



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



In the matter of:)	
)	
)	ISCR Case No. 07-08793
)	
)	
Applicant for Security Clearance)	

Appearances

For Government: Braden Murphy, Esq., Department Counsel
For Applicant: Sheldon Cohen, Esq.

June 7, 2011

Decision

RICCIARDELLO, Carol G., Administrative Judge:

Applicant failed to mitigate the Government’s security concerns under Guideline B, Foreign Influence. Applicant’s eligibility for a security clearance is denied.

Statement of the Case

On April 29, 2010, the Defense Office of Hearings and Appeals (DOHA) issued Applicant a Statement of Reasons (SOR) detailing security concerns under Guideline B. 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 adjudicative guidelines (AG) effective within the Department of Defense on September 1, 2006.

Applicant answered the SOR on May 21, 2010, and requested a hearing before an administrative judge. The case was assigned to another judge on January 12, 2011, and reassigned to me on March 2, 2011. Applicant’s attorney requested the case be

scheduled for sometime after July 26, 2011. The request was denied and the case was scheduled for May 17, 2011. DOHA issued a Notice of Hearing on March 28, 2011. Applicant's attorney submitted a motion for reconsideration of the hearing date.¹ Department Counsel opposed the delay.² I denied the motion.³ I convened the hearing as scheduled on May 17, 2011. The Government offered Exhibits (GE) 1 through 5. Applicant did not object and they were admitted into evidence. The Government requested administrative notice be taken of HE IV through XV. I granted the request. Applicant testified on his own behalf. He offered Exhibits (AE) A through R, which were admitted into evidence without objection. Applicant requested administrative notice be taken of HE XVI. I granted the request over the objection of the Government.⁴ DOHA received the hearing transcript (Tr.) on May 24, 2011.

Findings of Fact

Applicant admitted all of the allegations in the SOR. After a thorough and careful review of the pleadings, exhibits, and testimony, I make the following findings of fact.

Applicant is 53 years old. He has been married to his present wife since 2005. He was married three previous times. His wife, who is 56 years old, was married twice before. Applicant has a 29-year-old son. His wife had two daughters, both are deceased. He has worked for different government contractors since about 2003. He has held a secret security clearance since 1978. Applicant has an associate's degree and a bachelor's degree. He was commissioned in the Army Reserve and is eligible to retire as a major (O-4). He held jobs from 1996 to 2001, with different state and federal government agencies.⁵

In 2001, Applicant was recalled to active duty and was stationed in South Korea. He was released from active duty in early 2003, and was offered and accepted a job with a federal contractor in South Korea. He returned to South Korea in July 2003. In 2007, he transferred to a new job in a foreign country, with a different federal contractor. Among other things, he worked on joint exercises between the United States and Russia in 2007 and 2009. He has been involved in planning exercises with other eastern European countries.⁶

¹ Hearing Exhibit (HE) I.

² HE II.

³ HE III.

⁴ Department Counsel objected to the following attachments to HE XVI: 1, 3, 13, 14, 15, 16, 17, 18, 19, 20, and 21. I concluded I would consider the documents and determine the appropriate weight to give them.

⁵ Tr. 31-39, 57-59.

⁶ Tr. 34, 39-53; HE XVI.

In September 2003, while working in South Korea, Applicant met his wife. Applicant's wife is a citizen of Russian. While living in Russia, she answered a newspaper advertisement soliciting people to work in a factory in South Korea. Applicant did not know what the financial arrangements were for her employment. She took the job and moved to South Korea. She was there for a short while and before she started work, she decided that she did not want the job. Applicant was told by her that shortly before she was to return to Russia, she was approached on the street by a man that wanted her to appear in a television program on South Korean television. Applicant did not know what financial arrangements were made. He stated that the director reimbursed the factory and took over her work contract. He did not know if she received some type of compensation or travel stipend when she accepted the factory job. He did not know what transpired as far as her agreement with the television person and what took place for her to remain in the country legally. She apparently was on a television show for two years and then on a different show for another year. Her contract was not renewed, and she returned to Russia in 2004.⁷

After meeting in 2003 in South Korea, Applicant and his wife dated approximately a year. He did not report his contact with her to his security officer, because he did not believe he was required to because he was not cohabitating with her. In 2004, he traveled to Russia to visit her. He properly advised his security manager of the trip. While in Russia, he stayed with his future wife's niece and husband at their residence. He stayed a week. He does not know anything about his wife's ex-husbands. He understood through his wife that they are deceased.⁸

In March or April 2005, Applicant traveled to Russia to ask his wife to marry him. He properly advised his security manager of the trip and his intentions. He stayed at his wife's apartment. He was there a week.

In May or June 2005, he traveled to Russia and married his wife in a civil ceremony. They received a Russian marriage certificate. Her relatives attended the wedding. After they wed, he returned to South Korea, and she remained in Russia until he was able to secure the appropriate documents for her to move to South Korea. He returned to Russia with the appropriate documents for her to submit to the consulate in Russia. She did not return to South Korea with Applicant at this time. After all the requirements were met, she moved to South Korea on July 24, 2005. Applicant applied for her to have access to the military base as his spouse, and his request was granted.⁹

Applicant traveled to Russia in 2006 with his wife, so she could visit her family and he could plan a motorcycle trip for a later date in Russia with others. They returned to Russia in May or June 2006, for the motorcycle trip. They both took the trip, along

⁷ Tr. 60-63, 112, 119-124, 152-155; 176-178.

⁸ Tr. 89-91, 112-115, 173.

⁹ Tr. 57, 63-68, 92-95.

with eight other people. It was a five-day trip. Applicant obtained approval from his security manager prior to taking the trip.¹⁰

In 2007, Applicant took another motorcycle trip in Russia. Five people accompanied him, along with his wife. He obtained approval from his security manager prior to taking the trip. While in Russia he and his wife stayed at her apartment.¹¹

In 2008, as part of his job, Applicant traveled to Russia to participate in a planning session for military exercises between Russia and the United States. There were approximately 10 to 12 U.S. military and civilian personnel who were on the trip. Applicant's wife did not accompany him. He met with Russian personnel on a daily basis. They all worked in similar areas of expertise.¹²

Applicant's wife's half-sister and her husband are citizens and residents of Russia. She and her half-sister have the same mother. Applicant's wife stays in contact with her by telephone, and when she is in Russia they visit each other. She is 61 years old and a medical doctor. Applicant had contact with her when he visited Russia in 2004, at his wedding in 2005, and in 2007, when he was on his motorcycle trip. Applicant does not speak Russian and his wife's relatives do not speak English, so they did not communicate verbally. The half-sister's husband is about 66 or 67 and is retired. He was a supervisor at a collective farm. Applicant met him when he was in Russia in 2004, 2005 and 2007. His wife is in contact with her half sister about once or twice a month by telephone.¹³

Applicant's wife's half-sister has two daughters. One is about 32 years old and is a housewife. She is married and has a young child. Her husband served as an officer in the Russian Air Force. Applicant stated he was told by his wife that he no longer serves in the Air Force and was released due to a reduction in force. The couple has an adopted child who is five years old. Applicant stated the only factual information he knows about his wife's family was told to him by his wife. He met the niece and her husband at his wedding. The husband is now an auto mechanic. Applicant's only contact with his wife's niece and husband was in 2005 and 2007. Applicant has not had any contact with his wife's relatives in Russia since 2007. Applicant does not believe his wife maintains contact with these relatives by telephone. However, she may see them when she is in Russia.¹⁴

Applicant's wife's other niece is a housewife, and her husband buys farm equipment that is in disrepair, refurbishes it, and resells it. They have two sons, ages 18

¹⁰ Tr. 95-98.

¹¹ Tr. 98-100; AE P.

¹² Tr. 100-102; AE Q.

¹³ Tr. 71-76, 127-128.

¹⁴ Tr. 76-81, 85, 128-133.

and 16. The elder son is attending college, and the younger is in high school. Applicant has stayed in their home on two trips to Russia. He has visited with them on all of his trips to Russia, except the last one when he was on official travel. Applicant's wife communicates by telephone with this niece about once or twice a month.¹⁵

Applicant's wife traveled to Russia in 2010 to renew her Russian passport. She has an active Russian passport. She stayed with her niece for seven weeks and visited other family while there. She also visited her family in Russia in 2009 and stayed with her family for about six weeks.¹⁶

Applicant's wife attended technical college in Russia and worked as a restaurant manager and in sales. When she travels to Russia she stays with her niece. She has visited the United States one time in 2006 to meet Applicant's family.¹⁷

Applicant's wife owns an apartment in Russia valued at approximately \$100,000. She rents the apartment and receives approximately \$300 to \$350 in rental income. She also receives about \$200 to \$235 as a pension from the Russian government. She maintains two bank accounts in Russia where the rental income and pension are deposited. Applicant's net income is approximately \$80,000. His wife does not work. She does not send money to her family in Russia, but will occasionally send gifts for Christmas. Applicant does not own property in the United States. He believes he will inherit land in the United States after his 74-year-old mother passes away. He has a thrift savings retirement account that he estimated was worth about \$150,000.¹⁸

Applicant stated: "My wife current[ly] has an approved petition for her to obtain an immigrant visa to move to the United States commonly known as a green card."¹⁹ Applicant provided a document from the Department of Justice, U.S. Citizenship & Immigration Services: Notice of Approval of Relative Immigration Visa Petition. The document states:

Your petition has been approved and is valid for the duration of your present relationship to the beneficiary.

Please be advised that approval of the petition confers upon the beneficiary an appropriate classification. *The approval constitutes no assurance that the beneficiary will be found eligible for visa issuance, admission to the United States or adjustment to lawful permanent resident status.* Eligibility for visa issuance is determined only when application

¹⁵ Tr. 81-89; GE 4.

¹⁶ Tr. 110-112.

¹⁷ Tr. 118, 174-175, 178-179.

¹⁸ Tr. 106, 115-118, 144-151, 182-184.

¹⁹ Tr. 68.

therefore is made to a consular officer; eligibility for admission or adjustment is determined only when application therefore is made to an immigration officer. (Emphasis added)

Your petition to classify beneficiary as an immediate relative of a United States citizen has been forwarded to the American Consulate [foreign location]. This completes all action by the service on the petition.²⁰

The petition was filed on July 8, 2009, and the date of the approval of the petition was August 20, 2009. No other supporting documents were provided. Applicant stated that he intends for his wife to become a permanent resident of the United States, but because they live outside of the United States, she cannot apply at this time. He stated she obtained a tourist visa about two months ago. He did not provide the supporting documents. He tentatively plans on retiring in about seven years. He does not expect to return to Russia, unless he is sent on official duty.²¹

Applicant provided copies of performance evaluations showing outstanding or exceeding standards ratings.²² I have considered all of the evidence submitted by Applicant. Character letters reflect that Applicant is loyal, professional, and a trusted friend. He is dedicated to his country and protecting it. He has not been observed or exhibited behavior that would question his loyalty, honest, and integrity.²³

The Russian Federation²⁴

The Russian Federation is composed of 21 republics. The government consists of a strong president, a prime minister, a bicameral legislature and a weak judiciary. It is a vast and diverse country with a population of 142 million people. It achieved independence with the dissolution of the Soviet Union on August 24, 1991. It is a nuclear superpower that continues to develop politically, socially, and economically.

The United States and Russia share certain common strategic interests. Of mutual interest to the United States and Russia are counterterrorism and the reduction of strategic arsenals. Russia and the United States share a common interest in controlling the proliferation of weapons of mass destruction and the means to deliver them. The Cooperative Threat Reduction (CTR) program was launched in 1992 to provide for the dismantlement of weapons of mass destruction in the former Soviet Union. The CTR program was renewed in 2006 for seven years, until 2013.

²⁰ AE F.

²¹ Tr. 68-71, 105-107, 186-187.

²² AE G, H, I, J.

²³ AE L, M, N, O, P, R.

²⁴ HE IV-XVI.

U.S.-Russian relations have often been strained. Tensions between the United States and Russia increased in August 2008, when Russia sent its army across an internationally recognized boundary in an attempt to change by force the borders of Georgia, a country with a democratically-elected government. Russia's assault on Georgia followed other troubling signs: threats against Poland, including the threat of nuclear attack; suspicious poisonings and killings of journalists and those deemed "undesirable," including the President of Ukraine; the apparent use of energy resources to apply political pressure against Ukraine, Lithuania, and the Czech Republic; and the creation in Russia's state-controlled media of an "enemy image" of the United States.

The Russian Federation's intelligence capability is significant and focuses on collection of information from the United States. Russia has targeted U.S. technologies and has sought to obtain protected information from them through industrial espionage. Russian espionage specializes in military technology and gas and oil industry expertise. As of 2005, Russia and China were the two most aggressive collectors of sensitive and protected U.S. technology and accounted for the majority of such targeting. Russia is a leading arms exporter, with major sales of advanced weapons and military-related technology to China, Iran, Syria, and Venezuela.

In 2010, Russia continued to increase their intelligence gathering efforts and intelligence capabilities directed against the United States interests worldwide through espionage, technology acquisition, and covert actions. Also in 2010, the United States Department of Justice announced arrests of ten alleged secret agents for carrying out long-term, deep-covered assignments on behalf of Russia.

The current administration has stressed a new working relationship with Russia and it continues to work on a wide range of issues, including cooperation with respect to Afghanistan and on other international issues. There has been a long tradition of trade and commerce between the two countries.

The threat of terrorism in Russia continues to be significant. Travel in the vicinity of Chechnya may be dangerous, despite Russian efforts to suppress the terrorists. Acts of terrorism include taking hostages and bombings.

Russia has recognized the legitimacy of international human rights standards, but human rights abuses continue. Both Russian federal forces and Chechen rebel forces act with impunity while engaging in torture, summary executions, disappearances, and arbitrary detentions. There are reports of attacks on and killings of journalists, physical abuse by law enforcement officers, extremely harsh and at times life-threatening prison conditions and arbitrary detention and politically motivated imprisonments. Additional problems include corruption, media suppression, and widespread corruption throughout the executive, legislative, and judicial branches, and law enforcement.

The U.S. Department of State reports allegations that Russian government officials and others conduct warrantless searches of residences and other premises and

electronic surveillance without judicial permission. This surveillance includes Ministry of Internal Affairs and Federal Security Office monitoring of internet and e-mail traffic. Additionally, Russian law enforcement agencies have legal access to the personal information of users of telephone and cell phone services.

Policies

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

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with the factors listed in the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(c), the entire process is a conscientious scrutiny of a number of variables known as the "whole-person concept." The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision.

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that "[a]ny doubt concerning personnel being considered for access to classified information will be resolved in favor of national security." In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record. Likewise, I have avoided drawing inferences grounded on mere speculation or conjecture.

Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, an "applicant is responsible for presenting witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by applicant or proven by Department Counsel and has the ultimate burden of persuasion to obtain a favorable security decision."

A person who seeks access to classified information enters into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it grants access to classified information. Decisions include, by necessity, consideration of the possible risk the 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.

Section 7 of Executive Order 10865 provides that decisions shall be “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See *also* EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

Analysis

Guideline B, Foreign Influence

AG ¶ 6 expresses the security concern regarding foreign influence:

Foreign contacts and interests 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.

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

- (a) 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;
- (b) 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; and
- (d) sharing 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(a), 7(b), and 7(d) require substantial evidence of a “heightened risk.” The “heightened risk” required to raise one of these disqualifying conditions is a relatively low standard. “Heightened risk” denotes a risk greater than the normal risk inherent in having a family member living under a foreign government or owning

property in a foreign country. The totality of Applicant's family ties to a foreign country as well as each individual family tie must be considered.²⁵

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."²⁶

Furthermore, "even friendly nations can have profound disagreements with the United States over matters they view as important to their vital interests or national security."²⁷ Finally, we know friendly nations have engaged in espionage against the United States, especially in the economic, scientific, and technical fields. 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 vulnerability to government coercion. The risk of coercion, persuasion, or duress is significantly greater if the foreign country has an authoritarian government, or the country is known to conduct intelligence operations against the U.S. In considering the nature of the government, an administrative judge must also consider any terrorist activity in the country at issue.²⁸

Applicant's wife is a citizen of Russia. His wife's half sister, brother-in-law, two nieces and their husbands, and their three children, are citizens and residents of Russia. His wife owns an apartment in Russia valued at approximately \$100,000. She maintains two bank accounts in Russia where rental income is deposited and a pension she receives from the Russian government. Her financial interests in Russia are substantial. Applicant traveled to Russia in 2004, three times in 2005, twice in 2006, once in 2007, and in 2008 he traveled on official business. These facts potentially create a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion, and also create a potential conflict of interest. Therefore, I find AG ¶¶ 7(a), 7(b), and 7(d) apply.

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

(a) the nature of the relationship with foreign persons, the country in which these persons are located, or the positions or activities of those persons in

²⁵ ISCR Case No. 01-22693 at 7 (App. Bd. Sep. 22, 2003).

²⁶ ISCR Case No. 02-11570 at 5 (App. Bd. May 19, 2004).

²⁷ ISCR Case No. 00-0317, 2002 DOHA LEXIS 83 at **15-16 (App. Bd. Mar. 29, 2002).

²⁸ See generally, ISCR Case No. 02-26130 at 3 (App. Bd. Dec. 7, 2006) (reversing decision to grant clearance where administrative judge did not consider terrorist activity in area where family members resided).

that country are such that it is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual, group, organization and interests of the U.S.;

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

(c) contact or communication with foreign citizens is so casual and infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation.

Applicant lives with his wife and his wife maintains a close relationship with some of her relatives in Russia. She stays with them when she visits. Her recent visits have been six to seven weeks long. The nature of his relationship with his wife and her relationship with her relatives is more than casual and is not infrequent. Applicant has stayed with his wife's relatives when he visited Russia on personal travel. I find AG ¶ 8(c) does not apply because his relationship with his wife and her relatives is more than casual. His wife's relationship with her relatives is more than casual and is not infrequent.

Applicant's wife is a Russian citizen. Although Russia and the United States maintain ties and cooperate on an international scale, through commerce and other cooperative agreements, Russia is an aggressive collector of sensitive and protected U.S. technology and accounted for the majority of such targeting among nations. Russia is a leading arms exporter, with major sales of advanced weapons and military-related technology to China, Iran, Syria, and Venezuela. In addition, as Applicant stated, he sometimes works cooperatively with Russia on exercises and traveled there in the past as part of his official duties. This puts him in a vulnerable position because he has worked directly with the country where his wife is a citizen, has relatives that live there, the country is known to be an aggressive collection of sensitive information, has a history of committing espionage against the United States, and commits human rights violations. Even if Applicant did not work directly with Russia on occasion, the same factors are an issue. I cannot find that it is unlikely under the circumstances, that Applicant would be placed in a position of having to choose between his wife and her relatives, and the interests of the United States. For the same reasons, I find there is a conflict of interest because of Applicant's obligation and commitment to his wife, and her obligation and commitment to her relatives in Russia, which is not minimal. She visits them and stays in contact with them. Given the significance of the spousal bond, I cannot find that Applicant would resolve a conflict of interest against his wife and for the United States. Therefore, I find AG ¶¶ 8(a) and 8(b) do not apply.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for a security clearance by considering the totality of the applicant's conduct and all the circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(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 commonsense judgment based upon careful consideration of the guidelines and the whole-person concept.

I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case. I have incorporated my comments under Guideline B in my whole-person analysis. Some of the factors in AG ¶ 2(a) were addressed under that guideline, but some warrant additional comment. Applicant is eligible to receive a military pension. He has worked for the federal government and for federal contractors for many years and has received good performance evaluations and character references. Applicant's wife is a Russian citizen. She resides with Applicant in a different foreign country. Applicant's wife's ties to Russia are through her citizenship, her family that resides there, and her substantial assets located there. Russia is one of the most active collectors of sensitive technology from the United States; it continues to commit espionage against the United States embedding spies into local communities; it has questionable human rights practices; and there is widespread corruption throughout its branches of government and law enforcement. These facts create a heightened risk to foreign exploitation, inducement, manipulation, pressure, and coercion. Applicant failed to meet his burden of persuasion. I have considered all of these factors. Overall, the record evidence leaves me with questions and doubts about Applicant's eligibility and suitability for a security clearance. For all these reasons, I conclude Applicant failed to mitigate the security concerns arising under the guideline for 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

Subparagraphs 1.a-1.g:

Against Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, it is not clearly consistent with the national interest to grant Applicant a security clearance. Eligibility for access to classified information is denied.

Carol G. Ricciardello
Administrative Judge