



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



In the matter of:)
)
-----) ISCR Case No. 07-04072
SSN: -----)
)
Applicant for Security Clearance)

Appearances

For Government: Eric H. Borgstrom, Esq., Department Counsel
For Applicant: *Pro se*

July 28, 2008

Decision

FOREMAN, LeRoy F., Administrative Judge:

This case involves security concerns raised under Guidelines B (Foreign Influence) and C (Foreign Preference), arising from Applicant's connections with Iran. Eligibility for access to classified information is granted.

Statement of the Case

Applicant submitted his security clearance application on February 1, 2006. On August 20, 2007, the Defense Office of Hearings and Appeals (DOHA) issued a Statement of Reasons (SOR) detailing the basis for its preliminary decision to deny his application, citing security concerns under Guidelines B and C. The action was taken under Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the revised adjudicative guidelines (AG) promulgated by the President on December 29, 2005, and effective within the Department of Defense for SORs issued after September 1, 2006.

Applicant acknowledged receipt of the SOR on September 25, 2007; answered it on November 8, 2007; and requested a hearing before an administrative judge. DOHA received the request on November 13, 2007. Department Counsel was ready to proceed on January 30, 2008, and the case was assigned to me on February 4, 2008. Scheduling the hearing was delayed by the fact that Applicant lives and works outside the U.S. DOHA issued a notice of hearing on April 17, 2008, scheduling the hearing for May 20, 2008. I convened the hearing as scheduled. At the hearing, Applicant requested additional time to consult with his supervisor and decide whether to retain a lawyer or personal representative. I granted his request. DOHA received the transcript of this proceeding (Tr1) on June 2, 2008.

On May 29, 2008, DOHA issued a second notice of hearing, scheduling the hearing to reconvene on June 26, 2008. I reconvened the hearing as scheduled. Applicant advised me he had consulted with his manager and other company officials and decided to represent himself. Government Exhibits (GX) 1 through 4 were admitted in evidence without objection. Applicant testified on his own behalf and submitted Applicant's Exhibits (AX) A through N, which were admitted without objection. I granted Applicant's request to keep the record open until July 14, 2008, to enable him to submit additional documentary evidence and a written closing statement. Applicant timely submitted AX O, P, Q, and R; and they were admitted without objection. AX P is Applicant's written closing statement. Department Counsel's responses to AX O, P, Q, and R are attached to the record as Hearing Exhibits (HX) II and III. (HX I is discussed below.) I annotated HX II and III to show which documents were included in each of Applicant's submissions. DOHA received the transcript of these proceedings (Tr2) on July 9, 2008. The record closed on July 15, 2008.

Procedural and Evidentiary Rulings

Administrative Notice

Department Counsel requested that I take administrative notice of relevant facts about Iran. The request and its enclosures were not admitted in evidence but are attached to the record as HX I. The facts administratively noticed are set out below in my findings of fact. I declined to take administrative notice based on two reports prepared by members of the Congressional Research Service, because the reports do not reflect that the views expressed in the reports were accepted by an agency of the U.S. government as not subject to reasonable dispute. The two reports were admitted, however, as GX 3 and 4 without objection (Tr2 30, 45).

Authentication of Report of Investigation

Department Counsel offered GX 2, DOHA interrogatories that included a personal subject interview extracted from a report of investigation, without calling an authenticating witness as required by Directive ¶ E3.1.20. I explained the authentication requirement to Applicant, and he affirmatively waived it (Tr2 44).

Findings of Fact

In his answer to the SOR, Applicant admitted all the allegations under Guideline B and two allegations under Guideline C. His admissions in his answer to the SOR and at the hearing are incorporated in my findings of fact.

Applicant is a 48-year-old senior systems engineer working as an expatriate employee of a defense contractor. He has worked for his current employer since August 2000, has been assigned overseas since August 2005, and will return to the U.S. at the end of 2008 (Tr2 130). He has held a clearance since August 2000.

Applicant was born in Iran of Iranian parents. He was 18 years old when he came to the U.S. in 1978 to complete his education. He left Iran before the revolution, and he remembers his parents telling him about the evil forces that were lurking in the country (Tr2 68, 124-25). He graduated from college in May 1983 with a bachelor's degree in electrical engineering. He received his master's degree in May 1987 and his doctorate in electrical engineering in August 1994. He testified his graduate work was funded by the Office of Naval Research (Tr2 68). While completing his graduate work, he co-authored several scholarly articles on imaging of ocean waves and measuring radar backscatter from the sea (AX E, I and J). He became a U.S. citizen in April 1996.

Applicant worked on U.S. Navy projects in the applied physics laboratory of a U.S. university from September 1994 to February 1998. His supervisor described him as technically competent, completely reliable, pleasant, and cooperative (AX A). While at the applied physics laboratory, he co-authored three scholarly articles concerning measurement of radar backscatter from the sea (AX F, G, and H).

Applicant left the applied physics laboratory in February 1998 to work for a defense contractor. In August 2000, he left this position, where he was highly regarded (AX L), to work for his current employer. He is well compensated (AX K), has received solid performance appraisals (AX Q at 2-9), and is respected as an innovator and inventor (AX Q at 10). His supervisor for the past three and a half years described him as a dedicated, trustworthy, and extensively knowledgeable employee, whose ability to work with foreign partners has been exemplary. His supervisor commented on his outstanding ability to guide project teams efficiently and effectively, and specifically noted his willingness to give his time to team members who requested his assistance or direction. His supervisor unequivocally recommended continuation of Applicant's clearance (AX R at 2).

Applicant married a U.S. citizen, the daughter of a U.S. service member, in February 1985. They were separated in June 2005, but they continue to have contact about once a month (Tr2 81). Applicant made the initial down payment on a home for his wife. (Tr2 84-85).

Applicant did not visit his family in Iran from 1978 until 2000, because they were healthy enough to travel to the U.S. (Tr2 65, 83). He visited his parents in Iran in July

2000, December 2002 to January 2003, and October 2003 to January 2004, because their health was failing. His mother died on March 2002, and his father died in March 2004. He traveled to Iran in July 2004, August 2005 to September 2005, and December 2005 to January 2006, to settle the personal affairs of his parents (Tr2 67). He used his Iranian passport to enter and exit Iran, but not for any other purpose. He used his birth certificate rather than his Iranian passport to establish his identity when handling his parents' affairs (Tr2 100).

After his parents died, Applicant's only family members in Iran were his older brother and an aunt. Applicant's brother emigrated from Iran to the U.S. to attend school; but he was deported for criminal conduct, now resides in Iran, and sells computer software (Tr2 62-63, 91). His brother's wife is from a wealthy family in Iran (Tr. 92). Until Applicant visited his ailing parents in 2000, he and his brother had not seen each other for 15 years. They have only sporadic e-mail and telephonic contact. They did not attend each other's weddings and have not visited each other while Applicant has been assigned overseas. Applicant believes his brother wants to leave Iran and go to Canada (Tr. 92).

Even though Applicant's brother resides in Iran, Applicant felt responsible for taking care of his parents and settling their affairs because he does not consider his brother a responsible person (Tr2 98). He properly notified his security manager of his intended travel to Iran (Tr2 53; AX C).

Applicant's aunt is about 70 years old and has never worked outside the home. Applicant has virtually no contact with her. They last saw each other at Applicant's father's funeral (Tr2 93). Based on information from his sister, Applicant believes his aunt currently resides in the U.S. and may be a U.S. citizen (AX P at 2). His aunt has three children who are U.S. citizens living in the U.S. (Tr2 93).

Applicant's sister lives in the U.S. (Tr2 97). He testified he is close to her and her three children, and he helped her purchase her home (Tr2 124). Their contact has been limited during his overseas assignment. He also has three cousins living in the U.S., who were born in Iran and became naturalized U.S. citizens (Tr2 62; GX 2).

Applicant retained his Iranian passport after becoming a U.S. citizen, and he used it to visit his parents in Iran. The passport expired in June 2005, and Applicant had it extended in order to settle his parents' affairs. After learning that the Iranian passport raised security concerns, he destroyed it in the presence of his facility security officer (AX O). He testified he has no reason to visit Iran now that his parents are deceased (Tr2 104).

Applicant has no property or financial interests in Iran. He has retirement funds in the U.S. worth about \$300,000 (Tr2 85). After his parents died, Applicant inherited some property, but he transferred his interest in the property to his brother so that his brother could pay his parents' debts (Tr2 86).

None of Applicant's family members know he works as a contractor for the U.S. government. He tells them he is an engineer and he works on electronic systems (Tr2 97).

Applicant was interviewed by a security investigator in November 2006 about his foreign family connections and foreign travel. The investigator concluded his summary of the interview with the statement, "Subject cannot be pressured, blackmailed or coerced concerning the above listed information." (GX 2 at 4.) Applicant commented on this statement in his written closing statement (AX P). Its significance is discussed below in the analysis of Guideline B.

Applicant testified about his gratitude to his parents for selling their property and making financial sacrifices to send him to the U.S., his gratitude to the U.S. Navy for helping finance his education, and his admiration for the U.S. culture and political principles, and his strong desire to continue helping to protect the U.S. He testified he has become totally immersed in U.S. culture and political principles, and that his value system is essentially American (Tr2 73). He votes in state and national elections (Tr2 83-84). He compared his experience in the U.S. to experiencing fine wines: "[O]nce you taste them and you acquire that taste, you can never go back to anything else" (Tr2 71).

I took administrative notice of the following facts regarding Iran. Iran is a theocratic Islamic republic dominated by Shia Muslim clergy, with ultimate political authority vested in a learned religious scholar. Iran's government is hostile to the U.S. Current U.S. concerns about Iran are based on its efforts to acquire nuclear weapons and weapons of mass destruction; support for and involvement in international terrorism; support for violent opposition to the Middle East peace process; and Iran's human rights abuses, including summary executions, torture, arbitrary arrest and detention, and restrictions on civil liberties. Iran has provided guidance, training, and weapons to Shia political and militant groups in Iraq. It also provides encouragement, training, funding, and weapons to anti-Israeli terrorist groups in its efforts to undermine the Arab-Israeli peace process, and it advocates the destruction of Israel. The U.S. has designated Iran as a state sponsor of terrorism. The U.S. broke diplomatic relations with Iran in April 1980, prohibits most trade with Iran, and uses multilateral sanctions and diplomatic pressure to contain the threats posed by Iran. Because Iran does not recognize dual citizenship, Iranian-born, naturalized U.S. citizens are considered solely Iranian citizens by the Iranian authorities, and they are required to enter and exit Iran on an Iranian passport. While traveling or residing in Iran, they are subject to surveillance, search, harassment, arrest, and imprisonment.

Policies

"[N]o one has a 'right' to a security clearance." *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). As Commander in Chief, the President has the authority to control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information." *Id.* at 527. The President has authorized the Secretary of Defense or his designee to grant applicants

eligibility for access to classified information “only upon a finding that it is clearly consistent with the national interest to do so.” Exec. Or. 10865, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended and modified.

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the revised adjudicative guidelines (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 over-arching adjudicative goal is a fair, impartial and common sense decision. An administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable.

The government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. Decisions include, by necessity, consideration of the possible risk the Applicant may deliberately or inadvertently fail to protect or safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified information.

Clearance decisions must be “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See Exec. Or. 10865 § 7. Thus, a decision to deny a security clearance is not necessarily a determination as to the loyalty of the applicant. It is merely an indication the applicant has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance

Initially, the government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The government has the burden of establishing controverted facts alleged in the SOR. 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 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. Directive ¶ E3.1.15. An applicant “has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance.” ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). “[S]ecurity clearance determinations should err, if they must, on the side of denials.” *Egan*, 484 U.S. at 531; see AG ¶ 2(b).

Analysis

Guideline B (Foreign Influence)

The SOR alleges Applicant's brother and aunt are citizens and residents of Iran (SOR ¶¶ 1.a and 1.b), and that he traveled to Iran six times between July 2000 and January 2006 (SOR ¶ 1.c).

The security concern under this guideline is set out in AG ¶ 6 as follows:

Foreign contacts and interests may be a security concern if the individual has divided loyalties or foreign financial interests, may be manipulated or induced to help a foreign person, group, organization, or government in a way that is not in U.S. interests, or is vulnerable to pressure or coercion by any foreign interest. Adjudication under this Guideline can and should consider the identity of the foreign country in which the foreign contact or financial interest is located, including, but not limited to, such considerations as whether the foreign country is known to target United States citizens to obtain protected information and/or is associated with a risk of terrorism.

Applicant's travel to Iran was solely to care for his ailing parents and to settle their affairs after they died. Except for the fact that he used an Iranian passport to enter and exit Iran, his foreign travel has no independent security significance. See ISCR Case No. 02-26978 (App. Bd. Sep 21, 2005).

A disqualifying condition under this guideline may be raised by "contact 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." AG ¶ 7(a). Under the old guidelines, any risk of foreign influence was sufficient to raise a potentially disqualifying condition. The new guidelines require a "heightened risk." "Heightened risk" is a relative term denoting a risk greater than the normal risk inherent in having a family member living under a foreign government. The requirement for a "heightened risk" in Applicant's case is satisfied by the nature of the Iranian government and its hostility towards the U.S.

The totality of an applicant's family ties to a foreign country as well as each individual family tie must be considered. ISCR Case No. 01-22693 at 7 (App. Bd. Sep. 22, 2003). Although the SOR alleges Applicant has two family members who are citizens and residents of Iran, the evidence reflects that his aunt now resides in the U.S., and Applicant's brother is the only family member remaining in Iran. However, the presence of Applicant's brother in Iran is sufficient to raise AG ¶ 7(a).

A disqualifying condition also may be raised by "connections to a foreign person, group, government, or country that create a potential conflict of interest between the

individual's obligation to protect sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information." AG ¶ 7(b). The presence of Applicant's brother in Iran is sufficient to raise AG ¶ 7(b).

Guideline B is not limited to countries hostile to the United States. "The United States has a compelling interest in protecting and safeguarding classified information from any person, organization, or country that is not authorized to have access to it, regardless of whether that person, organization, or country has interests inimical to those of the United States." 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. 00-0317, 2002 DOHA LEXIS 83 at **15-16 (App. Bd. Mar. 29, 2002). Nevertheless, the nature of a nation's government, its relationship with the U.S., and its human rights record are relevant in assessing the likelihood that an applicant's family members are vulnerable to government coercion. The risk of coercion, persuasion, or duress is significantly greater if the foreign country has an authoritarian government, a family member is associated with or dependent upon the government, or the country is known to conduct intelligence operations against the U.S.

Since the government produced substantial evidence to raise the disqualifying conditions in AG ¶¶ 7(a) and (b), the burden shifted to Applicant to produce evidence to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. An applicant has the burden of proving a mitigating condition, and the burden of disproving it never shifts to the government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005). In light of the nature of Iran's government, its disregard for human rights, its hostility to the U.S. and its efforts to acquire the technology for nuclear weapons and weapons of mass destruction, Applicant has a heavy burden of mitigating the security concerns raised by his connections to Iran.

Security concerns under this guideline can be mitigated by showing that "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 U.S." AG ¶ 8(a). Although Applicant considers his brother something of a black sheep in the family and they have little contact, the familial sense of obligation remains. There is a rebuttable presumption that contacts with an immediate family member are not casual, and Applicant has not rebutted that presumption. See ISCR Case No. 00-0484 at 5 (App. Bd. Feb. 1, 2002). His brother apparently is not connected to the government or engaged in a high-technology enterprise likely to engage in industrial espionage, but his connection to a wealthy family increases his profile in Iran. Applicant has been careful not to disclose his connections to the U.S. government, but he is the well respected author of numerous scholarly works published in professional journals on

topics of interest to any country with a Navy, making him a potential target of espionage or attempts at foreign influence, independent of his governmental connection. I conclude AG ¶ 8(a) is not established.

Security concerns under this guideline also can be mitigated by showing “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 interest in favor of the U.S. interest.” AG ¶ 8(b). This mitigating condition has no counterpart in the old guidelines. Under the old adjudicative guidelines, a disqualifying condition based on foreign family members could not be mitigated unless an applicant could establish that the family members were not “in a position to be exploited.” Directive ¶ E2.A2.1.3.1. The Appeal Board consistently applied this mitigating condition narrowly, holding that an applicant should not be placed in a position where he or she is forced to make a choice between the interests of the family member and the interests of the U.S. See ISCR Case No. 03-17620 at 4 (App. Bd. Apr. 17, 2006); ISCR Case No. 03-24933 at 6 (App. Bd. Jul. 28, 2005); ISCR Case No. 03-02382 at 5 (App. Bd. Feb. 15, 2005); ISCR Case No. 03-15205 at 3 (App. Bd. Jan. 21, 2005). Thus, an administrative judge was not permitted to apply a balancing test to assess the extent of the security risk. Under the old guidelines, the heavy burden of mitigating security concerns amounted to an impossible burden when Iran was involved. See ISCR Case No. 07-12471 (A.J. May 30, 2008) at 9 n. 1-2 (summarizing Appeal Board decisions involving Iran under old guidelines). Under the new guidelines, however, the potentially conflicting loyalties may be weighed to determine if an applicant “can be expected to resolve any conflict of interest in favor of the U.S. interest.”

Applicant left Iran before the revolution and has no sense of loyalty or obligation to the current Iranian government. He regards the current Iranian government as evil and brutal. He has not established that his sense of loyalty or obligation to his brother is “minimal,” but he has demonstrated that he would resolve any conflict of interest in favor of the U.S., because he willingly destroyed his Iranian passport, making it virtually impossible for him to visit his brother.

Applicant has established “deep and longstanding relationships in the U.S.” He married a U.S. citizen and daughter of a U.S. service member in 1985. They were together for more than 20 years, and they remain in contact even though they are separated. Applicant is close to his sister and three nieces, who live in the U.S. He lived in the U.S. for 27 years until his foreign assignment in August 2005. He will return to the U.S. upon completion of his foreign assignment. He has devoted himself to defense-related research for his entire career. He has been a U.S. citizen for more than 12 years and held a clearance for almost 8 years. He is deeply grateful for the educational assistance he received from the Navy and the opportunities he has enjoyed in the U.S. All his financial assets are in the U.S. He admires and respects the U.S. and has embraced its values, because of the freedom and opportunities he has experienced. I conclude Applicant would resolve any potential conflict in favor of the interests of the U.S. Thus, I conclude AG ¶ 8(b) is established.

In his written closing statement (AX P), Applicant called attention to the security investigator's concluding comment that Applicant "cannot be pressured, blackmailed or coerced" because of his foreign family connections. Applicant argues that the investigator's comment mitigates the security concerns based on foreign family members. I do not agree with Applicant's interpretation of the investigator's comment. The investigator's comment is a record of what the investigator believed Applicant said during the interview. It is not the investigator's evaluation of Applicant's vulnerability to foreign influence.

Guideline C, Foreign Preference

The SOR alleges Applicant exercises dual citizenship (SOR ¶ 2.a), he possessed, used, and extended an Iranian passport after becoming a U.S. citizen (SOR ¶ 2.b and 2.c), and that he used his Iranian passport to enter and exit Iran (SOR ¶ 2.c). The concern under this guideline as follows: "When an individual acts in such a way as to indicate a preference for a foreign country over the United States, then he or she may be prone to provide information or make decisions that are harmful to the interests of the United States." AG ¶ 9.

Dual citizenship standing alone is not sufficient to warrant an adverse security clearance decision. ISCR Case No. 99-0454 at 5, 2000 WL 1805219 (App. Bd. Oct. 17, 2000). Under Guideline C, "the issue is not whether an applicant is a dual national, but rather whether an applicant shows a preference for a foreign country through actions." ISCR Case No. 98-0252 at 5 (App. Bd. Sep 15, 1999).

A disqualifying condition may arise from "exercise of any right, privilege or obligation of foreign citizenship after becoming a U.S. citizen," including but not limited to "possession of a current foreign passport." AG ¶ 10(a)(1). Applicant's possession, extension, and multiple uses of his Iranian passport raise this disqualifying condition, shifting the burden to him to rebut, explain, extenuate, or mitigate the facts.

Security concerns based on possession or use of a foreign passport may be mitigated if "the passport has been destroyed, surrendered to the cognizant security authority, or otherwise invalidated." AG ¶ 11(e). This mitigating condition is established by Applicant's destruction of his Iranian passport.

Whole Person Concept

Under the whole person concept, an 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. An administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(a):

- (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 common sense judgment based upon careful consideration of the guidelines and the whole person concept. Some of the factors in AG ¶ 2(a) were addressed above in my discussion of AG ¶¶ 8(a) and (b) , but some warrant additional comment.

Applicant was sincere, candid, and credible at the hearing. His admiration for and understanding of U.S. values, his embrace of those values, and his expressions of dedication to the U.S. national defense at the hearing were impressive. He is not only a brilliant scientist; he also is attuned to the international climate in which he works. He came to the U.S. before the Iranian revolution. He recognizes that Iran's government is hostile to the U.S., supports terrorism, seeks the technology to build weapons of mass destruction, and brutalizes its citizens. He has spent his entire adult life conducting defense-related research for the U.S. He is deeply grateful to the U.S. for the opportunities it has given him, and he is deeply committed to U.S. values and democratic principles. He is devoted to his sister and his nieces in the U.S. His only family member in Iran is his brother, and he has virtually cut himself off from his brother by destroying his Iranian passport.

After weighing the disqualifying and mitigating conditions under Guidelines B and C, and evaluating all the evidence in the context of the whole person, I conclude Applicant has mitigated the security concerns based on foreign influence and foreign preference. Accordingly, I conclude he has carried his burden of showing that it is clearly consistent with the national interest to continue his eligibility for access to classified information.

Formal Findings

I make the following formal findings for or against Applicant on the allegations set forth in the SOR, as required by Directive ¶ E3.1.25:

Paragraph 1, Guideline B (Foreign Influence):	FOR APPLICANT
Subparagraphs 1.a-1.c:	For Applicant
Paragraph 2, Guideline C (Foreign Preference):	FOR APPLICANT
Subparagraphs 2.a-2.d:	For Applicant

Conclusion

In light of all of the circumstances, it is clearly consistent with the national interest to continue Applicant's security clearance. Eligibility for access to classified information is granted.

LeRoy F. Foreman
Administrative Judge