not limited to, consideration of:

(3) a pattern of dishonesty or rule violations.

The following mitigating condition is also arguably applicable under AG ¶ 17:

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

Applicant did not conceal from his employer the fact that he was traveling to China, or that he was carrying with him a piece of corporate equipment. This was a one-time event, and the company also bears a certain amount of blame for the problem. Applicant has mitigated this allegation as well and Paragraph 2 is found for him.

Paragraph 3 – Guideline F (Financial Considerations)

The security concern relating to the guideline for Financial Considerations is set out in AG ¶ 18:

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 personal security concern such as excessive gambling, mental

health conditions, substance misuse, or alcohol abuse or dependence. An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds.

The Government's concern under this paragraph seems to be that Applicant was lending money to people in a potentially frivolous way. He lent money to a former work associate, his sister, and his then sister-in-law. Two of these people paid Applicant back in full. His sister-in-law paid back \$7,000 of her \$65,000 debt. Financial records of Applicant show that he was on solid financial footing each time he made a loan. As stated, his current financial situation is more than stable.

None of the disqualifying conditions exactly describe the situation here. AG ¶ 19 describes only one condition that could arguably raise security concerns and may be disqualifying in this case:

(e) consistent spending beyond one's means or frivolous or irresponsible spending, which may be indicated by excessive indebtedness, significant negative cash flow, a history of late payments or of non-payment, or other negative financial indicators.

One mitigating condition under AG ¶ 20 also arguably applies:

(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.

Applicant's conduct in lending substantial amounts of money to relatives and a former work associate was not inherently improper, or cause for financial concerns. While the Applicant lent a considerable amount of money over several years, it is important to note that his overall financial health remained good during the entire period, and that two of the people involved repaid him in full. He made a mistake in regard to his sister-in-law, and learned a hard lesson. He has fully mitigated this allegation. Paragraph 3 is found for Applicant.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for a security clearance by considering the totality of the applicant's conduct and all relevant circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(d):

(1) the nature, extent, and seriousness of the conduct; (2) the circumstances surrounding the conduct, to include knowledgeable participation; (3) the frequency and recency of the conduct; (4) the individual's age and maturity at the time of the conduct; (5) the extent to which participation is voluntary; (6) the presence or absence of rehabilitation and other permanent behavioral changes; (7) the motivation

for the conduct; (8) the potential for pressure, coercion, exploitation, or duress; and (9) the likelihood of continuation or recurrence.

Under AG ¶ 2(b), the ultimate determination of whether to grant national security eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept.

I considered the potentially disqualifying and mitigating conditions in light of all facts and circumstances surrounding this case. I have incorporated my comments under Guidelines B, E, and F in my whole-person analysis. He committed no misconduct, has no significant foreign relationships, and exhibited no potential for coercion or duress. Overall, the record evidence leaves me without questions or doubts as to Applicant's eligibility and suitability for national security eligibility and a security clearance. For all these reasons, I conclude Applicant mitigated the Foreign Influence, Personal Conduct, and Financial Considerations security concerns.

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 B:	FOR APPLICANT
Subparagraph 1.a:	For Applicant
Subparagraph 1.b:	For Applicant
Paragraph 2, Guideline E:	FOR APPLICANT
Subparagraph 2.a:	For Applicant
Subparagraph 2.b:	For Applicant
Paragraph 3, Guideline F:	FOR APPLICANT
Subparagraph 3.a:	For Applicant
Subparagraph 3.b:	For Applicant
Subparagraph 3.c:	For Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, it is clearly consistent with the national interest to grant Applicant national security eligibility for a security clearance. Eligibility for access to classified information is granted.

Wilford H. Ross
Administrative Judge