



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



In the matter of:)	
)	
REDACTED)	ISCR Case No. 17-03293
)	
Applicant for Security Clearance)	

Appearances

For Government:
John Baynard Glendon, Deputy Chief Department Counsel
Nicole A. Smith, Department Counsel
Brittany Muetzel, Department Counsel

For Applicant: *Pro se*

01/31/2018

Decision

MENDEZ, Francisco, Administrative Judge:

Applicant presented sufficient evidence to mitigate security concerns raised by his connections to the United Kingdom. Clearance is granted.

Statement of the Case

On January 31, 2017, Applicant submitted a security clearance application (SCA). On October 16, 2017, the Department of Defense (DoD) sent him a Statement of Reasons (SOR) alleging security concerns under the foreign influence and foreign preference guidelines. On November 1, 2017, Applicant answered the SOR and requested a decision on the record. On November 21, 2017, Department Counsel requested a hearing. (Appellate Exhibit (App. Exh.) I)

On November 28, 2017, I was assigned the case. On December 5, 2017, a date mutually agreed to by the parties, a hearing was held.¹ Applicant and one witness testified at the hearing. The exhibits offered by the parties were admitted into the administrative record without objection. (Government Exhibits (Gx.) 1 – 4; Applicant's Exhibits (Ax.) 1 – 17.)² The transcript was received on December 14, 2017.³

After the hearing, I concluded that the evidence warranted a favorable decision. I informed the parties that, unless an objection was raised, I intended to fairly, quickly, and efficiently resolve the case through summary disposition. See *generally* ISCR Case No. 15-03176, n.2 (App. Bd. May 26, 2017) (providing a benchmark for when summary disposition is warranted). Department Counsel objected.⁴

On January 31, 2018, Applicant submitted additional evidence that was collectively marked as Applicant's Exhibit (Ax.) 18. Without objection, I reopened the record and Ax. 18 was admitted.

Findings of Fact

General Background

Applicant, 52, was born in the United Kingdom (U.K.). He served in the British military from 1988 to 2010. Throughout his military career, Applicant routinely trained with and briefed U.S. personnel. Before these joint training sessions and briefings occurred, the British military forwarded Applicant's clearance to their U.S. counterparts.

Shortly before Applicant retired from the British military, he served a year in Afghanistan. He worked directly with U.S. forces and reported directly to U.S. military officers. He was assigned to a headquarters staff position, but following an attack that killed several U.S. soldiers at a remote forward operating base (FOB), Applicant volunteered to go to the FOB. He spent the next two weeks taking the point position on U.S.-led combat patrols outside the wire. He trained young American soldiers to identify and defeat improvised explosive devices, which up to that point had taken a great toll on U.S. forces. Applicant's American counterparts credited him with directly saving the lives of countless U.S. troops in the area. His U.S. military commanders aggressively lobbied

¹ The parties requested an expedited hearing in this case. Applicant waived his right to 15-days advance written notice of the hearing. (Transcript (Tr.) at 4-5) Scheduling correspondence and other administrative documents, if any, were marked as App. Exh. II.

² The State Department's current *Fact Sheet on U.S. Relations with the United Kingdom* and the Government's motion *in limine* were marked as App. Exh. III and IV, respectively.

³ Post-hearing correspondence were marked and are attached to the record as App. Exh. IV.

⁴ App. Exh. V (objection and post-hearing correspondence). In deciding that summary disposition was appropriate in this case, I also considered Department Counsel's closing argument, where, in pertinent part, she stated: "The Applicant clearly does have good character. The Government doesn't dispute that. And he has provided work that has been beneficial to obviously not just the United Kingdom, but to the United States. The Government doesn't deny that." (Tr. 137)

their British counterparts to recognize Applicant's combat service and, because of these efforts, Applicant received a high military honor from the U.K. government.

Applicant was granted a U.S. security clearance while working in Afghanistan. During the year-long combat tour, Applicant worked on a daily basis with sensitive and classified U.S. information and systems. He not only properly handled and safeguarded the U.S. information and systems, but also improved their efficiency and effectiveness.⁵ Specifically, through his efforts, Applicant's U.S. commander wrote that U.S. forces throughout the military theatre of operations were able to receive real-time intelligence assessments.⁶

In 2010, notwithstanding the British military's best efforts to retain him, Applicant retired from the military. He receives a small military pension totaling about \$15,000 annually. He directly deposits the pension into a bank account to financially help his oldest son who is finishing a master's degree program at a well-respected U.K. school. At hearing, Applicant explained that he decided to retire from the military after the combat tour in Afghanistan. He had put himself in harm's way far too many times and realized it was time to step aside and leave it to "younger, fitter men to do what [he], as an old man" could no longer do. He told his former mentor that the Afghanistan tour had pushed him to his "limits" and he was considering retiring.⁷ Applicant's former mentor, who had retired from the British military several years earlier and had set up a business in the U.S. doing contract work for the U.S. Government, immediately offered Applicant a position. Applicant, his wife, and his two youngest children from his current marriage then immigrated to the United States.⁸

Applicant's wife and children immediately took to their new adopted home. After a time, the "more [Applicant] deep fried turkeys, the more [he too] wanted to stay."⁹ Applicant and his wife sold their home in the U.K. He let his U.K. driver's license and his son's U.K. passport expire. He did not apply to renew either. Applicant and his wife purchased a home and cars in the United States. They paid off the mortgage on their first home, and purchased a second larger home with a large basement suite for Applicant's oldest son to move into once he completes his studies in the next few months. The value of Applicant's U.S. properties and assets exceed one million dollars. He does not own any property in the U.K. or any other foreign country.

Applicant's wife has been working for the past several years as a teacher in their local community. She also opened a small business teaching yoga. Applicant took a number of courses in the United States in his field and underwent an extensive

⁵ Tr. 26-45, 86-94, 101-129; Ax. 8 – Ax. 11; Ax. 18; App. Exh. VI (generally reliable, publically-available about the FOB in Afghanistan and the dangerous conditions on the ground in 2008-2009).

⁶ Ax. 9.

⁷ Tr. 126.

⁸ Tr. 26-45; 125-128; Gx. 1; Gx. 2; Ax. 17.

⁹ Tr. 128.

apprenticeship program, leading to recognition by his state as an expert in his field. He is up-to-date on his security training, and recently opened a small business with a neighbor. A U.S. Government agency, after conducting an in-depth independent investigation into Applicant's background, recently granted him a license to transport, ship, receive or possess explosive materials in connection with the small business.

In the eight years since Applicant immigrated to the United States, he has built and fostered strong personal and professional ties to his community. He is active in his community, through his homeowners' association and extensive volunteer work. He has provided free anti-terrorism training to U.S. Government agencies. He generally spends his weekends attending his two youngest son's sporting events. He is their biggest cheerleader. His second oldest child is a top swimmer for his year group in his state and hopes to represent the United States in the Olympics one day. His oldest son plans to immigrate to the United States after completing his studies abroad this coming summer and, after discussing his life goals with one of Applicant's close friends, a member of the FBI's elite hostage rescue team, has his eyes set on joining the Bureau. Applicant recently submitted the necessary immigration paperwork for his oldest son to become a permanent U.S. resident.¹⁰

Applicant's employer submitted a national interest waiver application on Applicant's behalf to U.S. Immigration and Customs. The immigration waiver application details Applicant's unique skills, abilities, education and experience, as well as his past service in support of the U.S. military. U.S. military officers who served with Applicant submitted letters in support of the waiver request. The U.S. Government granted the waiver request and, in May 2016, Applicant became a U.S. citizen. Applicant testified credibly about the personal impact and seriousness with which he took the Oath of Allegiance. He considers himself solely a U.S. citizen. A number of close friends and neighbors who attended the naturalization ceremony, wrote about the obvious pride and joy Applicant exhibited during the ceremony. Recently, his wife also became a naturalized U.S. citizen. U.S. passport applications for his wife and two youngest children are currently pending.¹¹

U.K. Connections

Applicant's mother, brother, and sister are residents and citizens of the U.K. Applicant's mother and father separated when he was young. His siblings choose to live with their mother, while Applicant decided to live with his father. Applicant described his father as a "very hard man" who routinely administered corporal punishment. Applicant ran away at 16 and went to live with his mother. He quickly found out that his mother was an awful human being and struck out on his own. He has no relationship with his mother or his siblings. He was not invited to his siblings' weddings, and the last time he spoke to his mother in 1995 she could not even recall what color eyes he had. Applicant's father died a few months after Applicant was naturalized and his U.S. passport application was

¹⁰ Tr. at 53-75, 100-103, 125-130; Gx. 4; Ax. 4; Ax. 5, Ax. 8; Ax. 12; Ax. 13; Ax. 15; Ax. 16; Ax. 18.

¹¹ Tr. 25-45, 84-88; Gx. 1; Gx. 2; Ax. 6; Ax. 8; Ax. 11, Ax. 16 – Ax. 18.

still pending. Applicant used the U.K. passport to travel back to the U.K. to bury his father.¹² It is with this background that Applicant testified about his kin in the U.K.:

Your Honor, they [his mother and siblings] are my relatives, but they're not my family. . . . at the age 52, do I wish it was different? Oh, absolutely. . . . And [my children] know that I'm not going to let my upbringing and my relationship with my biological parents affect the relationship that we have as a family. I'm going to start a family tree, Your Honor, and it's going to be one that I hope goes through all the generations of Americans to come and it's going to start with [me.] Nothing before me will be mentioned. . . . We talk about UK ties. I'm in a bit of a quandary as to what that actually means when you take into consideration the fact that I don't have a relationship with these aforementioned relatives.¹³

Applicant's only other close living relatives in the U.K. are his mother-in-law and his eldest son from his former marriage. Applicant acknowledges that he considers his mother-in-law family. He will frequently overhear his wife and her mother speaking to each other over the internet about "dresses and shopping," and other such matters that do not interest him.¹⁴

Applicant is extremely proud of and close to his oldest son. Their relationship was somewhat distant when his son was younger. When his son was about 10 years old, his ex-wife sent him to live with Applicant. At the time, Applicant's son was "a failing C student." By the time Applicant's son left for college, he was a straight A student and became the captain of his school's rugby team. His son earned an undergraduate degree in psychology from a prestigious U.K. university and is currently pursuing a master's degree in forensic psychology. He plans to join the rest of his family in the United States. Applicant described his three sons' relationship as "thick as thieves."¹⁵

Applicant enlisted in the British military in 1988, after his earlier attempt to join the military during the Falklands War was rejected for medical reasons. He was selected for a special, small-unit team conducting explosive ordnance demolition. He routinely trained with U.S. special operations troops in the United States. He had an exceptional military career and, by the time he retired, was a commissioned officer in Her Majesty's Armed Forces. His final military posting before his year-long combat tour in Afghanistan was as a foreign military liaison officer. He rejected similar enviable military postings when he submitted his retirement paperwork in 2010. He was granted security clearances by the British government in connection with his military assignments and signed non-disclosure agreements.¹⁶

¹² Tr. 53-54, 63-64, 73-82, 133-134; Gx. 1; Gx. 2.

¹³ Tr. 81-83.

¹⁴ Tr. 82-83.

¹⁵ Tr. 68-72.

¹⁶ Tr. 101-126; Gx. 1; Gx. 2; Ax. 10; Ax. 11; Ax. 17.

Applicant maintains no contact with any of his former U.K. military colleagues, except for his former mentor who recruited him for his current job and testified at hearing. He has no present connections to the British military or U.K. government, except for his small military pension. Applicant reported his connections to the U.K., both through his family and military service, on his security clearance application. He then fully discussed these connections during the ensuing security clearance investigation.¹⁷

Administrative Notice – U.K.

The United States and the United Kingdom share a special, close relationship. They were allies in both World Wars, in standing up to the Soviet Union during the Cold War, and in recent years their troops have fought side-by-side in Iraq and Afghanistan. They are the leading democracies and a model for other nations to emulate when it comes to the rule of law and the protection of individual rights and liberties. The U.S. State Department states the following about the U.S.-U.K. relationship:

The United States has no closer ally than the United Kingdom and British foreign policy emphasizes close coordination with the United States. Bilateral cooperation reflects the common language, ideals, and democratic practices of the two nations. . . . The United Kingdom and the United States continually consult on foreign policy issues and global problems and share major foreign and security policy objectives.¹⁸

Character References

A U.S. federal law enforcement agent and long-time friend writes:

I met [Applicant] ten years ago when my family and I moved into the same neighborhood . . . Our families immediately connected and our friendship began. [Applicant] and I had many conversations relating to the military, since . . . I had served in the U.S. Navy as an Intelligence Officer. Our families engaged in numerous dinners, holiday gatherings, community events, and birthday parties . . . [Applicant] is a devoted husband . . . In addition to family gatherings, [Applicant] and I play golf together and participate in a neighborhood poker group.

On a professional note, [Applicant] . . . is always eager to share his knowledge to keep U.S. agencies and U.S. citizens safe from terrorism attacks. I am a Supervisory Special Agent . . . unfortunately, [our] employees receive little to no training relating to identification and dangers of explosives. In having this discussion with [Applicant], he was adamant about providing training to me and my colleagues. Knowing how long it takes to get funding approval in the government, [Applicant] agreed to take leave from his job and provide explosives training to the entire [] office free

¹⁷ Gx. 1; Gx. 2.

¹⁸ Ax. 3; App. Exh. III.

of charge. [Applicant] did this because he thought it was important to act quickly, instead of waiting months for funding to be approved. During this period of wait, it was possible that someone in [my] office could have been seriously injured or killed due to the lack of training.

[Applicant] was extremely honored and proud, when he became a U.S. Naturalized Citizen in May 2016. In my current career with [U.S. federal law enforcement agency], I have been interviewed dozens of times for my co-workers background investigations. One of the final question that is asked, is “would you recommend this person for a security clearance?” If I was asked the question about [Applicant], the answer would be “absolutely!”¹⁹

Another neighbor, who is employed by a U.S. Government agency that provides protective services to high-level U.S. Government officials, writes:

In the last five years, I have known [Applicant] to be fascinated with, and immersed in U.S. culture. Aside from the backyard barbeques, our family’s celebrate the 4th of July together and enjoy Thanksgiving festivities in time honored American tradition. [Applicant] has often mentioned that with all the moves the family has made, this is the first time they feel like they are home. They currently own two homes, their boys [] are honor roll students and swim on a U.S. Olympic Swimming associated team. [His] wife is a first grade teacher at [local elementary school]. [Applicant’s family] enjoys being involved in the community and volunteering their time to good causes. They participate in the yearly polar plunge to support and raise awareness for wounded warriors. [Applicant and his wife] volunteer time to youth sports, and are involved in the neighborhood association. While [Applicant] has a lot to be proud of, the one thing that he truly cherishes is his citizenship to the greatest country in the world, the United States. . . . [Applicant] is financially stable, and he and his family live within their means. They have far more invested in the U.S. than they do in the United Kingdom. They have long standing ties with substantial property in Virginia, built personal and professional relationships throughout the community, and made many lifelong friends which they consider family. I’ve known [Applicant] to be an upstanding citizen and completely loyal and grateful to the United States. I have never witnessed any conflict of interest. Through my observations, interactions, and conversations with him, I find [Applicant] to have a strong sense of social responsibility, strength of character, completely trustworthy, honest and of good judgment.²⁰

Another neighbor who is a federal law enforcement agent writes:

I would like to express my sincere endorsement for [Applicant] to be considered for a security clearance. . . . I know him and his family to be

¹⁹ Ax. 8.e.

²⁰ Ax. 8.c.

outstanding U.S. citizens and pillars of the community. Our children go to the same schools and have also developed fast long lasting friendships. As a federal law enforcement agent for the last 19 years possessing TS-SCI with polygraph clearance, I can unequivocally attest to the outstanding character of [Applicant.] Due to this relationship, we are fostering a partnership for him to train my agency . . . This will enhance our emergency preparedness and response plan. He has a vast knowledge through his exemplary special operations military career and has an outstanding personal teaching ability that would greatly benefit my agency. . . . It is very important that [Applicant] be given full consideration for a security clearance so that we can proceed with this collaborative effort.²¹

Law, Policies, and Regulations

This case is decided under Executive Order (E.O.) 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 National Security Adjudicative Guidelines (AG), which became effective on June 8, 2017.

“[N]o one has a ‘right’ to a security clearance.” *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). Instead, persons are only eligible for access to classified information “upon a finding that it is clearly consistent with the national interest” to authorize such access. E.O. 10865 § 2.

When evaluating an applicant’s eligibility for a security clearance, an administrative judge must consider the adjudicative guidelines. In addition to brief introductory explanations, the guidelines list potentially disqualifying and mitigating conditions. The guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, an administrative judge applies the guidelines in a commonsense manner, considering all available and reliable information, in arriving at a fair and impartial decision. AG ¶ 2.

Department Counsel must present evidence to establish controverted facts alleged in the SOR. Directive ¶ E3.1.14. Applicants are responsible for presenting “witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by the applicant or proven . . . and has the ultimate burden of persuasion as to obtaining a favorable clearance decision.” Directive ¶ E3.1.15.

Administrative Judges must remain fair and impartial, and carefully balance the needs for the expedient resolution of a case with the demands of due process. Therefore, an administrative judge will ensure that an applicant: (a) receives fair notice of the issues, (b) has a reasonable opportunity to address those issues, and (c) is not subjected to unfair surprise. Directive, ¶ E3.1.10; ISCR Case No. 12-01266 at 3 (App. Bd. Apr. 4, 2014).

²¹ Ax. 8.d.

In evaluating the evidence, a judge applies a “substantial evidence” standard, which is something less than a preponderance of the evidence. Specifically, substantial evidence is defined as “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of all the contrary evidence in the same record.” Directive, ¶ E3.1.32.1.

Any doubt raised by the evidence must be resolved in favor of the national security. AG ¶ 2(b). See also Security Executive Agent Directive 4 (SEAD 4), ¶ E.4. Additionally, the Supreme Court has held that responsible officials making “security clearance determinations should err, if they must, on the side of denials.” *Egan*, 484 U.S. at 531.

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. 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 an applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation of potential, rather than actual, risk of compromise of classified information.

Analysis

Guideline B, Foreign Influence

Foreign contacts and 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. (AG ¶ 6.)

A person is not automatically disqualified from holding a security clearance because they have relatives living in a foreign country. Instead, in assessing an individual’s potential vulnerability to foreign influence, a judge considers the foreign country involved, the country’s human rights record, and other pertinent factors.²²

In assessing the security concerns at issue, I considered the applicable disqualifying and mitigating conditions, including:

AG ¶ 7(a): contact, regardless of method, with a foreign family member, . . . if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion;

AG ¶ 7(b): connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual’s

²² See generally AG ¶ 6. See also ISCR Case No. 05-03250 at 4 (App. Bd. Apr. 6, 2007) (setting forth factors an administrative judge must consider in foreign influence cases).

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(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;

AG ¶ 7(f): substantial business, financial, or property interests in a foreign country . . . that could subject the individual to a heightened risk of foreign influence or exploitation or personal conflict of interest;

AG ¶ 8(a): the nature of the relationships with foreign persons, the country in which these persons are located, or the positions or activities of those persons in that country are such that it is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual . . . and the interests of the United States;

AG ¶ 8(b): there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, or allegiance to the group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the United States, that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest;

AG ¶ 8(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;

AG ¶ 8(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

AG ¶ 8(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.

In the instant case, the foreign country at issue is the U.K., which, as noted, is the United States' closest ally and is one of the leading democracies in the world. Nonetheless, foreign influence security concerns are not wholly resolved simply because the country at issue is a friendly one, for even friendly nations can disagree on matters that they consider vital to their national interest and not all cases of espionage against the United States have involved hostile nations.²³

²³ ISCR Case No. 00-0317, 2002 DOHA LEXIS 83 at **15-16 (App. Bd. Mar. 29, 2002).

Applicant's impressive and lengthy foreign military service, during which he received a foreign security clearance and signed a non-disclosure agreement to maintain a foreign government's secrets, raised on its face legitimate security concerns that in a pinch he might serve the interests of his former sovereign over his adopted country, the United States. However, Applicant established that notwithstanding his prior military service in Her Majesty's Armed Forces and his passive receipt of a small military pension, his loyalties squarely lie with the United States. Of note, Applicant has formed strong personal, professional, and financial bonds to the United States that grow ever stronger with each passing day.

Furthermore, Applicant has a demonstrated track record of properly handling and safeguarding highly sensitive U.S. information and systems in a combat environment. He is a man of honor who did not take lightly the Oath of Allegiance, which he proudly and solemnly recited during his naturalization ceremony. He self-reported the information about his foreign connections during the security clearance process. He showed immense courage and bravery in placing his life in jeopardy for the U.S. mission in Afghanistan. He was granted a national interest waiver by the U.S. Government because of his exceptional background, including the countless U.S. military personnel he saved through his service in Afghanistan. He continues to provide his services free of charge to U.S. Government agencies. In light of the proceeding and after considering the other favorable record evidence, as well as the country at issue, I find that Applicant can be expected to resolve any potential conflict of interest in favor of the United States.²⁴

After reviewing the entire record and weighing the evidence, both favorable and unfavorable, I find that all the above-listed mitigating conditions apply in full or in part. These mitigating conditions together with the favorable whole-person factors raised by the evidence mitigate the foreign influence security concerns at issue. Applicant met his burden of proof and persuasion.

Guideline C, Foreign Preference

The SOR alleges that Applicant's use of his U.K. passport in September 2016 to travel to the U.K. to bury his late father raises a security concern under Guideline C. The SOR further alleges that Applicant's "participation in foreign activities serving the interests of the United Kingdom government [to wit: 22 years of military service in Her Majesty's Armed Forces] conflicts with U.S. national security interests."²⁵

A security concern arises when an individual acts in such a way as to indicate a preference for a foreign country over the United States. Such action may indicate that the person may provide information or make decisions that are harmful to the United States. However, foreign citizenship by itself does not raise a security concern under Guideline

²⁴ *Contrast with* ISCR Case No. 14-03112 (App. Bd. Nov. 3, 2015) (applicant did not mitigate foreign influence security concerns raised by his connections to his country of birth, which included foreign military service during which he held the equivalent of a top secret security clearance).

²⁵ The U.S. service members who are only alive today because of Applicant's military service in Afghanistan while a member of Her Majesty's Armed Forces likely hold a far different view about whether such service conflicted with U.S. national security interests.

C, unless the foreign citizenship is in conflict with U.S. national security interests or the person attempted to conceal the information about his foreign citizenship. See AG ¶ 9.

Here, Applicant self-reported the information about his use of his U.K. passport and foreign military service. Under the circumstances, Applicant's past use of the U.K. passport does not raise a security concern. As for Applicant's foreign military service, as already noted, given Applicant's long distinguished military career in Her Majesty's Armed Forces, the Government made a reasonable presumption about Applicant's likely foreign allegiance or preference. However, that presumption is *not* supported by the record. Of note, Applicant was granted a U.S. security clearance in 2008 and for a year had access to highly sensitive and classified U.S. information systems. He protected this information and systems under the most difficult and extreme circumstances, a hostile combat zone. Since that time, Applicant's connections and ties to the United States have grown exponentially. As the record clearly reflects, eight years ago Applicant severed all ties with his country of birth and started a new life for himself and his family in the United States. He holds no grudges or enmity for his country of birth, but his words and actions over the past several years reflect that he is a loyal and patriotic American who will zealously guard and protect sensitive and classified U.S. information and systems entrusted to his care. Accordingly, the Guideline C allegation is also decided in Applicant's favor. Overall, the record evidence leaves me with no questions or doubts about Applicant's eligibility for a security clearance.²⁶

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 C (Foreign Preference):	FOR APPLICANT
Subparagraphs 1.a and 1.b:	For Applicant
Paragraph 2, Guideline B (Foreign Influence):	FOR APPLICANT
Subparagraph 2.a:	For Applicant

Conclusion

In light of the record evidence, it is clearly consistent with the interests of national security to grant Applicant eligibility for access to classified information. Applicant's request for a security clearance is granted.

Francisco Mendez
Administrative Judge

²⁶ In reaching this conclusion, I considered the whole-person concept. See AG ¶ 2.