



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



In the matter of:

Applicant for Public Trust Position

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ADP Case No. 17-03034

Appearances

For Government: Benjamin Dorsey, Esq., Department Counsel
For Applicant: *Pro se*

07/06/2018

Decision

Harvey, Mark, Administrative Judge:

Applicant did not mitigate Guideline B (foreign influence) trustworthiness concerns relating to his connections to his family in Jordan. Eligibility for access to classified information is denied.

Statement of the Case

On August 25, 2016, Applicant completed and signed a Questionnaire for National Security Positions or security clearance application (SCA). (Government Exhibit (GE) 1) On October 23, 2017, the Department of Defense (DOD) Consolidated Adjudications Facility (CAF) issued a statement of reasons (SOR) to Applicant under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry*, February 20, 1960; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Directive), January 2, 1992; and Security Executive Agent Directive 4, establishing in Appendix A adjudicative guidelines (AGs), June 8, 2017. (Hearing Exhibit (HE) 2)

The SOR detailed reasons why the DOD CAF did not find under the Directive that it is clearly consistent with the interests of national security to grant or continue eligibility for a public trust position for Applicant and recommended referral to an administrative judge. (HE 2) Specifically, the SOR set forth trustworthiness concerns arising under Guideline B.

On November 20, 2017, Applicant responded to the SOR and requested a hearing. (HE 3) On December 13, 2017, Department Counsel was ready to proceed. On January 18, 2018, the case was assigned to me. On February 6, 2018, the Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing, setting the hearing for March 9, 2018. (HE 1) Applicant's hearing was held as scheduled using video teleconference. (Transcript (Tr.) 10)

During the hearing, Department Counsel offered two exhibits; Applicant did not offer any exhibits; and all proffered exhibits were admitted into evidence. (Tr. 16-20; GE 1-2) On March 22, 2018, DOHA received a copy of the transcript of the hearing.

Procedural Rulings

Department Counsel offered a summary for administrative notice concerning foreign influence trustworthiness concerns raised by Applicant's connections to Jordan. (Tr. 16-19) Applicant did not object to me taking administrative notice of facts concerning Jordan. (Tr. 20) Administrative or official notice is the appropriate type of notice used for administrative proceedings. See ISCR Case No. 16-02522 at 2-3 (App. Bd. July 12, 2017); ISCR Case No. 05-11292 at 4 n. 1 (App. Bd. Apr. 12, 2007); ISCR Case No. 02-24875 at 2 (App. Bd. Oct. 12, 2006) (citing ISCR Case No. 02-18668 at 3 (App. Bd. Feb. 10, 2004) and *McLeod v. Immigration and Naturalization Service*, 802 F.2d 89, 93 n. 4 (3d Cir. 1986)). Usually administrative notice at ISCR proceedings is accorded to facts that are either well known or from government reports. See Stein, ADMINISTRATIVE LAW, Section 25.01 (Bender & Co. 2006) (listing fifteen types of facts for administrative notice). Department Counsel's request for administrative notice is granted. (Tr. 20-21) Portions of the request are quoted without quotation marks and footnotes in the Jordan section of this decision, *infra*. The first paragraph is from the State Department website Fact Sheet Jordan. (Tr. 19-20)

Findings of Fact¹

Applicant's SOR response admitted all of the SOR allegations. Applicant's admissions are accepted as findings of fact. After a complete and thorough review of the evidence of record, I make the following findings of fact.

Applicant is a 40-year-old systems management specialist who has been employed by the same government contractor since 2012. (Tr. 6, 23; GE 1) He was born in Libya. (Tr. 23) In 1995, he graduated from high school in Jordan. (Tr. 6) In 2006, he received a bachelor's degree in Jordan, and his major was in computer engineering. (Tr. 7) In 2016, he received a master's degree in business administration in the United States. (Tr. 7) He has not served in the military of any country. (Tr. 8) From 1979 to 2006, Applicant lived in Jordan. (GE 2) From 2006 to 2012, he lived in Kuwait. (GE 2) When he lived in Kuwait, he worked in a bank. (GE 2) In 2007, he married, and his children are ages four, seven, and nine. (Tr. 8)

¹ The facts in this decision do not specifically describe employment, names of witnesses, names of other groups, or locations in order to protect Applicant and his family's privacy. The cited sources contain more specific information.

Foreign Influence

Applicant, his spouse, and three children are citizens and residents of the United States. (Tr. 22-23) His spouse does not work outside their home. (Tr. 33) He is a Jordanian citizen because his parents are Jordanian citizens. (Tr. 24) In 2012, he immigrated from Kuwait to the United States. (Tr. 24) In July 2015, he became a U.S. citizen. (Tr. 24) Last year, his salary was \$108,000. (Tr. 25) He owns a home in the United States, and it has a mortgage. (Tr. 26) His net worth in the United States is about \$65,000. (Tr. 59) He does not have any siblings or other immediate family members living in the United States. (Tr. 57) Because his parents are Jordanian citizens, Applicant is a Jordanian citizen. (GE 2)

Applicant's father, mother, and brother are citizens and residents of Jordan. (Tr. 35-39) He communicates with his father every month or two and with his mother and brother on a weekly basis. (Tr. 36-40) His parents and brother do not have any ties or connections to the Jordanian government or military. (Tr. 37-41) His parents have not visited Applicant in the United States. (Tr. 39) His brother has visited Applicant twice in the United States in the previous two years. (Tr. 40) His brother is married and has five children. (Tr. 41)

Applicant's four sisters are citizens and residents of Jordan. (Tr. 41, 44, 46, 50) He communicates with his sisters every month or two. (Tr. 42, 44, 46, 50) His sisters do not have any ties or connections to the Jordanian government or military. (Tr. 42, 44-45) His sisters have not visited Applicant in the United States. (Tr. 42, 44, 46, 50) His sisters are married. (Tr. 43, 44, 47) His four sisters have 18 children total amongst the four of them. (Tr. 43, 45, 49, 51) Applicant most recently met with his siblings when he visited Jordan in September 2017. (Tr. 41-50)

None of Applicant's brothers-in-law have an employment connection with the Jordanian military or government, except for one brother-in-law who retired about 15 years ago. (Tr. 47-51) He was an officer in the Jordanian army or police, and he could have been a general. (Tr. 48, 58) Applicant was uncertain about his brother-in-law's work for the Jordanian army or police.

Applicant's parents-in-law are citizens and residents of Jordan. (Tr. 52) His mother-in-law became a naturalized citizen of the United States in the mid-1990s. (Tr. 52) His parents-in-law do not have employment ties with the Jordanian government or military. (Tr. 53) He and his spouse communicate with his mother-in-law on a weekly basis and his father-in-law about every two months. (Tr. 53-54) They have not visited Applicant in the United States, and he most recently visited them in September 2017 in Jordan. (Tr. 54) His spouse may inherit property from her parents living in Jordan. (Tr. 55) His spouse visited her parents in Jordan for a month in 2016. (Tr. 54)

Applicant owns part of an apartment building in Jordan that he received from his father that he values at about \$40,000. (Tr. 27, 60) He is uncertain of his ownership status. (Tr. 28) He does not have a bank account or any investments in Jordan. (Tr. 30) He provides about \$1,500 a year to his parents. (Tr. 31)

Applicant visits Jordan either every year or sometimes every other year. (Tr. 29) He visited Jordan in 2014, 2016, and September 2017. (Tr. 29, 57) He visits his parents from one to three weeks when he is in Jordan. (Tr. 29)

Hashemite Kingdom of Jordan (Jordan)²

In 2013 and 2014, the U.S. provided Jordan \$2.25 billion in loan guarantees, allowing Jordan access to affordable financing from international capital markets. The U.S.-Jordan free trade agreement (FTA), the U.S.'s first FTA with an Arab country, has expanded the trade relationship by reducing barriers for services, providing cutting-edge protection for intellectual property, ensuring regulatory transparency, and requiring effective labor and environmental enforcement. The United States and Jordan have an "open skies" civil aviation agreement; a bilateral investment treaty; a science and technology cooperation agreement; and a memorandum of understanding on nuclear energy cooperation. Such agreements bolster efforts to help diversify Jordan's economy and promote growth. Jordan and the United States belong to a number of the same international organizations, including the United Nations, International Monetary Fund, World Bank, and World Trade Organization. Jordan also is a Partner for Cooperation with the Organization for Security and Cooperation in Europe.

Jordan is a constitutional monarchy ruled by King Abdullah II bin Hussein. According to the State Department's 2016 Human Rights Report, Jordan's most significant continuing human rights problems were: (1) citizen's inability to choose their ultimate governing authority; (2) restrictions on the freedom of expression, including the detention of journalists, which limited the ability of citizens and media to criticize government policies and officials; and (3) mistreatment and allegations of torture by security and government officials.

Other human rights problems included restrictions on freedom of association, poor prison conditions, arbitrary arrest and denial of due process through administrative detention, prolonged detention, and allegations of nepotism and the influence of special interests on the judiciary, as well as infringement on citizens' privacy rights, interference in the media, violence against women and abuse of children, and trafficking in persons remained a problem.

Legal and societal discrimination and harassment remained a problem for women, religious minorities, religious converts, the disabled, and lesbian, gay, bisexual, transgender, and intersex persons.

Jordan remained a committed partner on counterterrorism and countering violent extremism in 2016. As a regional leader in the Global Coalition to Defeat ISIS, Jordan played an important role in Coalition successes in degrading the terrorist group's territorial control and operational reach. During 2016, Jordanian authorities took legal action against numerous individuals accused of terrorism under Jordanian law. On July 13,

² In addition to the materials cited in Department Counsel's request for administrative notice, the first paragraph of this section is from the U.S. State Department website, *U.S. Relations With Jordan, Bureau of Near Eastern Affairs Fact Sheet* (July 3, 2014), <https://www.state.gov/r/pa/ei/bgn/3464.htm>.

2016, the Jordanian State Security Court (SSC) filed charges against 21 suspected ISIS affiliates in connection with the preemptive March raid on an alleged ISIS safe house in Irbid.

The U.S. State Department assesses the threat of terrorism in Jordan as high. The Department of State remains concerned about the continued threat of terrorist attacks and other violent actions against U.S. citizens and interests overseas. Travelers to Jordan should be cognizant of the fact that violent extremist groups have carried out terrorist activities against U.S. and government of Jordan targets in Jordan.

The U.S. Department of State warns U.S. citizens to consider the risks of travel to and throughout Jordan due to persistent terrorist threats. The self-proclaimed Islamic State of Iraq and ash-Sham (ISIS), its affiliates, sympathizers, and other violent extremist groups have successfully conducted attacks in Jordan and continue to plot against local security forces, U.S. and Western interests, and “soft” targets. Jordan’s prominent role in the counter ISIS Coalition and its shared borders with Iraq and Syria increase the potential for future terrorist incidents.

U.S., Western, and official Jordanian interests remain priority targets for ISIS and other violent extremist organizations. The U.S. Department of State warns travelers to avoid the country’s border with Syria and Iraq given the continued threat of cross-border attacks. Terrorist entities continue to express interest in attacking other “soft” targets, such as high-profile public events, hotels, places of worship, restaurants, schools, and malls.

The Jordanian SSC took legal action against numerous individuals deemed to be terrorists under local law, including the arrest and prosecution of men accused of seeking to join Al-Nusra Front (ANF) and ISIS. Other arrests and prosecutions involved supporting/recruiting for ISIS and attempted travel to/from Syria in support of extremist activities and also for “propagating ISIL ideology,” a charge often used for online activity.

Policies

The U.S. Supreme Court has recognized the substantial discretion of the Executive Branch in regulating access to information pertaining to national security emphasizing, “no one has a ‘right’ to a security clearance [or a public trust position].” *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). The Government’s authority to restrict access to classified information applies similarly in the protection of sensitive, unclassified information. As Commander in Chief, the President has the authority to control access to information bearing on national security or other sensitive information and to determine whether an individual is sufficiently trustworthy to have access to such information. See *Id.* at 527.

The standard that must be met for assignment to sensitive duties is that, based on all available information, the person’s loyalty, reliability, and trustworthiness are such that assigning the person to sensitive duties is clearly consistent with the interests of national security. Department of Defense contractor personnel are afforded the right to the

procedures contained in the Directive before any final unfavorable access determination may be made.

When evaluating an applicant's suitability for a public trust position, an administrative judge must consider the disqualifying and mitigating conditions in the AG. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with an evaluation of the whole person. An administrative judge's overarching adjudicative goal is a fair, impartial and commonsense decision. An administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable.

A person who seeks access to sensitive 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 sensitive information. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to protect or safeguard sensitive information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of sensitive information.

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant which may disqualify the applicant from being eligible for access to sensitive information. See *Egan*, 484 U.S. at 531. "Substantial evidence" is "more than a scintilla but less than a preponderance." See *v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994). The guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant's security and trustworthiness suitability. See ISCR Case No. 95-0611 at 2 (App. Bd. May 2, 1996).

Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. An applicant "has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his or her security clearance [or access to sensitive information]." ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). The burden of disproving a mitigating condition never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005). "[S]ecurity clearance [or trustworthiness] determinations should err, if they must, on the side of denials." *Egan*, 484 U.S. at 531; see AG ¶ 2(b).

The protection of the national security and sensitive records is of paramount consideration. AG ¶ 2(b) requires that "[a]ny doubt concerning personnel being considered for access to [sensitive] information will be resolved in favor of national security." Section 7 of Executive Order (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."

Analysis

Foreign Influence

AG ¶ 6 explains the trustworthiness concern about “foreign contacts and interests” stating:

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 has three conditions that could raise a trustworthiness concern and may be disqualifying 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; 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; 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.

Applicant’s parents, brother, four sisters, and parents-in-law (Jordanian family) are citizens and residents of Jordan. Applicant has frequent contacts³ with his Jordanian family. He travels to Jordan every year or two. Applicant and his spouse are bound to their Jordanian family by mutual affection.

³ The Appeal Board has concluded that contact every two months or more constitutes “frequent contact” under AG ¶¶ 7 and 8. ISCR Case No. 14-05986 at 3-4 (App. Bd. Oct. 14, 2016). See also ISCR Case No. 04-09541 at 2-3 (App. Bd. Sep. 26, 2006) (finding contacts with applicant’s siblings once every four or five months not casual and infrequent).

When an allegation under a disqualifying condition is established, “the Directive presumes there is a nexus or rational connection between proven conduct or circumstances . . . and an applicant’s security [or trustworthiness] eligibility. Direct or objective evidence of nexus is not required.” ISCR Case No. 17-00507 at 2 (App. Bd. June 13, 2018) (citing ISCR Case No. 15-08385 at 4 (App. Bd. May 23, 2018)).

There are safety issues for residents of Jordan primarily because of terrorists operating in Jordan. The mere possession of close family ties with relatives or in-laws living in Jordan is not, as a matter of law, disqualifying under Guideline B. However, if an applicant or his or her spouse has such a relationship with even one person living in a foreign country, this factor alone is sufficient to create the potential for foreign influence and could potentially result in the compromise of classified information. See ISCR Case No. 08-02864 at 4-5 (App. Bd. Dec. 29, 2009) (discussing problematic visits of applicant’s father to Iran).⁴

There is a rebuttable presumption that a person has ties of affection for, or obligation to, their immediate family members, and this presumption includes in-laws. ISCR Case No. 07-06030 at 3 (App. Bd. June 19, 2008); ISCR Case No. 05-00939 at 4 (App. Bd. Oct. 3, 2007) (citing ISCR Case No. 01-03120 at 4 (App. Bd. Feb. 20, 2002)). This presumption is established for Applicant through his spouse because of her relationships with her parents living in Jordan.

The DOHA Appeal Board has indicated for Guideline B cases, “the nature of the foreign government involved and the intelligence-gathering history of that government are among the important considerations that provide context for the other record evidence and must be brought to bear on the Judge’s ultimate conclusions in the case. The country’s human rights record is another important consideration.” ISCR Case No. 16-02435 at 3 (May 15, 2018) (citing ISCR Case No. 15-00528 at 3 (App. Bd. Mar. 13, 2017)). Another important consideration is the nature of a nation’s government’s relationship with the United States. These factors are relevant in assessing the likelihood that an applicant’s family members living in that country 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 Jordan with the United States, and the situation in Jordan places a significant burden of persuasion on Applicant to demonstrate that his relationship with any family member living in Jordan or visiting Jordan does not pose a trustworthiness or security risk. Applicant should not be placed into a position where he might be forced to choose

⁴ In accordance with “well established DoD policy [Applicant and his family’s] religious affiliation play[ed] no part” in this decision. ISCR Case No. 08-06795 at 6 n. 3 (App. Bd. May 25, 2012).

between loyalty to the United States and a desire to assist a relative living in or visiting Jordan.⁵

Guideline B security or trustworthiness concerns are 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.” ISCR Case No. 02-11570 at 5 (App. Bd. May 19, 2004). Furthermore, friendly nations can have profound disagreements with the United States over matters they view as important to their vital interests or national security. Finally, we know friendly nations have engaged in espionage against the United States, especially in the economic, scientific, and technical fields. See ISCR Case No. 02-22461, 2005 DOHA LEXIS 1570 at *11-*12 (App. Bd. Oct. 27, 2005) (citing ISCR Case No. 02-26976 at 5-6 (App. Bd. Oct. 22, 2004)) (discussing Taiwan).

While there is no evidence that intelligence operatives, criminals, or terrorists from Jordan 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. International terrorist groups are known to conduct intelligence activities as effectively as capable state intelligence services, and Jordan, like many countries, has a problem with terrorism. Applicant’s family in Jordan “could be a means through which Applicant comes to the attention of those who seek U.S. information and technology and who would attempt to exert coercion upon him.” ADP Case No. 14-01655 at 3 (App. Bd. Dec. 9, 2015) (citing ISCR Case No. 14-02950 at 3 (App. Bd. May 14, 2015)).

Applicant’s relationships with relatives who may be living in Jordan or visiting Jordan create a potential conflict of interest because Jordanian terrorists could place pressure on his family in Jordan 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. Department Counsel produced substantial evidence of Applicant’s relationships with family in Jordan and has raised the issue of potential foreign pressure or attempted exploitation. AG ¶¶ 7(a), 7(b), and 7(e) apply, and further inquiry is necessary about potential application of any mitigating conditions.

⁵ The Appeal Board in ISCR Case No. 03-24933, 2005 DOHA LEXIS 346 at *20-*21 n. 18 (App. Bd. 2005), explained how relatives in a foreign country have a security significance:

The issue under Guideline B is not whether an applicant’s immediate family members in a foreign country are of interest to a foreign power based on their prominence or personal situation. Rather, the issue is whether an applicant’s ties and contacts with immediate family members in a foreign country raise security concerns because those ties and contacts create a potential vulnerability that a foreign power could seek to exploit in an effort to get unauthorized access to U.S. classified information that an applicant -- not the applicant’s immediate family members -- has by virtue of a security clearance. A person may be vulnerable to influence or pressure exerted on, or through, the person’s immediate family members -- regardless of whether the person’s family members are prominent or not.

AG ¶ 8 lists six conditions that could mitigate foreign influence trustworthiness concerns including:

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

The DOHA Appeal Board concisely explained Applicant's responsibility for proving the applicability of mitigating conditions as follows:

Once a concern arises regarding an Applicant's security clearance eligibility [or eligibility for a public trust position], there is a strong presumption against the grant or maintenance of a security clearance [or access to sensitive information]. See *Dorfmont v. Brown*, 913 F. 2d 1399, 1401 (9th Cir. 1990), *cert. denied*, 499 U.S. 905 (1991). After the Government presents evidence raising security [or trustworthiness] concerns, the burden shifts to the applicant to rebut or mitigate those concerns. See Directive ¶ E3.1.15. The standard applicable in [such] decisions is that articulated in *Egan, supra*. "Any doubt concerning personnel being considered for access to classified [or sensitive] information will be resolved in favor of the national security." Directive, Enclosure 2 ¶ 2(b).

ISCR Case No. 10-04641 at 4 (App. Bd. Sept. 24, 2013).

None of the mitigating conditions fully apply. Applicant has significant connections to the United States. He immigrated to the United States in 2012, and he became a U.S. citizen in 2015. His spouse and three children are citizens and residents of the United States. His net worth in the United States is about \$65,000. He earned his master's degree in the United States. He is employed in the United States.

Applicant has important connections to Jordan. He lived most of his life in the Jordan, and only six years in the United States. His parents, brother, four sisters, and parents-in-law, and 23 nieces and nephews are citizens and residents of Jordan. Applicant has frequent contacts with his Jordanian family. He travels to Jordan every year or two. Applicant and his spouse are bound to their Jordanian family by mutual affection. Applicant and his spouse are dual citizens of Jordan and the United States.

Applicant's relationship with the United States must be weighed against the potential conflict of interest created by his relationships with his Jordanian family. His Jordanian family continues to be at risk primarily from terrorists. Applicant's potential access to sensitive information could theoretically add risk to his relatives living in or visiting Jordan.

In sum, Applicant's connections with his Jordanian family raise serious trustworthiness concerns because of Jordan's problems with terrorists. This serious trustworthiness concern outweighs the mitigating information in his case. Guideline B trustworthiness concerns are not mitigated.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an Applicant's eligibility for a security clearance or access to sensitive information 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), "[t]he ultimate determination" of whether to grant access to a public trust position and access to sensitive information "must be an overall commonsense judgment based upon careful consideration of the guidelines" and the whole-person concept. My comments under Guideline B are incorporated in my whole-person analysis. Some of the factors in AG ¶ 2(d) were addressed under those guidelines but some warrant additional comment.

Applicant is a 40-year-old systems management specialist who has been employed by the same government contractor since 2012. In 2006, he received a bachelor's degree in Jordan, and his major was in computer engineering. In 2016, he received a master's degree in business administration in the United States.

A Guideline B decision concerning Jordan must take into consideration the geopolitical situation in Jordan, as well as the dangers existing in Jordan.⁶ The danger of violence or coercion from terrorists in Jordan is manifestly clear.

Applicant has substantial connections to Jordan. His connections to the United States are not sufficient to overcome concerns about his connections to Jordan. He visits Jordan every year or two, and he and his spouse have frequent communications with his Jordanian family.

I have carefully applied the law, as set forth in *Egan*, Exec. Or. 10865, the Directive, and the AGs, to the facts and circumstances in the context of the whole person. Applicant did not mitigate the trustworthiness concerns under Guideline B (foreign influence).

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:	AGAINST APPLICANT
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Subparagraphs 1.a through 1.e:	Against Applicant
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Conclusion

In light of all of the circumstances presented by the record in this case, it is not clearly consistent with national security to grant or continue Applicant's eligibility for a public trust position. Eligibility for a public trust position is denied.

Mark Harvey
Administrative Judge

⁶ 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).