



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



In the matter of: )  
)  
) ISCR Case No. 17-00719  
)  
Applicant for Security Clearance )

**Appearances**

For Government: Gatha Manns, Esq., Department Counsel  
For Applicant: *Pro se*

05/23/2018  
\_\_\_\_\_

**Decision**  
\_\_\_\_\_

MURPHY, Braden M., Administrative Judge:

Applicant has been a U.S. citizen for 20 years. She has been married to her husband, a retired U.S. military officer, for almost 25 years. She spent many years as a U.S. military dependent and she has deployed overseas as a linguist in the defense industry. She mitigated the security concerns about her family connections to Sudan and Saudi Arabia under Guideline B, foreign influence, due to her strong and long-term connections to the United States. The security concerns under Guideline C, foreign preference, are also resolved in her favor. Applicant's eligibility for access to classified information is granted.

**Statement of the Case**

Applicant submitted a security clearance application (SCA) on February 5, 2016. On March 6, 2017, the Department of Defense (DOD) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under foreign influence and foreign preference. The action was taken under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended;

Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines effective within the DOD for SORs issued after September 1, 2006.

On December 10, 2016, the Director of National Intelligence issued Security Executive Agent Directive 4, *National Security Adjudicative Guidelines* (AG). These AGs apply to all adjudicative decisions issued on or after June 8, 2017.<sup>1</sup>

Applicant answered the SOR on April 12, 2017, and requested a hearing. The documents she provided are included in the record. The case was assigned to me on March 12, 2018. The Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing on March 19, 2018, scheduling the hearing for April 11, 2018, with the agreement of both parties. The hearing was convened as scheduled. Government Exhibits (GE) 1-6 were marked and admitted in evidence without objection. The Government also offered five administrative documents, which were marked as Hearing Exhibits (HE) I through HE V. Applicant and her husband testified. She submitted Applicant's Exhibit (AE) A, which was admitted without objection. The record was held open until April 25, 2018, to enable Applicant to submit additional information. On April 13, 2018, Applicant submitted four documents or groups of documents, which were marked as AE B through AE E and admitted without objection. DOHA received the hearing transcript (Tr.) on April 25, 2018.

### **Request for Administrative Notice**

The Government submitted written requests that I take administrative notice of certain facts about Sudan and Saudi Arabia. (HE III; HE IV) Without objection, I have taken administrative notice of certain facts contained in the requests that are supported by source documents from official U.S. Government publications. The facts are summarized in the Findings of Fact, below.

### **Procedural Issue**

During the hearing, on the basis of the evidence presented, the Government withdrew Guideline C SOR ¶ 2.a and conceded that the security concerns about SOR ¶ 2.b had been "alleviated." (Tr. 85-88, 121-122)

### **Findings of Fact**

In her Answer, Applicant admitted all the SOR allegations, ¶¶ 1.a-1.g, 2.a and 2.b. Her admissions and other comments are incorporated into the findings of fact. After a thorough and careful review of the pleadings and exhibits submitted, I make the following findings of fact.

---

<sup>1</sup> Applicant received the new AGs with the Government's discovery letter, and I addressed their applicability to this case with her at the start of the hearing. (HE II; Tr. 9-11)

Applicant is 47 years old. She was born in Sudan in 1970. Applicant moved to Saudi Arabia in the early 1980s with her parents and siblings. She lived there until she went to Egypt for college in about 1992. (Tr. 44-46; GE 1; GE 2)

Applicant met her husband in Egypt in 1994, when he was serving there with the U.S. Army. He is a U.S. citizen by birth. They married later that year. Applicant then became a permanent U.S. resident. She became a U.S. citizen in 1998. They have five children, between the ages of 12 and 21. All are U.S. citizens, residing here. Applicant spent many years as a military dependent. She and her husband and children spent about nine years at duty stations overseas in early 2000s. (Tr. 44-50, 80-81, 99; GE 1; GE 2; GE 5; GE 6)

Applicant works in the defense industry as a foreign-language interpreter. She has worked for her current employer since December 2017. She is currently deployed overseas with the U.S. Army (and she travelled from her overseas location for the hearing). (Tr. 64-65, 68-69)

Applicant deployed to Iraq with her current employer in a similar capacity from February 2009 to October 2010. She had interim access to classified information during this period. When that deployment ended, she returned to the United States. Applicant was then at home with her children until November 2016, while her husband was deployed overseas in connection with his job as a DOD civilian. She did not work outside the home during this period. (Tr. 66, 70; GE 1; GE 6)

Applicant submitted an SCA in January 2016 for a prospective employer. She was not hired for that position, so she pursued an associate's degree at a community college. She has not yet finished her degree. (Tr. 48, 67-68; GE 1)<sup>2</sup>

Applicant has numerous family members who are Sudanese citizens. They reside either in Saudi Arabia or Sudan. None of them work for foreign governments. (Tr. 81, 90; GE 1; GE 3)

Applicant's mother (SOR ¶ 1.a) is a Sudanese citizen who resides in Saudi Arabia. Applicant occasionally provides financial support to her mother for basic needs, such as food, electricity, and rent. In 2010, Applicant and her husband bought her mother a home in Sudan. (SOR ¶ 1.g) Her mother has lived with Applicant in the United States in the past, and she used to have a U.S. green card. Applicant's mother returned to Saudi Arabia in 2003. Applicant is in contact with her mother every one or two weeks. (Tr. 59-60, 76-80, 88-90, 94-95, 108)

Applicant's younger brother (SOR ¶ 1.b) is a Sudanese citizen residing in Saudi Arabia. He works in an electronics store. He lives with their mother, and Applicant has regular contact with him. (Tr. 75-77) He has never visited the United States. (Tr. 94) An

---

<sup>2</sup> Applicant testified that she submitted earlier SCAs in 2006 and 2008.

older sister died in 2014, and a brother died in 2016. Applicant's father is also deceased. (Tr. 51, AE C; AE D)

Applicant's stepmother (SOR ¶ 1.c) remains in Saudi Arabia, along with Applicant's three half-brothers. (SOR ¶¶ 1.d, 1.e)<sup>3</sup> All are Sudanese citizens. Applicant has not seen her stepmother since 2014, and has no ongoing contact with her. (Tr. 91) Applicant last traveled to Saudi Arabia in 2016, after her brother's death. (Tr. 78, 94) Her two half-brothers work for a telecommunications company. She last saw them at her father's funeral in 2000 and they have little to no ongoing contact. (GE 3)

Applicant has two half-sisters who are citizens and residents of Sudan. One of them is a nurse in a public hospital. (SOR ¶ 1.d) Applicant has little to no ongoing contact with them. (Tr. 79; GE 3)

Applicant also has an aunt and a cousin who are citizens and residents of Sudan. After Applicant's sister died in 2014, her daughter, Applicant's niece, was left in the care of this aunt and cousin. Applicant provided financial support to them for the niece's care. (SOR ¶¶ 1.f, 1.g) (Tr. 56-58, 60)

Applicant travelled to Sudan in 2010 to transfer some inherited property to her mother. (GE 1; GE 5) She traveled there in 2014 after her sister died to begin the process of adopting her niece. (GE 1; GE 5) She travelled to Sudan in March and April 2017 to complete the adoption process and to bring her niece to the United States. (Tr. 92-93; Answer documents) Since that trip, she has less contact with her aunt and cousin. (Tr. 78)

Applicant's niece, now age 15, lives with Applicant and her husband in the United States. They are the girl's legal guardians, status which allowed them to bring her to the United States. Their petition to adopt their niece remains in process in a state family court. Since that adoption process has not been finalized. Applicant's niece remains a Sudanese citizen, but is a permanent resident of the United States. (Tr. 61-62, 72, 108-112; AE A; AE B)

Applicant and her husband are also seeking to adopt the three children of her brother, who died in Saudi Arabia in 2016. Those children, all under age 15, are now in Sudan. (Tr. 72-75)

In 2010, Applicant renewed her Sudanese passport. (SOR ¶ 2.a) She needed to prove her identity as her father's descendant so she could transfer inherited property to her mother. (Tr. 62) Her Sudanese passport expired in 2015. (GE 4) Applicant has not renewed it, and no longer has a valid Sudanese passport. (Tr. 62-63) Applicant used her U.S. passport on her recent trip to Sudan. She has never used a Sudanese passport to travel. (Tr. 49; 62-63, 82; GE 2 at 4)

---

<sup>3</sup> The SOR alleged that one of Applicant's half-brothers was in Sudan (SOR ¶ 1.d), but he moved to Saudi Arabia in 2016. (Tr. 54-55)

Applicant also has a Sudanese identification card, due to her status as an “Alien from Sudanese Origin.” Applicant acquired the card from the Sudanese government in February 2015. (GE 4) (SOR ¶ 2.b) She did so when she began the adoption process to verify her Sudanese citizenship and her relationship to her niece. The document is also similar to a visa, as it allows her to remain in the country for more than 15 days. It does not allow her to work or vote in Sudan. (Tr. 64, 83; GE 2 at 4)

Applicant testified that she is a loyal American citizen. She has been married to her husband, a retired U.S. military officer, for almost 25 years. She has volunteered in local schools and charities and in support of other military families. (Tr. 69-70; AE E) She owns no foreign property or foreign financial interests. (Tr. 90)

Applicant’s husband testified on his wife’s behalf. He retired from the U.S. military in 2008 after 26 years of service. He held a security clearance during his entire military career. After he retired from the military, Applicant’s husband became a DOD civilian employee. He lived and worked in Saudi Arabia from 2010 to 2014. (Tr. 98-105, 112)

Applicant’s husband has met his wife’s half-brothers and half-sisters only once, at her sister’s funeral in 2014. (Tr. 107) Applicant’s husband has never been to Sudan, nor have any of their children. (Tr. 112)

Applicant’s husband testified that he currently holds a security clearance with DOD. He testified that Applicant’s family members overseas have never been an issue for his clearance. (Tr. 106). After the hearing, at my request, Department Counsel verified that Applicant’s husband holds an active DOD clearance. (Tr. 115-117, 124-125; HE V)

Two U.S. military officers who served with Applicant in Iraq during her 2009-2010 deployment there provided letters of recommendation. They attested to her excellent performance in difficult, dangerous circumstances, her professionalism and strong work ethic. (AE E)

## **Sudan<sup>4</sup>**

Sudan is a republic, with power concentrated in the hands of its authoritarian President, Omar Hassan al-Bashir. His National Congress Party has held near-absolute political power for almost 30 years.

Since 1993, the United States has designated Sudan a State Sponsor of Terrorism, due to concerns about its support for international terrorist groups such as the Abu Nidal Organization, Palestine Islamic Jihad, Hamas, and Hizballah. The Sudanese government has ceased supporting al-Qa’ida, but elements of the Islamic State, al-Qa’ida, and Boko Haram are believed to recruit in Sudan.

---

<sup>4</sup> HE III (Administrative Notice filing on Sudan and supporting documents)

The U.S. Department of State warns U.S. citizens not to travel to Sudan. A March 2017 travel warning advised U.S. citizens to avoid all travel to certain regions of the country, and to carefully consider the risks of travel to all areas of Sudan due to the risk of terrorism, armed conflict, and violent crime.

Since 2003, the conflict in the Darfur region of Sudan between non-Arab rebels and the Sudanese government, has resulted in the deaths of over 300,000 people, and the displacement of several million refugees in need of humanitarian assistance. In 2011 South Sudan seceded from Sudan and was recognized internationally as an independent nation. Several disputes between the two countries remain unresolved, and the resulting fighting in the region has led to additional displacement of several hundred thousand refugees.

The U.S. State Department considers Sudan to have significant human-rights problems. These include: (1) the inability of the citizenry to choose its government; (2) aerial bombardment of civilian areas by military forces; and (3) attacks on civilians by government and other armed groups in conflict zones. These include abuses perpetrated with impunity by Sudan's National Intelligence and Security Services (NISS)

NISS has demonstrated widespread disregard for the rule of law, and has committed major abuses, including extrajudicial and other unlawful killings, torture, beatings, rape, and other cruel or inhuman treatment or punishment, arbitrary arrest and detention, harsh and life-threatening prison conditions, obstruction of humanitarian assistance, restrictions on freedom of speech, press, assembly, association, religion, an movement, and intimidation and closure of human rights and nongovernmental organizations.

Societal abuses in Sudan include discrimination against women, sexual violence, genital mutilation/cutting, early childhood marriage, use of child soldiers, child abuse, sexual exploitation of children, trafficking in persons, discrimination against ethnic minorities, persons with disabilities and persons with HIV/AIDS, denial of workers' rights, and child labor.

## **Saudi Arabia<sup>5</sup>**

The Kingdom of Saudi Arabia is a monarchy ruled by King Salman bin Abdulaziz Al Saud, who is both head of state and head of government. The government bases its legitimacy on its interpretation of sharia (Islamic law) and the 1992 Basic Law, which specifies that the rulers of the country shall be male descendants of the country's founder.

In a Travel Advisory issued in January 2018, the U.S. State Department advised that U.S. citizens in Saudi Arabia exercise increased caution due to the risk of terrorist

---

<sup>5</sup> All facts in this section are taken from HE IV (Administrative Notice filing about Saudi Arabia and related documents).

attacks. Both ISIS, and al-Qa'ida in the Arabian Peninsula (AQAP), continue to encourage terrorist attacks in the Saudi kingdom and aspire to destabilize the Saudi government. ISIS attacks against Saudi security forces, Shia mosques and community centers, and Western targets in Saudi Arabia in 2016 underscored the ongoing terrorist threat. Due to ISIS's activity in Saudi Arabia, Westerners (particularly Americans) and Western interests remain terrorist targets.

The official religion of Saudi Arabia is Sunni Islam. The government does not recognize the freedom to practice any non-Muslim religion. Saudi law criminalizes the promotion of atheist ideologies in any form and any attempt to cast doubt on the fundamentals of Islam. Shia Muslims advocating for equal treatment have been persecuted. The government convicted and imprisoned individuals on charges including blasphemy; violating Islamic values and moral standards; and insulting Islam. The government sometimes harassed, detained, arrested, and deported some foreign residents who participated in private non-Islamic religious activities, citing prohibitions on gender mixing, noise disturbances, and immigration violations. Since 2004, the U.S. State Department has designated Saudi Arabia as a "Country of Particular Concern" under the International Religious Freedom Act of 1998 for engaging in or tolerating particularly severe violations of religious freedom.

The most significant human-rights problems in Saudi Arabia included citizens' lack of the ability and legal means to choose their government; restrictions on universal rights, such as freedom of expression, including on the internet, and the freedoms of assembly, association, movement, and religion; and pervasive gender discrimination and lack of equal rights that affected most aspects of women's lives.

## **Policies**

It is well established that no one has a right to a security clearance.<sup>6</sup> As noted by the Supreme Court in *Department of the Navy v. Egan*, "the clearly consistent standard indicates that security determinations should err, if they must, on the side of denials."<sup>7</sup>

The adjudicative 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 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 the national

---

<sup>6</sup> *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988) ("it should be obvious that no one has a 'right' to a security clearance").

<sup>7</sup> 484 U.S. at 531.

security.” In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record. Likewise, I have avoided drawing inferences grounded on mere speculation or conjecture.

Under Directive ¶ E3.1.14, the Government must 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 applicant or proven by Department Counsel, and has the ultimate burden of persuasion as to obtaining a favorable security 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 that an applicant may deliberately or inadvertently fail to 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 Exec. Or. 10865 provides that 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.”

## **Analysis**

### **Guideline B, Foreign Influence**

AG ¶ 6 expresses the security concern regarding foreign influence:

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.

AG ¶ 7 describes conditions that could raise a security concern and may be disqualifying. I have considered all of them and the following are potentially applicable:



(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

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

AG ¶ 7(a) requires evidence of a “heightened risk.” The heightened risk required to raise this disqualifying condition is a relatively low standard. It denotes a risk greater than the normal risk inherent in having a family member living under a foreign government or owning property in a foreign country. The totality of Applicant’s family ties to a foreign country as well as each individual family tie must be considered.

Guideline B is not limited to countries hostile to the United States. “The United States has a compelling interest in protecting and safeguarding classified information from any person, organization, or country that is not authorized to have access to it, regardless of whether that person, organization, or country has interests inimical to those of the United States.”<sup>8</sup>

Applicant has numerous family members who are Sudanese citizens. They reside either in Saudi Arabia or Sudan. Applicant’s mother, younger brother, stepmother, and three half-brothers all live in Saudi Arabia. Applicant also has two half-sisters, an aunt, and a cousin in Sudan.

Applicant’s contact with these family members, coupled with serious human rights issues and the threat of terrorism in both Sudan and Saudi Arabia, creates a “heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion.” It also creates a potential conflict of interest. AG ¶¶ 7(a) and 7(b) have been raised by the evidence.

I have analyzed the facts and considered all of the mitigating conditions under AG ¶ 8 and conclude the following are potentially applicable:

(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;

---

<sup>8</sup> ISCR Case No. 02-11570 at 5 (App. Bd. May 19, 2004).

(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; and

(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.

Applicant's mother and younger brother remain in Saudi Arabia, and Applicant has regular contact with them. Her stepmother and half-brothers are there as well, though Applicant has little contact with them. Applicant has family members in Sudan. She is close enough to her Sudanese family to bring her niece to live with her and her husband in the United States. She hopes to adopt other children in her extended family in Sudan. In light of the matters accepted for administrative notice about both Sudan and Saudi Arabia, AG ¶ 8(a) has limited applicability.

However, Applicant has a particularly strong case for mitigation under AG ¶ 8(b). Applicant decided many years ago to build a life with her American husband. They have been married for almost 25 years. They have five children, all citizens and residents of the United States. She spent many years as a U.S. military dependent, both stateside and overseas, during her husband's career. She also raised their children in the U.S. while he was stationed overseas as a DOD civilian. Applicant has been a U.S. citizen since 1998. She has deployed to the Middle East twice as a linguist aiding U.S. forces overseas, both from 2009-2010, and currently putting herself in harm's way in the interest of U.S. national security. These facts weigh heavily in Applicant's favor in analyzing AG ¶ 8(b).

Given this strong record evidence, Applicant can be expected to resolve any conflict of interest in favor of the best interests of the United States. Applicant met her burden of persuasion in establishing that AG ¶ 8(b) applies to her circumstances.

Applicant and her husband are in the process of adopting her niece, and have indicated their hope to adopt other Sudanese family members. This shows Applicant's bond with her Sudanese family members. Nevertheless, AG ¶ 8(c) applies to some of them. Applicant has not seen her stepmother in several years and has no ongoing contact. She has little contact with her half-brothers and half-sisters. AG ¶ 8(c) applies to them. It does not apply to Applicant's mother and brother in Saudi Arabia, as she maintains regular contact with them. Applicant's contacts with her aunt and cousin in Sudan has lessened since she brought her niece to the United States but given their contact before then, AG ¶ 8(c) does not apply.

## Guideline C, Foreign Preference

AG ¶ 9 expresses the security concern regarding foreign preference:

When an individual acts in such a way as to indicate a preference for a foreign country over the United States, then he or she may provide information or make decisions that are harmful to the interests of the United States. Foreign involvement raises concerns about an individual's judgment, reliability, and trustworthiness when it is in conflict with U.S. national interests or when the individual acts to conceal it. *By itself*; the fact that a U.S. citizen is also a citizen of another country is not disqualifying without an objective showing of such conflict or attempt at concealment. The same is true for a U.S. citizen's exercise of any right or privilege of foreign citizenship and any action to acquire or obtain recognition of a foreign citizenship.

AG ¶ 10 describes conditions that could raise a trustworthiness concern and may be disqualifying. I have considered all of them and the following are potentially applicable:

- (a) applying for and/or acquiring citizenship in any other country;
- (b) failure to report, or fully disclose when required, to an appropriate security official, the possession of a passport or identity card issued by any country other than the United States; and
- (e) using foreign citizenship to protect financial or business interests in another country in violation of U.S. law.

Applicant no longer possesses a valid Sudanese passport, and her renewal of it in 2010 is not an ongoing security concern under the June 2017 AGs. The Government therefore properly withdrew SOR ¶ 2.a.

Department Counsel did not withdraw SOR ¶ 2.b at the hearing, but conceded that security concerns had been "alleviated." Department Counsel did not argue for application of any Guideline C disqualifying conditions. (Tr. 122)

SOR ¶ 2.b alleges the fact that Applicant obtained an "Alien of Sudanese Origin" identification card from the Sudanese government in 2015. She described the document as being similar to a visa. She obtained it to verify her Sudanese citizenship and her relationship to her niece for the adoption process. This action does not satisfy AG ¶ 10(a). There is no indication in the record evidence (nor did the Government argue) that this action violated U.S. law. AG ¶ 10(e) does not apply. Applicant disclosed the Sudanese identification card during the security clearance process, and the Government did not argue otherwise. AG ¶ 10(b) does not apply. In addition, Applicant's

“exercise of the entitlements or benefits of foreign citizenship do not present a national security concern.” Mitigating Condition AG ¶ 11(e) therefore applies.

### **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 the 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(a), the ultimate determination of whether to grant 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 the facts and circumstances surrounding this case. I have incorporated my comments under Guideline B in my whole-person analysis.

Applicant presented a strong case in mitigation and in support of her request for access to classified information. Her personal character and integrity, which are vital matters to be considered in assessing an individual’s suitability for a security clearance, are unassailable. She has been candid about her foreign connections throughout the security clearance process. Furthermore, I had an opportunity to observe her demeanor while she testified. I found her forthcoming and resolute in her willingness and ability to resolve any potential conflict of interest in favor of the United States. Applicant has been married for almost 25 years to a retired U.S. military officer and current cleared DOD employee. They have raised five children together. She has been a U.S. citizen for 20 years. She has a long history of volunteering in her community, and has deployed overseas, away from her children and husband, in service of this country, in difficult and dangerous circumstances. These facts are strong whole-person evidence in her favor.

After carefully weighing the evidence, both favorable and unfavorable, and considering the whole-person factors set forth in AG ¶ 2(d), I find that Applicant mitigated the heightened concerns raised by her family connections to Saudi Arabia and Sudan. The record evidence leaves me without questions or doubts as to her eligibility and suitability for a security clearance. For all these reasons, I conclude Applicant mitigated the security concerns arising under Guideline B, foreign influence and Guideline C, foreign preference.

### **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

    Subparagraphs 1.a-1.g:                      For Applicant

Paragraph 2, Guideline C:                      FOR APPLICANT

    Subparagraph 2.a:                              Withdrawn

    Subparagraph 2.b:                              For Applicant

### **Conclusion**

In light of all of the circumstances presented by the record in this case, it is clearly consistent with the national security interests of the United States to grant Applicant's eligibility for access to classified information. Eligibility for access to classified information is granted.

---

Braden M. Murphy  
Administrative Judge