



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



In the matter of:)	
)	
[REDACTED])	ISCR Case No. 17-00582
)	
Applicant for Security Clearance)	

Appearances

For Government: Daniel F. Crowley, Esq., Department Counsel
For Applicant: Alan V. Edmunds, Esq.

Decision

MARINE, Gina L., Administrative Judge:

This case involves security concerns raised under Guideline B (Foreign Influence) and Guideline E (Personal Conduct). Eligibility for access to classified information is denied.

Statement of the Case

Applicant submitted a security clearance application (SCA) on March 22, 2016. On March 6, 2017, the Department of Defense Consolidated Adjudications Facility (DOD CAF) sent her a Statement of Reasons (SOR) alleging security concerns under Guidelines B and E. The DOD CAF acted 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 DOD on September 1, 2006.

Applicant answered the SOR on March 31, 2017, and requested a hearing before an administrative judge. Department Counsel was ready to proceed on September 21, 2017. The case was assigned to me on March 15, 2018. On April 12, 2018, the Defense Office of Hearings and Appeals (DOHA) notified Applicant that the hearing was scheduled for May 17, 2018. I convened the hearing as scheduled.

At the hearing, Government Exhibits (GE) 1, and 3 through 5 were admitted into evidence, without objection. Upon Applicant's objection to GE 2, the Government withdrew GE 2 so it was not admitted into evidence.¹ Applicant testified and submitted Applicant's Exhibits (AE) A through D, which were admitted without objection. I appended to the record two letters that the Government sent to Applicant as Hearing Exhibits (HE) I and II, the Government's request for administrative notice of relevant facts about Iraq as HE III, and the Government's exhibit list as HE IV. DOHA received the transcript (Tr.) on June 5, 2018.

On June 8, 2017, the DOD implemented new AG.² Accordingly, I have applied the June 2017 AG.³ However, I have also considered the September 2006 AG because they were in effect on the date the SOR was issued. I conclude that my decision would have been the same under either version.

Findings of Fact⁴

Applicant, age 37, has never been married nor has any children. She earned a degree in law from an Iraqi university in 2005, and was enrolled in a U.S. university in 2011 studying criminal justice for one year. Applicant has been employed as a linguist by a U.S. defense contractor since 2016, during which time she has resided in Kuwait.⁵ Before that, she was employed by various U.S. defense contractors as a language and cultural instructor from 2009 through 2015, during which time she resided in the United States.⁶ Applicant was granted access to sensitive information in approximately 2013, when she held a public trust position. This is her first application for a security clearance.⁷

¹ Tr. at 9-11. Even though GE 2 (a summary of Applicant's security clearance background interview) was not admitted into evidence, since it was marked as GE 2, a copy remains in the file in order to preserve the record. I did not review nor consider it in rendering my decision.

² 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." (SEAD-4 ¶ B, *Purpose*). The SEAD-4 became effective on June 8, 2017 (SEAD-4 ¶ F, *Effective Date*). The National Security Adjudicative Guidelines (AG), which are found at Appendix A to SEAD-4, apply to determine eligibility for initial or continued access to classified national security information. (SEAD-4 ¶ C, *Applicability*).

³ 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 Unless otherwise indicated by citation to another part of the record, I extracted these facts from Applicant's SOR answer and her SCA (GE 1).

⁵ GE 1 at 16; Tr. at 15, 21, 40.

⁶ GE 1 at 16-23.

⁷ Tr. at 14-16; GE 5 at 11.

Applicant immigrated to the United States in 2009 via a special immigrant visa. She was granted that visa because of her work as a linguist supporting the U.S. military in Iraq between 2007 and 2009. Before working as a linguist, Applicant practiced law part time from 2006 through 2007. She became a naturalized U.S. citizen in 2014, retaining dual citizenship with Iraq. In 2016, she renounced her Iraqi citizenship in connection with her application for a security clearance.⁸

Guideline B

Applicant's mother, one sister (Sister 1), and three brothers are citizens and residents of Iraq. Her father is deceased. She has three other living sisters;⁹ one resides in the United States and is a dual U.S.-Iraqi citizen (Sister 2), one resides in the United States and is an Iraqi citizen (Sister 3), and the other resides in Australia and is a dual citizen of Iraq and Australia (Sister 4). All three brothers are employed by the Iraqi government; one with the Ministry of Defense (Brother A), and two with the Ministry of Justice (Brother B and Brother C).

Applicant's mother, age 73, is a housewife. She lives alone and has recently begun experiencing some health issues. As of 2016, Applicant had contact with her mother weekly by phone. As of the hearing date, that contact had been reduced to monthly because Applicant has been working overseas.¹⁰ Sister 1, age 49, is a housewife. Applicant has contact with Sister 1 by phone once every two or three years. Neither Applicant's mother nor Sister 1 have ever visited Applicant in the United States.¹¹

Sister 2, age 50, is currently a housewife. She was previously employed by the Iraqi Ministry of Education as a teacher. Applicant has not had contact with Sister 2 since 2015 because of a family dispute.¹² Sister 3, age 45, is a housewife. As of 2016, Applicant had daily-in person contact with Sister 3 because they lived together. As of the hearing date, that contact had been reduced to monthly by phone because Applicant has been working overseas. Applicant sponsored Sister 3 and Sister 3's husband and four children into the United States.¹³ Sister 4, age 47, is an accountant employed by a private global freight company. Applicant has contact with Sister 4 monthly by phone.¹⁴

⁸ GE 1 at 8-9, 23; GE 5 at 2 and 4.

⁹ She had another sister who passed away in 1989.

¹⁰ GE 3 at 1; Tr. at 17-18, 21, 34-35.

¹¹ GE 3 at 4; Tr. at 18-19, 34.

¹² GE 3 at 4; Tr. at 21-22.

¹³ GE 1 at 43-47; GE 3 at 1; GE 5 at 1; Tr. at 20-21, 47.

¹⁴ GE 3 at 2; Tr. at 49.

Brother A, age 39, is a training specialist with the Iraqi Air Force Academy. Brother B, age 31, is legal consultant.¹⁵ Brother C, age 38, is a civil court judge. Applicant has not had contact with any of her brothers since 2007, when they disowned her because they disapproved of her working with the U.S. military. None of her brothers have visited Applicant in the United States.¹⁶

Applicant suffered significant physical abuse by her brothers until she left to work for the U.S. military in 2007. Her brothers attempted, on three separate occasions, to physically remove her from the military base where she was working as a linguist. The U.S. military command that Applicant was supporting protected her and kept them from being successful in those attempts.¹⁷ Applicant considers the United States her “adopted mother.” She averred that she would never do anything to harm her “adopted mother.”¹⁸

Guideline E

In 2016, Applicant first submitted a SCA and then underwent counterintelligence (CI) screening in connection with her application for a security clearance. In her SCA, she answered “No” to whether she had “illegally used any drugs or controlled substances” within the previous seven year period. Use was defined as “injecting, snorting, inhaling, swallowing, experimenting with or otherwise consuming.”¹⁹ During her CI screening, as described in the CI screening questionnaire (GE 5), Applicant told investigators that she tried marijuana one time in 2015. She admitted to participating in the consumption of one rolled marijuana joint with another individual (Person A). She explained that she tried it out of curiosity. Applicant stated that she omitted her marijuana use from her SCA because she believed that it was legal in the jurisdiction in which she consumed it.²⁰

The SOR alleged that Applicant falsified material facts on her SCA by deliberately failing to disclose her 2015 marijuana use. In her March 2017 SOR answer, Applicant denied the allegation without explanation.²¹ In November 2017, Applicant signed a written declaration of intent, under penalty of perjury, “to never use illegal drugs again,” nor “be around or involved with anyone who uses illegal drugs.” In that

¹⁵ In 2016, Applicant noted that Brother B was employed as a legal consultant with the Iraqi Ministries of Justice and Defense. GE 4 at 2.

¹⁶ Tr. at 22-25, 28-33.

¹⁷ GE 5 at 3 and 7; Tr. at 31-33.

¹⁸ Tr. at 27-28.

¹⁹ GE 1 at 49.

²⁰ GE 5 at 13; Tr. at 43.

²¹ GE 5.

statement, Applicant consented to the automatic revocation of her security clearance “[s]hould there be any violation with regard to illegal drug use.”²²

At the hearing, Applicant claimed that she had never consumed, inhaled, or smoked marijuana in her life. She further claimed that, during her CI screening, she never told the investigators that she tried marijuana. Applicant averred that any statement to the contrary was a misinterpretation of the facts she relayed to the investigators. She claimed that she was “shocked” when she read GE 5, and attributed the “miscommunication” between her and the investigators to her having been “extremely nervous” at the time since it was her “first intense interview.”²³

At the hearing, while Applicant acknowledged that she was in the presence of marijuana with Person A on the occasion referenced in GE 5, Applicant claimed that she never inhaled, smoked, or otherwise consumed it. She then asserted the following facts that were discrepant from those reported in GE 5:

- Person A presented her with a bag that she believed contained green tea since she had never seen marijuana before;
- After she sniffed the contents of the bag, she realized that it was not, in fact, green tea;
- Person A told her that the substance was marijuana;
- Person A prepared the marijuana into cigarette form and smoked it; and
- Person A offered the marijuana cigarette to Applicant to try, but she declined.²⁴

When confronted at the hearing about why she signed a statement to never use drugs “again,” which would imply some prior use, Applicant stated she was “not quite sure” but opined that perhaps, due to her naiveté about marijuana, she may have inadvertently associated smelling the marijuana with using it.²⁵

Whole Person

Applicant received two certificates of appreciation for her support of the U.S. military, one in 2008 and one undated.²⁶ In 2008, Applicant’s special immigrant status was supported by the deputy commanding general, the chief of staff, and the staff judge advocate of the command where she worked as a linguist. Her work was highly regarded. Her skills had a positive impact on the counterinsurgency effort. She served at great personal risk to her safety. In 2012, the director of the U.S. military college

²² AE A.

²³ Tr. at 25-27, 41-46.

²⁴ Tr. at 25-27; 36-37.

²⁵ Tr. at 37-39; 41-46.

²⁶ AE C.

program, where Applicant worked as an instructor, praised her performance. She was also highly regarded by her students.²⁷

Administrative Notice (Iraq)

I have taken administrative notice of the U.S. Government's pronouncements concerning Iraq in 2016 through 2018, as outlined in HE III and the documents appended thereto,²⁸ including the following:

- ISIS (Islamic State in Iraq and Syria, also known as ISIL or Da'esh) is a designated terrorist organization conducting an active insurgency in Syria, with franchises or direct links to terrorist groups in Iraq and other parts of the world. It commits terrorist attacks, violent atrocities, and targets U.S. citizens. ISIS controls some areas of Syria on the Iraqi border. The Iraqi government declared all of its territory liberated from ISIS in December 2017; however, despite improved government control, ISIS remains a threat to public safety in Iraq through the indiscriminate use of terrorist and asymmetrical attacks.²⁹
- Numerous terrorist and insurgent groups are active in Iraq and regularly attack both Iraqi security forces and civilians.³⁰
- Violence continued throughout the year in Iraq, largely fueled by the actions of ISIS. Government forces successfully fought to liberate territory taken earlier by ISIS, including Mosul, while ISIS sought to demonstrate its viability through targeted attacks. Armed clashes between ISIS and government forces caused civilian deaths and hardship. By year's end Iraqi Security Forces (ISF) had liberated all territory from ISIS, drastically reducing ISIS's ability to commit abuses and atrocities.³¹

²⁷ AE D.

²⁸ The source documents for certain U.S. Department of State facts cited in the Administrative Notice have been updated. I appended to the record the relevant portions of those updated source documents, collectively, as HE V, and have provided the updated website addresses in the footnote citations below. I have considered the both the original and updated source documents, which cite facts that do not materially differ. My decision would have been the same in light of either set of facts.

²⁹ HE V: Item I, updated June 7, 2018.
<https://travel.state.gov/content/travel/en/international-travel/International-Travel-Country-Information-Pages/Iraq.html>

³⁰ HE V: Item IV, updated January 10, 2018.
<https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/iraq-travel-advisory.html>

³¹ HE V: Item V, updated April 20, 2018.
<https://www.state.gov/documents/organization/277487.pdf>

- The most significant human rights issues in Iraq included allegations of unlawful killings by some members of the ISF, particularly some elements of the PMF; disappearance and extortion by PMF elements; torture; harsh and life-threatening conditions in detention and prison facilities; arbitrary arrest and detention; arbitrary interference with privacy; criminalization of libel and other limits on freedom of expression, including press freedoms; violence against journalists; widespread official corruption; greatly reduced penalties for so-called “honor killings;” coerced or forced abortions imposed by ISIS on its victims; legal restrictions on freedom of movement of women; and trafficking in persons. Militant groups killed LGBTI persons. There were also limitations on worker rights, including restrictions on formation of independent unions.³²
- Iraq made impressive progress in 2016 toward defeating ISIS, which had occupied large areas of the country since mid-2014. As it retreated, ISIS killed hundreds of Iraqi civilians. ISIS also demonstrated its continuing ability to conduct massive terrorist attacks in Baghdad and Shia-majority areas, killing at least 300 civilians in coordinated bombings in Baghdad in July and killing at least 80 Iranians and Iraqis (the bulk of whom were Shia Arba’in pilgrims) in Hilla, south of Baghdad, in November.³³
- Even as the Government of Iraq – supported by the 73-member Global Coalition to Defeat ISIS – made significant progress in its campaign to expel ISIS from Iraq, severe internal security threats endured. Iraqi officials made little progress on managing the country’s ethnic, religious, and sectarian fissures, and the passage of legislation formalizing the Popular Mobilization Forces (PMF) proved a divisive step that exacerbated the doubts of many Sunnis about the government’s willingness to rule for the benefit of all citizens.³⁴
- Terrorist groups continued to mount a large number of attacks throughout Iraq. According to estimates from the UN Assistance Mission for Iraq, acts of terrorism and violence killed more than 7,000 civilians and injured more than 12,000 in 2016.³⁵

³² HE V: Item V, updated April 20, 2018.
<https://www.state.gov/documents/organization/277487.pdf>

³³ HE III: Item VI.

³⁴ HE III: Item VI.

³⁵ HE III: Item VI.

Policies

“[N]o one has a ‘right’ to a security clearance.”³⁶ As Commander in Chief, the President has the authority to “control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information.”³⁷ The President has authorized the Secretary of Defense or his designee to grant applicants eligibility for access to classified information “only upon a finding that it is clearly consistent with the national interest to do so.”³⁸

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the AG. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, an administrative judge applies these guidelines in conjunction with an evaluation of the whole person. An administrative judge’s overarching adjudicative goal is a fair, impartial, and commonsense decision. An administrative judge must consider all available and reliable information about the person, past and present, favorable and unfavorable.

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. Decisions include, by necessity, consideration of the possible risk that the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of classified information.

Clearance decisions must be made “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.”³⁹ Thus, a decision to deny a security clearance is merely an indication the applicant has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance.

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The Government has the burden of establishing controverted facts alleged in the SOR.⁴⁰ “Substantial evidence” is “more than a scintilla but less than a preponderance.”⁴¹ The guidelines presume a nexus or

³⁶ *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988).

³⁷ *Egan* at 527.

³⁸ EO 10865 § 2.

³⁹ EO 10865 § 7.

⁴⁰ See *Egan*, 484 U.S. at 531.

⁴¹ See *v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994).

rational connection between proven conduct under any of the criteria listed therein and an applicant's security suitability.⁴² Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts.⁴³ An applicant has the burden of proving a mitigating condition, and the burden of disproving it never shifts to the Government.⁴⁴

An applicant "has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance."⁴⁵ "[S]ecurity clearance determinations should err, if they must, on the side of denials."⁴⁶

Analysis

Guideline B (Foreign Influence)

The security concern under Guideline B (Foreign Influence) is set out in AG ¶ 6, as follows:

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 under this guideline are potentially relevant:

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

⁴² See ISCR Case No. 92-1106 at 3 (App. Bd. Oct. 7, 1993).

⁴³ Directive ¶ E3.1.15.

⁴⁴ See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

⁴⁵ ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002).

⁴⁶ *Egan*, 484 U.S. at 531; See also AG ¶ 2(b).

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.

Applicant's familial ties to her mother, Sister 1, and three brothers (particularly given her brothers' positions within the Iraqi government), who are citizens and residents of Iraq, establish AG ¶¶ 7(a) and 7(b). A heightened risk is associated with the Iraqi government given the significant terrorism and human-rights problems existent there. Applicant's ties to Sisters 2 through 4, who do not reside in Iraq, do not establish any disqualifying condition under Guideline B.

The following are potentially relevant mitigating conditions under this guideline:

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 any conflict of interest in favor of the U.S. interest.

AG ¶ 8(a) is established as to Applicant's three brothers due to their 15-year estrangement. Given the heightened risk associated with Iraq, Applicant's ties to her mother and Sister 1 raise a concern that Applicant could be placed in a position of having to choose between their interests and that of the United States. However, Applicant's familial ties to Iraq are outweighed by her loyalty to the United States. Applicant immigrated to the United States nine years ago after serving the U.S. military as a linguist for two years, with distinction and at great risk to her safety. Since then, she has continued to serve the U.S. military, including a return to working in a combat zone where she has resided for the past two years. Accordingly, Applicant can be expected to resolve any conflict of interest in favor of the United States. AG ¶ 8(b) is established as to Applicant's mother and Sister 1.

Guideline E (Personal Conduct)

The concern under this guideline is 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 or sensitive information. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes. The following will normally result in an unfavorable national security eligibility determination, security clearance action, or cancellation of further processing for national security eligibility:

(a) refusal, or failure without reasonable cause, to undergo or cooperate with security processing, including but not limited to meeting with a security investigator for subject interview, completing security forms or releases, cooperation with medical or psychological evaluation, or polygraph examination, if authorized and required; and

(b) refusal to provide full, frank, and truthful answers to lawful questions of investigators, security officials, or other official representatives in connection with a personnel security or trustworthiness determination.

The omission of Applicant's marijuana use from her SCA renders the following disqualifying condition under this guideline potentially applicable:

AG ¶ 16(a): deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine national security eligibility or trustworthiness, or award fiduciary responsibilities.

An omission, standing alone, does not prove falsification. An administrative judge must consider the record evidence as a whole to determine an Appellant's state of mind at the time of the omission. An Appellant's level of education and business experience are relevant to determining whether a failure to disclose relevant information on a security clearance application was deliberate.

Applicant used marijuana on one occasion in 2015, which was reportable on her SCA. I did not find credible Applicant's testimony denying her marijuana use or her explanations and excuses for failing to report it on her SCA. Accordingly, I find substantial evidence of an intent on the part of Appellant to omit security-significant information from her SCA. Therefore, AG ¶ 16(a) is established.

An applicant's completion of a security questionnaire is the initial step in requesting a security clearance and the investigative process is contingent upon the honesty of the applicant. Beginning with an applicant's responses in the application,

The security clearance investigation is not a forum for an applicant to split hairs or parse the truth narrowly. The Federal Government has a compelling interest in protecting and safeguarding classified information. That compelling interest includes the government's legitimate interest in being able to make sound decisions (based on complete and accurate information) about who will be granted access to classified information. An applicant who deliberately fails to give full, frank, and candid answers to the government in connection with a security clearance investigation or adjudication interferes with the integrity of the industrial security program.⁴⁷

In light of the deliberate omission of her marijuana use from her SCA and subsequent lack of candor about it, I have serious doubts about Applicant's reliability, trustworthiness, and good judgment. Neither of the potentially applicable mitigating conditions under this guideline applies.⁴⁸

Whole-Person Analysis

Under AG ¶ 2(c), the ultimate determination of whether the granting or continuing of national security eligibility is clearly consistent with the interests of national security must be an overall common sense judgment based upon careful consideration of the following guidelines, each of which is to be evaluated in the context of the whole person. An 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.

I have incorporated my comments under Guidelines B and E in my whole-person analysis, and I have considered the factors in AG ¶ 2(d). After weighing the disqualifying

⁴⁷ ISCR Case No. 01-03132 at 3 (App. Bd. Aug. 8, 2002).

⁴⁸ AG ¶ 17(a) (the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts); and 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).

and mitigating conditions under Guidelines B and E, and evaluating all the evidence in the context of the whole person and the heightened risk associated with Iraq, I conclude that Applicant has mitigated the concerns raised by her familial ties to citizens and residents of Iraq, but not the concerns raised by her personal conduct. I considered the personal sacrifice and loyalty associated with Applicant's service as a linguist, but they do not suffice to overcome her repeated lack of candor about her marijuana use. Accordingly, I conclude that she has not carried her burden of showing that it is clearly consistent with the national interest to grant her eligibility for access to classified information.

Formal Findings

I make the following formal findings on the allegations in the SOR:

Paragraph 1, Guideline B (Foreign Influence): FOR APPLICANT

Subparagraphs 1.a – 1.g: For Applicant

Paragraph 2, Guideline E (Personal Conduct): AGAINST APPLICANT

Subparagraph 2.a: Against Applicant

Conclusion

I conclude that it is not clearly consistent with the national interest to grant Applicant eligibility for access to classified information. Clearance is denied.

Gina L. Marine
Administrative Judge