



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



In the matter of:

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) ISCR Case No. 17-00629  
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Applicant for Security Clearance )

**Appearances**

For Government: James Norman, Esq., Department Counsel

For Applicant: Ryan C. Nerney, Esq.

09/17/2018  
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**Remand Decision**  
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DAM, Shari, Administrative Judge:

Applicant failed to mitigate the security concerns arising from his continuing family connections in Iraq. Based upon a review of the record as a whole, including the Remand Order, national security eligibility for access to classified information is denied.

**History of Case**

On November 11, 2015, Applicant submitted an Electronic Questionnaire for Investigations Processing (e-QIP). On April 3, 2017, the Department of Defense Consolidated Adjudications Facility (DoD CAF) issued Applicant a Statement of Reasons (SOR) detailing security concerns under Guideline B, Foreign Influence. The action was taken under Executive Order 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 effective within the DoD after September 1, 2006.

Applicant answered the SOR in writing on April 17, 2017 (Answer), and requested a hearing before an administrative judge. The Defense Office of Hearings and Appeals (DOHA) assigned the case to me on June 22, 2017. DOHA issued a Notice of Hearing on August 24, 2017, setting the hearing for September 19, 2017. On that date, Department Counsel offered Government Exhibits (GE) 1 and 2 into evidence. Applicant testified and offered Exhibits (AE) A through M into evidence. All exhibits were admitted without objection. I granted Applicant's request to leave the record open until October 13, 2017, to permit submission of additional evidence. DOHA received the hearing transcript (Tr.) on September 27, 2017. No post-hearing documents were submitted.

The SOR in this case was issued under the adjudicative guidelines that came into effect within the DoD on September 1, 2006. Security Executive Agent Directive (SEAD) 4, *National Security Adjudicative Guidelines*, implemented new adjudicative guidelines that came into effect on June 8, 2017. All national security eligibility determinations issued on or after June 8, 2017, are to be decided using the new *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (AG), as promulgated in Appendix A of SEAD 4. I considered the previous adjudicative guidelines, as well as the new AG, in adjudicating Applicant's national security eligibility. The initial Decision, as well as this Remand Decision, are issued pursuant to the new AG, but my decision would be the same under either set of guidelines.

On February 1, 2018, I issued a Decision denying Applicant's request for national security eligibility for access to classified information on the basis that he failed to mitigate the foreign influence allegations related to his connections to Iraq. Applicant appealed.

On May 24, 2018, the Appeal Board remanded the case to me to reconsider two factors in my analysis of Applicant's national security eligibility: (1) his recent deployment to a combat zone in support of the U.S. forces; and (2) his record of support to U.S. forces under dangerous circumstances in Iraq. The Board also expressed concern that AG ¶¶ 8(d) and 8(f) were not explicitly addressed as potential mitigating conditions with respect to any security concerns relating to Applicant's recent deployment.<sup>1</sup>

## **Procedural Rulings**

### **Administrative Notice**

I took administrative notice of facts concerning Iraq. Those facts are set forth in the following: Government's Request for Administrative Notice for Iraq, marked as Hearing Exhibit (HE) 1. These documents are included in the record. (Tr. 9-10) The facts administratively noticed are limited to matters of general knowledge and matters not subject to reasonable dispute. Those facts are set out in the Findings of Fact, below.

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<sup>1</sup>This concern related to Applicant's inaccurate contention that I had categorized his recent deployment as a disqualifying condition, even though the SOR contains no such allegation and my original decision contains no such language, as noted by the Appeal Board.

### Amendment to SOR

At the conclusion of the hearing and based on the evidence admitted, Department Counsel moved to amend Paragraph 1 of the SOR to state as follows:

- a. Your brother and mother are citizens and residents of Iraq.
- b. Your mother-in-law and four siblings-in-law are citizens and residents of Iraq.

Applicant did not object to these amendments, and I granted the motion. The record remained open after the hearing in order to give Applicant adequate time in which to submit additional evidence pertinent to these amendments. (Tr. 43-44) Applicant admitted the allegations in the original and amended SOR.

### **Remand Findings of Fact**

Applicant is 30 years old. He was born in Iraq. He attended high school there. He never served in the Iraqi army, but from August 2006 to November 2008 he worked as a local-hire linguist supporting the U.S. forces in Iraq. He was 18 or 19 years old. While performing that work, he was not personally threatened by terrorists, nor was his family. However, he stated that the terrorists considered him and all translators to be traitors and still do. Accordingly, he considers such service to be inherently dangerous to himself and his family members. (Tr. 53-54)

Applicant applied for and was granted a visa through the Special Immigrant Visa program for Iraqi and Afghani translators/interpreters. He obtained that visa on the basis that as a translator he placed his life was in danger and that the United States appreciated his contribution to its mission in the Middle East. (Tr. 62-63) In November 2008, he entered the United States on that visa. (Tr. 16) After arriving, he was unemployed until February 2009, when he started a position as a translator and role player with the U.S. Army at one of its bases. (GE 1; Answer)

In October 2010, Applicant returned to Iraq. He went there to visit his family and to marry his wife. He stayed until December 2010 and then returned to the United States. He continued working as a trainer for the Army until February 2011, when he completed his contract. He was subsequently unemployed for a few months, and then worked in a factory. (Tr. 55-56; GE 1, GE 2)

In September 2012, Applicant returned to Iraq for six months and lived with his family. He worked as a salesman while there. In February 2013, he came back to the United States and worked in another factory while waiting to qualify for U.S. citizenship. He rented an apartment during this time. (Tr. 56-57; GE 1, GE 2)

In March 2014, Applicant became a naturalized U.S. citizen. He returned to Iraq before moving to Turkey in May or June 2014.<sup>2</sup> He worked in Turkey as a technician for a retail shop until February 2015. He then went back to Iraq until September 2015, where he worked in a position unrelated to the U.S. Government and lived with his family. (Tr. 58-59; GE 1)

Applicant returned to the United States and lived with his sister from October 2015 until January 2016, when he started a linguist position with a defense contractor. He has since deployed to Iraq for six-month intervals, providing translator/linguist services to U.S. forces. In June 2016, Applicant rented an apartment. Subsequently, his wife arrived in the United States. He and his wife reside at this apartment when he is not deployed. He continues to work for the contractor and was home from a deployment at the time of this hearing. (Tr. 15, 35; GE 1, GE 2)

Applicant's parents were born and raised in Iraq. His father is deceased. His mother is a citizen and resident of Iraq. She worked for an Iraqi ministry until she retired. She receives a small pension. She came to the United States in July 2016 and was in the process of obtaining permanent residency, but she left in October 2016 and returned to live in Iraq. Applicant contacts her every other day or week. (Tr. 26-28, 36, 61) His mother visited him while he was working in Iraq in September 2017. She knows he works as a translator and has worked as a military translator. His employer was aware of her visit. While in Iraq, Applicant calls her every two or three days. He provides her less than \$2,000 a year for financial support. (Tr. 35-39, 60) He said his mother has influence over him in relation to family issues but not his job because she does not know what he does. (Tr. 32)

Applicant has two brothers. One brother is a citizen and resident of Iraq. He works for a U.S. aid agency in Iraq. Applicant communicated with him at a holiday during August 2017. Prior to that, he had not communicated with him for two years. Applicant intends to continue communicating with him, but only at holidays. This brother is not aware of Applicant's current work as a translator. The last time Applicant saw this brother in person was in 2015, while Applicant was visiting Iraq. His brother is married and has three children. (Tr. 17-18, 34, 39)

Applicant's other brother is an Iraqi citizen, residing in the United States. He is in the process of receiving permanent residency. (Tr. 20-21) His only sister is an Iraqi citizen and a U.S. permanent resident. She also works as a translator for the U.S. Government. (Tr. 22-24)

Applicant's wife is 27 years old and was born in Iraq. She is an Iraqi citizen. She graduated from a teaching institute there. (Tr. 52) She came to the United States in June 2016, while Applicant was deployed to Iraq. She resides with Applicant. She is waiting to

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<sup>2</sup> Applicant's e-QIP listed his travel to Iraq as being from May 2014 to September 2015. He also listed that he worked in Turkey from May 2014 to February 2015. During his personal interview in August 2016, Applicant disclosed that he was in Turkey from June 2014 to November 2014 for work. The record is not consistent, as to some of his travel dates, and dates and places of employment.

receive permanent resident status. Their daughter was born in Iraq, and resides with them. She, too, is waiting for permanent resident status. (Tr. 33; Answer) After marrying his wife, Applicant applied for a special visa for her. He said it took five years to obtain it, so between 2010 and 2016, he traveled to and from Iraq to visit her and his daughter. (Answer)

Applicant's mother-in-law is a citizen and resident of Iraq. She is a housewife. She does not know about Applicant's work as a translator. Applicant's wife speaks to her mother every week. The last time he had personal contact with his mother-in-law was in 2015, while he was visiting Iraq. (Tr. 24-26)

Applicant's wife has seven siblings. Four of them are citizens and residents of Iraq. They are students and live with his mother-in-law. His wife communicates with them when she calls her mother. (Tr. 41) Applicant has other members of his family who are citizens and residents of Iraq. He contacts them twice a year at holidays. He said, "My cousins, pretty much the whole . . . family lives in Iraq." (Tr. 30)

Applicant has retirement accounts in the United States. The amount in those accounts is unknown. He rents his residence in the United States. (Tr. 17, 52; GE 1, GE 2) He stated that he does not own property or have assets in Iraq. (Tr. 17) However, in Section 11 of his 2015 e-QIP, he indicated that he resided in a residence "owned by him" in Iraq during the following times: February 2015 to September 2015; September 2012 to February 2013, and April 2004 to November 2008.<sup>3</sup>

Applicant served as an interpreter for the U.S. forces twice in Iraq: from 2006 to 2008 while he was a citizen and resident of Iraq; and from 2016 to the present, subsequent to becoming a U.S. citizen and residing in the United States. He submitted recommendation letters attesting to his capabilities and contributions as an interpreter and translator during those two periods. A U.S. platoon sergeant, who was deployed to Iraq from December 2006 to September 2007 and worked with Applicant, stated that Applicant's service was exemplary and important to the unit's combat missions. A sergeant first class stated that Applicant translated for him from March to August 2017, while they served in a combat environment. He praised Applicant for his work capabilities and loyalty to the U.S. mission. A civilian, who worked in Iraq with Applicant in 2016 and 2017, attributed his team's success to Applicant's diligence. (AE F) None of these witnesses discussed whether "compliance with security procedures and regulations occurred in the context of dangerous, high-risk circumstances in which the applicant made a significant contribution to national security." (Appeal Board remand decision at 3.)

Applicant said he generally understands the responsibilities and obligations related to holding a security clearance. He considers himself trustworthy. He said he has not had

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<sup>3</sup> This potentially adverse information was not alleged as a security concern and will not be discussed as a disqualifying condition. It may be considered in the analysis of mitigating conditions and the whole-person concept. The street address listed for this residence is the same street listed for his mother and brother. The evidence strongly suggests that this is his family home, and is not solely owned by Applicant. (GE 1)

any security violations and that if a conflict of interest were to arise he would choose the United States over any foreign interest. (Tr. 30-31) The credibility of his assertion, which would be bolstered by credible, independent evidence of prior compliance with security procedures under dangerous circumstances, was not challenged or disputed. (See Appeal Board remand decision at 3-4, *citing as* ‘See, e.g., ISCR Case No. 06-25928 at 3-4 (App. Bd. Apr. 9, 2008.)

## **Iraq**

I have taken administrative notice of facts contained in U.S. Government pronouncements concerning the state of Iraq, as outlined in HE I, including the following: Iraq faces many challenges fueled by sectarian and ethnic divisions. Numerous terrorist groups are increasingly active throughout Iraq. The Islamic State of Iraq and the Levant (ISIL or Islamic State) control some of the country’s territory. Threats of kidnapping and violence are high, and the Department of State warns U.S. citizens that all travel to Iraq should be avoided. Additionally, human-rights related problems including disappearances, torture, denial of fair public trial, and limits on freedom of speech and expression have been noted. (HE I.)

## **Policies**

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

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied 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. The entire process is a conscientious scrutiny of applicable guidelines in the context 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 the 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. I have not drawn inferences based on mere speculation or conjecture.

Directive ¶ E3.1.14 requires the Government to present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, an “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 applying for national security eligibility seeks to enter 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 national security eligibility. 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 or sensitive information.

Finally, as emphasized in Section 7 of Executive Order 10865, “[a]ny determination under this order adverse to an applicant shall be a determination in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See *also* Executive Order 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information.)

## **Remand Analysis**

### **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 includes 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

(e) shared living quarters with a person or persons, regardless of citizenship status, if that relationship creates a heightened risk of foreign inducement, manipulation, pressure, or coercion.

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, that 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).

Applicant has ongoing and commendable familial connections with his mother and brother, who are residents and citizens of Iraq. His mother is a retired Iraqi government employee who receives a pension from the government. After living in the United States for two months in 2016, she left and returned to Iraq to live permanently. His in-laws are also citizens and residents of Iraq, and his wife maintains regular family connections with them. These close family relationships create a heightened risk of foreign pressure or attempted exploitation because terrorists and insurgents in Iraq may threaten Applicant and his family, as they may seek intelligence or engage in behaviors that are hostile to the United States' interests. Applicant's relationship with his relatives creates a potential conflict of interest between his obligation to protect sensitive information or technology and his desire to help family members living in Iraq. The evidence and Applicant's admissions are sufficient to raise these disqualifying conditions.

After the Government produced substantial evidence of those disqualifying conditions, the burden shifted to Applicant to rebut them or otherwise prove mitigation. AG ¶ 8 sets out mitigating conditions potentially applicable to the disqualifying security concerns based on the facts of this case:

(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



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;

(d) the foreign contacts and activities are on U.S. Government business or are approved by the agency head or designee;

(e) the individual has promptly complied with existing agency requirements regarding the reporting of contacts, requests, or threats from persons, groups, or organizations from a foreign country; 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 did not establish that it is unlikely that he could be placed in a position of having to choose between the interests of a foreign individual or government and those of the United States as a consequence of his close and commendable relationships with his mother, brother, and in-laws, who are lifelong citizens and residents of Iraq. He is particularly close to his mother, who is aware of his employment with the U.S. military. She lived with him in the United States for two months before deciding to return to Iraq. In addition, she financially benefits from her prior work for the Iraqi government. Those connections create continuing and significant potential for conflict of interest and risk of coercion, exploitation, manipulation, or pressure. Applicant has demonstrated courage and a willingness to assume a high level of risk on behalf of the United States under dangerous conditions in Iraq. Under Appeal Board precedent, this weighs favorably in assessing his likelihood of resolving future conflicts in favor of U.S. interests. However, his other connections to the United States, as described below, are not longstanding. Applicant emphasized that neither he nor his family have yet been threatened as a result his two periods working with U.S. forces, while acknowledging the inherent danger of such activities. Under longstanding Appeal Board precedent, circumstances that place an applicant at heightened risk of having to choose between either legitimately important foreign family interests or the interests of U.S. national security create an unacceptable risk, which is meant to be prevented under this guideline. Accordingly, Applicant failed to establish sufficient mitigation with respect to those family relationships under AG ¶¶ 8(a) and 8(b).

Another key factor in the AG ¶ 8(b) analysis is Applicant's "deep and longstanding relationships and loyalties in the United States." Applicant has established some recent connections to the United States that weigh in his favor under this mitigating condition. In 2008, he chose to immigrate to the United States from Iraq, under the special visa program created to remove translators from the dangerous situation created by previous work supporting U.S. forces. In 2014 he became a U.S. citizen. His wife and child arrived

in the United States in June 2016, and await permanent resident status. His brother, an Iraqi citizen, is also waiting for his permanent resident status. His sister is a citizen of Iraq and a permanent U.S. resident. He has financial accounts in the United States; although the amount of those accounts is unknown. However, Applicant's frequent visits to Iraq to spend lengthy periods with his family, in particular his mother, both prior to and after becoming a U.S. citizen, and before his recent employment there with a defense contractor, demonstrate substantial and ongoing family attachments in Iraq, the place of his birth, and his family home. The comparative balance of Applicant's connections to Iraq and the United States does not establish that there is no conflict of interest under AG ¶ 8(b).

Applicant and his wife have ongoing and regular family relationships and contacts with their parents, siblings, and extended family members, who are lifelong residents and citizens of Iraq. He provides financial support to his mother. Mitigation was not demonstrated under AG ¶ 8(c).

The Appeal Board remand decision found error in my previous decision for failing to address the application of AG ¶¶ 8(d) and 8(f) in assessing the security significance of Applicant's post-2016 deployment to Iraq while working as a translator for a U.S. defense contractor. To be clear, this deployment was neither alleged nor determined by me to be an independent source of security concerns involving either foreign influence or foreign preference. The security concerns in this case arise from Applicant's close and continuing family relationships with resident citizens in Iraq. These foreign connections were neither created nor maintained on U.S. Government business, and are not subject to agency approval. No foreign business, financial, or property interests were alleged to raise a disqualifying condition under AG ¶ 7(f), so mitigation of such concerns under AG ¶ 8(f) adds little to this analysis. Applicant's frequent and close communications and relationships with foreign citizens underlie the relevant mitigation analysis under AG ¶¶ 8(a), 8(b), and 8(c). Similarly, there is no allegation that Applicant failed to comply with agency requirements regarding the reporting of foreign contacts or threats, but merely having disclosed his close foreign family connections does not mitigate the identified security concerns in this case under AG ¶ 8(e).

### **Whole-Person Concept**

Under the whole-person concept, the administrative judge must evaluate an applicant's national security eligibility 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.

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

I considered the potentially disqualifying and mitigating conditions in light of all facts and circumstances surrounding this case. The Guideline B security concerns do not arise from any questionable conduct by Applicant, but rather circumstances that are normal and commendable results of his family situation. There is mitigating evidence weighing in favor of granting Applicant a security clearance. He is a mature and intelligent person, who has lived and worked in the United States during the past nine years, at least part of the time, and has been a naturalized citizen since 2014. His spouse, child, brother, and sister also emigrated from Iraq to the United States, although only his sister is a permanent resident. During his employment from 2004 to 2006, and from 2016 to the present, he has provided direct support to the U.S. armed forces as a linguist, at times in combat situations. There is no evidence that he has ever taken any action that could cause potential harm to the United States. He takes his loyalty to the United States seriously. Applicant's colleagues assess him as loyal, trustworthy, and responsible.

However, there are significant and persuasive factors that weigh against granting Applicant a security clearance at present. First, a Guideline B decision concerning Iraq must take into consideration the geopolitical situation and dangers there.<sup>4</sup> Iraq is a dangerous place because of violence from terrorists, insurgents, and other organizations hostile to U.S. forces. These entities continue to threaten the Iraqi Government, the interests of the United States, U.S. military and civilian personnel, and those who cooperate with and assist the United States. Although the Iraqi Government is a U.S. ally, it does not fully comply with the rule of law or protect civil liberties in many instances. Applicant is aware of those dangers, having worked as a translator and knowing that terrorists portray translators as traitors. Second, Applicant had numerous connections to Iraq before he immigrated to the United States in 2008, and has voluntarily spent substantial periods in Iraq since then unrelated to his work as a translator. Third, he maintains regular contact with family members in Iraq, in particular his mother, to whom he speaks frequently and sends financial assistance. She recently visited him in the Iraqi city of his employment. She is clearly aware that he assisted U.S. forces in Iraq in the past and is working as a translator again. A terrorist or insurgent could easily learn about his work and attempt to retaliate against his relatives or to coerce Applicant through his relatives to compromise classified or sensitive information. Fourth, his connections to the United States are recent, less substantial, and do not sufficiently outweigh his longstanding relationships with family members and interests in Iraq. It is not clear that he can or should be relied upon to resist or report attempts to coerce or exploit him through his family living in Iraq, regardless of his commendable service in a combat

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<sup>4</sup> See ISCR Case No. 04-02630 at 3 (App. Bd. May 23, 2007) (remanding because of insufficient discussion of geopolitical situation and suggesting expansion of whole-person discussion).

environment with U.S. forces. It is not in the national interest to place him in circumstances that create a heightened risk of pressure, duress, and potential conflicts of interest.

After weighing the disqualifying and mitigating conditions, and all pertinent facts and circumstances in the context of the whole-person, I conclude Applicant failed to mitigate the significant security concerns pertaining to foreign influence. Overall, the record evidence leaves me with questions and doubts as to Applicant's eligibility and suitability for a security clearance. Any doubt concerning personnel being considered for national security eligibility must be resolved in favor of the national security.

### **Remand Formal Findings**

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

Paragraph 1, Guideline B:	AGAINST APPLICANT
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Subparagraphs 1.a and 1.b:	Against Applicant
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### **Remand Conclusion**

In light of all of the circumstances presented by the record in this case, it is not clearly consistent with the interests of national security to grant Applicant access to classified information. National security eligibility is denied.

Shari Dam  
Administrative Judge