



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



In the matter of:	)	
	)	
	)	ISCR Case No. 17-02846
	)	
Applicant for Security Clearance	)	

**Appearances**

For Government: Mary M. Foreman, Esq., Department Counsel  
For Applicant: *Pro se*

06/04/2018

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**Decision**

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RICCIARDELLO, Carol G., Administrative Judge:

Applicant mitigated the security concerns under Guideline B, foreign influence, and Guideline F, financial considerations. Eligibility for access to classified information is granted.

**Statement of the Case**

On August 31, 2017, the Department of Defense Consolidated Adjudications Facility (DOD CAF) issued to Applicant a Statement of Reasons (SOR) detailing security concerns under Guideline B, foreign influence, and Guideline F, financial considerations. The action was taken 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) effective within the DOD on June 8, 2017.

Applicant answered the SOR on October 26, 2017, and requested a hearing before an administrative judge. The case was assigned to me on December 18, 2017. The

Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing on March 29, 2018. I convened the hearing as scheduled on April 17, 2018. The Government offered exhibits (GE) 1 through 5. Applicant testified and offered Applicant Exhibits (AE) A through F. There were no objections to any of the exhibits offered, and they were admitted into evidence. DOHA received the hearing transcript on April 25, 2018.

### **Request for Administrative Notice**

Department Counsel submitted Hearing Exhibit I, a written request that I take administrative notice of certain facts about Iraq. Applicant did not object, and I have taken administrative notice of the facts contained in the request that are supported by source documents from official U.S. Government publications.<sup>1</sup> The facts are summarized in the Findings of Fact, below.

### **Findings of Fact**

Applicant admitted the allegations in the SOR ¶¶ 1.a, 1.b, 2.a, 2.b, 2.d, 2.e, and 2.h. He denied the allegations in the SOR ¶¶ 1.c, 2.c, 2.f and 2.g. After a thorough and careful review of the pleadings, testimony, and exhibits submitted, I make the following findings of fact.

Applicant is 50 years old and was born in Iraq. He earned a college degree in Iraq in 1989. He married in 1997. He and his family immigrated to the United States in June 2009. He has two children, one was born in Iraq in 2000 and the other was born in the United States in 2011. He became a naturalized citizens of the United States in 2014 and his daughter naturalized in 2015. His wife is a permanent resident of the United States. His wife and both children have Iraqi passports. He explained that in 2016, they became concerned because of political statements made by leaders in the United States about immigrants. They believed there was a possibility that his family would be forced to leave the United States. His wife was concerned that if they returned to Iraq using a U.S. passport their safety would be in danger, so he obtained Iraqi passports for them. His wife and children have both U.S. and Iraqi passports. Applicant renounced his Iraqi citizenship and only holds a U.S. passport.<sup>2</sup>

Applicant was conscripted into the Iraqi army in 1990. He testified that he deserted during Operation Desert Shield the same year. In 1995, he was arrested in Iraq for his desertion and served six months in jail before he was released.<sup>3</sup>

Applicant worked for U.S. Forces and federal contractors in Iraq from 2003 to 2009. He served as an interpreter and translator. He stopped working for the U.S. Forces in 2005 for about six months because he received a letter threatening to kill him and his

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<sup>1</sup> Source documents are attached to Hearing Exhibit I.

<sup>2</sup> Tr. 18-21, 48-54; GE 1.

<sup>3</sup> Tr. 21-24.

family. After returning to work for the U.S. Forces, he received other threats telling him to stop working with the U.S. Forces. He continued working, but moved his family. He received another threat in 2007. In 2008, both he and his brother-in-law, who was also working for the United States, were threatened. He continued to work for U.S. Forces until 2009. Applicant returned to work in Iraq for a U.S. employer, from about October 2012 to February 2013. His employer wanted him to travel back and forth to Iraq. Applicant did not want to because it would impact his ability to obtain his U.S. citizenship, so he terminated his employment. He has not been to Iraq since then. He has worked for his current employer, a federal contractor since April 2017.<sup>4</sup>

Applicant returned to Iraq in October 2009 because his daughter was sick and he was unfamiliar with the medical system in the United States. He could not get a doctor's appointment for three months in the U.S. for her, so he sought medical treatment in Iraq. He returned from the trip in January 2010. His wife and his daughters returned to Iraq in 2013 for her mother's funeral. She has not returned since then. His wife has eight sisters living in Iraq. She maintains telephonic contact with them.<sup>5</sup>

Applicant's mother is a citizen and resident of Iraq. He has not seen her since 2009 when he was in Iraq. In 2012, when he returned to Iraq for work, his travel was restricted, and he had to remain on the base. His mother is aware that he has worked for the U.S. Forces in the past. She worked for the Iraqi government for 20 years and retired. He maintains monthly telephonic contact with her. Applicant's father who is deceased also worked for the Iraqi government.<sup>6</sup>

Applicant's brother is a citizen and resident of Iraq. He takes care of their mother. Applicant does not provide financial support to his mother or brother. His brother works for an agency of the government of Iraq. He will retire in about a year. He is married and has three minor children. Applicant maintains regular contact with his brother.<sup>7</sup>

Applicant explained that the only way a person who graduates from college in Iraq is guaranteed a pension is to work for the government. Applicant testified that in 2015, he applied for his brother and his family to immigrate to the United States as refugees, and his brother included their mother in his application. Applicant's family was interviewed in 2017. If their application is approved, Applicant's brother and mother will sell their house in Iraq and use that money to purchase a house in the U.S. Applicant denied that he will inherit property his mother owns in Iraq. Applicant also has a sister, who is a citizen and resident of the United States. She worked for the United States when she lived in Iraq and also for the Iraqi government before immigrating.<sup>8</sup>

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<sup>4</sup> Tr. 24-28, 31, 53-56, 70; GE 1.

<sup>5</sup> Tr. 28-31, 51-52.

<sup>6</sup> Tr. 32-34, 47; GE 1.

<sup>7</sup> Tr. 34, 37-38, 47.

<sup>8</sup> Tr. 35, 38-41, 48; AE F.

Applicant does not have assets in Iraq. He rents a home in the United States. Applicant has been unemployed and underemployed for several years, working as a driver and in temporary positions. His wife is not employed. He has no investments in the U.S. He attributed his financial problems to his employment issues.<sup>9</sup>

Delinquent debts alleged in the SOR are supported by Applicant's admissions and credit reports from January 2015 and August 2017. Applicant admitted he owed the medical debts in SOR ¶¶ 2.a (\$985) and 2.b (\$6,636). He did not have medical insurance when ambulance service and a hospital stay were required. He has not addressed these bills because they are the largest amounts, and he is trying to pay his other debts first. He has attempted to contact the creditor by telephone, but has been unsuccessful. He planned on visiting the hospital where he was treated to negotiate a settlement. He is unable to pay the full amount in lump sum, but is hoping to participate in a monthly repayment plan.<sup>10</sup>

Applicant settled the debt in SOR ¶ 2.c (\$479) in October 2017.<sup>11</sup> He settled the balance owed on the debt in SOR ¶ 2.d (\$367) in March 2018.<sup>12</sup> He settled the balance owed on the debt in SOR ¶ 2.e (\$551) in March 2018. These debts are resolved.<sup>13</sup>

Applicant testified he got behind on his car payments (SOR ¶ 2.f-amount past due \$817, balance owed \$13,459). He provided a document to show he received an extension agreement for late payment from the creditor. He testified he is paying his monthly payments. This debt is resolved.<sup>14</sup>

Applicant testified that he paid the debts in SOR ¶¶ 2.g (\$129) and 2.h (\$269) in 2016 or 2017 and contacted the creditor for documentation. He did not receive the documents. He disputed the debts with Credit Karma as having been paid.<sup>15</sup>

Since beginning steady employment in August 2017, Applicant's annual income is about \$65,000. He does not have medical insurance because it is too expensive to purchase through his company, and he needs to use the money to pay his bills. He was accustomed to the government providing medical care in Iraq. He also admitted he is

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<sup>9</sup> Tr. 41-45, 57-58, 76-77.

<sup>10</sup> Tr.58-59, 64-67, 74-76; GE 4, 5.

<sup>11</sup> AE A.

<sup>12</sup> AE B.

<sup>13</sup> Tr. 59-61; AE C.

<sup>14</sup> Tr. 62-64; AE D.

<sup>15</sup> Tr. 68-69.

learning how credit works in the United States. In Iraq, business is conducted with cash and not credit. He explained he is using all of his income to pay past due debts.<sup>16</sup>

Applicant is proud of his past service with the U.S. Forces. He received certificates of appreciation for his support to a U.S. Army combat team and was recognized for his tireless dedication and extraordinary skills in serving as a key employee. A letter of recommendation for a special immigration visa from the Commanding General stated that Applicant supported the U.S. Forces on a daily basis at a risk to himself and his family. It noted that he was targeted by extremist groups, yet continued to support the mission and contribute to the reconstruction of Iraq. He was described as a patriot and was strongly recommended at the time for a special immigration visa, which he received. Another letter of recommendation from a Commander for whom he served stated that he had observed Applicant's performance daily for nine months and was amazed by his energy, commitment, intellect, and problem-solving abilities. He was also described in another letter as courageous and patriotic.<sup>17</sup>

## **Iraq<sup>18</sup>**

The United States Department of State warns that U.S. citizens in Iraq remain at high risk for kidnapping and terrorist violence and to avoid all travel to Iraq. The ability of the U.S. Embassy to provide consular services to U.S. citizens outside Baghdad is extremely limited given the security environment. The Islamic State of Iraq and Syria (ISIS) controls a significant portion of Iraq's territory. Within areas under ISIS control, the Iraqi government has little or no ability to control and ensure public safety.

Numerous terrorist and insurgent groups are active in Iraq, including ISIS. Such groups regularly attack both Iraqi security forces and civilians. Anti-U.S. sectarian militias may also threaten U.S. citizens and western companies throughout Iraq. U.S. Government and western interests remain possible targets for attacks.

The U.S. Government considers the potential personal security threats to U.S. government personnel in Iraq to be serious enough to require them to live and work under strict security guidelines.

There are significant human rights problems in Iraq to include: sectarian hostility, widespread corruption, lack of transparency at all levels of government and society that have weakened the government's authority and worsened effective human rights protections. Iraqi security forces and members of the Federal Police have committed human rights violations to include killing, kidnapping, and extorting civilians. ISIS is also responsible for human rights abuses. There are also problems that include harsh and life-threatening conditions in detention and prison facilities, arbitrary arrest and lengthy

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<sup>16</sup> Tr. 69-78.

<sup>17</sup> Tr. 79; AE E.

<sup>18</sup> HE I.

pretrial detention, denial of fair public trial, limits on freedom of expression, freedom of the press, censorship of religion, limits on peaceful assembly, and societal abuses of women.

## **Policies**

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

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, 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(c), 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 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. Directive ¶ E3.1.15 states 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 EO 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.” See also EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

## 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 resulted 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 it 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;

(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; and

(f) substantial business, financial, or property interests in a foreign country, or in any foreign owned or foreign-operated business that could subject the individual to a heightened risk of foreign influence or exploitation or personal conflict of interest.

AG ¶ 7(a) and 7(f) require evidence of a “heightened risk.” The “heightened risk” required to raise these disqualifying conditions is a relatively low standard. “Heightened risk” 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.

Applicant's mother and brother are citizens and residents of Iraq. Applicant's brother works for the Iraqi government and his mother receives a government pension. Applicant has ties of affection to them. He maintains telephonic contact with his mother and brother. Applicant's family residing in Iraq creates a heightened risk and a potential foreign influence concern.

There is insufficient evidence to conclude that Applicant and his siblings will inherit their mother's home and the value of the home. Applicant does not have any assets in Iraq. I find that AG ¶ 7(f) does not apply. I find in Applicant's favor for SOR ¶ 1.c.

The United States Department of State's warns U.S. citizens against travel to Iraq because of continued instability and threats by terrorist organizations against U.S. citizens. It also has serious concerns about terrorist activities in Iraq that specifically target Americans. ISIS and other terrorist groups are prevalent and are active throughout the country. Report on human rights for Iraq notes sectarian hostility, widespread corruption, lack of transparency at all levels of government and society. Iraqi security forces and members of the Federal Police have committed human rights violations. ISIS is also responsible for human rights abuses.

There are widely documented safety issues for residents of Iraq because of terrorists and insurgents. Applicant has supported the U.S. Government through his work as an interpreter and translator. He and his family were threatened, but he continued to work for the U.S. Forces. Numerous linguists, translators and advisors supporting U.S. forces, have family living in Iraq. Thousands of the U.S. and coalition armed forces and civilian contractors serving in Iraq are targets of terrorists along with Iraqi civilians who support the Iraq Government and cooperate with coalition forces.

The mere possession of a close personal relationship with a person who is a citizen and resident of a foreign country is not, as a matter of law, disqualifying under Guideline B. However, depending on the facts and circumstances, this factor alone is sufficient to create the potential for foreign influence and could potentially result in the compromise of classified information.

The nature of a nation's government, its relationship with the United States, and its human-rights record are relevant in assessing the likelihood that an applicant's family members are vulnerable to government coercion or inducement. The risk of coercion, persuasion, or duress is significantly greater if the foreign country has an authoritarian government, the government ignores the rule of law including widely accepted civil liberties, a family member is associated with or dependent upon the government, the government is engaged in a counterinsurgency, terrorists cause a substantial amount of death or property damage, or the country is known to conduct intelligence collection operations against the United States. The relationship of Iraq with the United States, and the situation in Iraq places a significant, but not insurmountable burden of persuasion on Applicant to demonstrate that his relationships with his family members living in Iraq do not pose a security risk. Applicant should not be placed into a position where he might be

forced to choose between loyalty to the United States and a desire to assist a relative living in Iraq.

While there is no evidence that intelligence operatives or terrorists from Iraq seek or have sought classified or economic information from or through Applicant or his family, nevertheless, it is not prudent to rule out such a possibility in the future. Applicant and his family have been the target of threats. International terrorist groups are known to conduct intelligence activities as effectively as capable state intelligence services, and Iraq has an enormous problem with terrorism. Applicant's relationships with relatives living in Iraq create a potential conflict of interest because terrorists could place pressure on his family living there in an effort to cause Applicant to compromise classified information. These relationships create "a heightened risk of foreign inducement, manipulation, pressure, or coercion" under AG ¶ 7. Substantial evidence was produced of Applicant's contacts with his family in Iraq and has raised the issue of potential foreign pressure or attempted exploitation. AG ¶¶ 7(a) and 7(b) apply.

After the Government produced substantial evidence of those disqualifying conditions, the burden shifted to Applicant to rebut them or otherwise prove mitigation. The following mitigating conditions under AG ¶ 8 are potentially applicable:

(a) the nature of the relationship 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 and interests of the U.S.;

(b) there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the U.S., that the individual can be expected to resolve any conflict of interests in favor of the U.S. interests; 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 brother are citizens and residents of Iraq. He maintains regular contact with them. His brother and his family along with his mother have applied to immigrate to the United States. Applicant's contact with his family is ongoing, and not casual and infrequent. AG ¶ 8(c) does not apply.

AG ¶¶ 8(a) and 8(b) apply. A key factor in the AG ¶ 8(b) analysis is Applicant's "deep and longstanding relationships and loyalties in the U.S." Applicant served with U.S. Forces and was praised for his contributions even when he and his family were the subject of threats. Applicant's years of support to the DoD in Iraq as a translator and interpreter,

including the dangers that service entailed, weigh heavily toward mitigating security concerns. He has expressed his loyalty and commitment to the United States.

Applicant's relationship with the United States must be weighed against the potential conflict of interest created by his relationships with relatives who are citizens and residents of Iraq. Like every other resident of Iraq, any of his relatives living in Iraq are at risk from terrorists.

Applicant's mother receives a government pension and his brother currently works for the Iraqi government. They have applied to immigrate to the United States. However, it is important to be mindful of the United States' huge investment of manpower and money in Iraq, and Applicant has supported U.S. goals and objectives in Iraq. Applicant's mother and brother living in Iraq are potential targets of terrorists, and Applicant's potential access to classified information could theoretically add risk to his relatives living in Iraq from lawless elements in Iraq.

Applicant's connections to his relatives living in Iraq are less significant than his connections to the United States. His employment in support of the U.S. Government, immediate family ties and bonds to the United States, past support and performance as a translator and interpreter, and his and his children's U.S. citizenship, along with his wife's permanent residency status are important factors weighing toward mitigation of security concerns. I have specifically considered the threats that were made against Applicant while he was working for U.S. Forces in Iraq, with the last threat occurring in 2008. Since then Applicant and his immediate family have immigrated to the United States, which minimizes the possibility of coercion and manipulation. It has been ten years since the last threat occurred. Although, Applicant still has his mother and brother living in Iraq, I find that the possibility of compromise has been significantly reduced. Based on Applicant's deep and longstanding relationship and loyalty to the United States, he can be expected to resolve any conflict of interest in favor of the United States. He has proven in the past that despite threats to him and his family, he chose to continue to support and work with U.S. Forces in Iraq. His connections to the United States taken together are sufficient to fully overcome and mitigate the foreign influence security concerns under Guideline B.

#### **Guideline F: Financial Considerations**

The security concern for financial considerations is set out in AG ¶ 18: Failure to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Financial distress can also be caused or exacerbated by, and thus can be a possible indicator of, other issues of personnel security concern such as excessive gambling, mental health conditions, substance misuse, or alcohol abuse or dependence. An individual who is financially overextended is at greater risk of having to

engage in illegal or otherwise questionable acts to generate funds. Affluence that cannot be explained by known sources of income is also a security concern insofar as it may result from criminal activity, including espionage.

This concern is broader than the possibility that an individual might knowingly compromise classified information in order to raise money. It encompasses concerns about an individual's self-control, judgment, and other qualities essential to protecting classified information. An individual who is financially irresponsible may also be irresponsible, unconcerned, or negligent in handing and safeguarding classified information.<sup>19</sup>

The guideline notes several conditions that could raise security concerns. I have considered all of the disqualifying conditions under AG ¶ 19, and the following are potentially applicable:

- (a) inability to satisfy debts;
- (b) unwillingness to satisfy debts regardless of the ability to do so; and
- (c) a history of not meeting financial obligations.

Applicant has unresolved delinquent debts. He is unable or unwilling to pay the accounts he owes. The above disqualifying conditions apply.

The guideline also includes conditions that could mitigate security concerns arising from financial difficulties. The following mitigating conditions under AG ¶ 20 are potentially applicable:

- (a) the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;
- (b) the conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, a death, divorce or separation, clear victimization by predatory lending practices, or identity theft), and the individual acted responsibly under the circumstances;
- (c) the individual has received or is receiving counseling for the problem from a legitimate and credible source, such as a non-profit credit counselling service, and there are clear indications that the problem is being resolved or is under control;

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<sup>19</sup> See ISCR Case No. 11-05365 at 3 (App.Bd. May 1, 2012).

(d) the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts; and

(e) the individual has a reasonable basis to dispute the legitimacy of the past-due debt which is the cause of the problem and provides documented proof to substantiate the basis of the dispute or provides evidence of actions to resolve the issue.

Applicant is still resolving some of his delinquent debts. AG ¶ 20(a) does not apply. He attributed his delinquent debts to underemployment and unemployment. As an immigrant from a cash-based country, he was unfamiliar with using credit. He was also unaccustomed to the high cost of medical services. These were conditions beyond his control. For the full application of AG ¶ 20(b), Applicant must have acted responsibly under the circumstances. Since being employed full time, Applicant has brought past-due bills current and has resolved several delinquent debts. Although all of his delinquent debts have not been paid, he has not ignored his financial responsibility. He intends to resolve the remaining debts now that he has a steady job. Under the circumstances, I find he is addressing his financial obligations to his creditors and is acting responsibly. AG ¶ 20(b) applies.

There is no evidence Applicant received financial counseling. There is evidence that Applicant is living within his means, and attempting to minimize his expenses so he can resolve his delinquent debts. I find there is some evidence that indicates his finances are under control. AG ¶ 20(c) partially applies. There is evidence Applicant resolved some delinquent debts. I found his testimony credible that he paid two debts, but did not receive documentation and is disputing them on his credit report. I find AG ¶ 20(d) applies to those debts that he resolved. I find AG ¶ 20(e) applies to the debts he testified he paid and is disputing.

### **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(c), 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 Guidelines B and F in my whole-person analysis. Some of the factors in AG ¶ 2(d) were addressed under those guidelines, but some warrant additional comment.

Applicant served as a translator and interpreter for U.S. Forces and federal contractors in Iraq. He understands the risks associated with having family in Iraq. He is hopeful that his family in Iraq will be immigrating to the U.S. in the future. He has proven his loyalty to the United States by serving with our Forces, despite having received threats to him and his family. Since securing full time employment, he has been resolving his delinquent debts. Although, all of the debts are not paid, he has not ignored them and has a plan to continue resolving them. They are no longer a security concern. He has mitigated the financial considerations security concerns. Based on Applicant's loyalty, commitment, and service to the United States working as a translator and interpreter, he has mitigated the foreign influence security concerns.

### **Formal Findings**

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

Paragraph 1, Guideline B:	FOR APPLICANT
Subparagraphs 1.a-1.c:	For Applicant
Paragraph 2, Guideline F:	FOR APPLICANT
Subparagraphs 2.a-2.h	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 to grant Applicant's eligibility for a security clearance. Eligibility for access to classified information is granted.

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Carol G. Ricciardello  
Administrative Judge