



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



In the matter of:	)	
	)	
	)	ISCR Case No. 07-02637
SSN:	)	
	)	
Applicant for Security Clearance	)	

**Appearances**

For Government: John B. Glendon, Esquire, Department Counsel  
 For Applicant: Pro Se  
 Mary Lou Taylor, Personal Representative

May 12, 2008

**Decision**

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CREAN, Thomas M., Administrative Judge:

Applicant submitted her Security Clearance Application on January 17, 2006. On November 8, 2007, the Defense Office of Hearings and Appeals (DOHA) issued a Statement of Reasons (SOR) detailing security concerns for Applicant under Guideline B, Foreign Influence, and Guideline C, Foreign Preference. 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 November 15, 2007. She answered the SOR in writing on December 17, 2007, admitting the factual allegations with explanation except for the allegation that she is a dual citizen of both the United States and Iran. She denied the admitted facts created a security concern. She requested a hearing before an administrative judge. Department counsel was prepared

to proceed on January 31, 2008. The case was assigned to another administrative judge on February 1, 2008, and reassigned to me on March 20, 2008. DOHA had issued a notice of hearing on February 26, 2008, for a hearing on March 25, 2008. I convened the hearing as scheduled on March 25, 2008. The government offered five exhibits, marked government exhibits (Gov. Ex.) 1 through 5, which were received without objection. Applicant submitted 11 exhibits, marked Applicant Exhibits (App. Ex.) A through K, which were received without objection. Applicant and nine other witnesses testified on Applicant's behalf. DOHA received the transcript of the hearing (Tr.) on April 2, 2008. Based upon a review of the case file, pleadings, exhibits, and testimony, eligibility for access to classified information is granted.

## **Procedural and Evidentiary Rulings**

### **Request for Administrative Notice**

Department Counsel submitted a formal request that I take administrative notice of certain facts relating to Iran. (Tr. 23-26, Court Exhibit I) The request and the attached supporting documents were not admitted into evidence but were included in the record as Court Exhibits. Applicant had no objection to the request for administrative notice or the attached documents. The facts administratively noticed are set out in the Findings of Fact, below.

### **Findings of Fact**

After a thorough review of the pleadings, transcript, and exhibits, I make the following essential findings of fact. Applicant admitted all the factual allegations in the SOR, except the allegation pertaining to dual citizenship with Iran and the United States, with explanation. She also provided additional information to support her request for eligibility for a security clearance.

Applicant is 47 years old and an aerospace and systems engineer for a defense contractor. Applicant was born in Iran and received her elementary education in Iran. She received her high school education in Switzerland. She then attended school in Great Britain for one year before coming to the United States on a student visa in 1979. She received her bachelor's degree in aerospace engineering from a United States university in 1984. She received a Master's degree in systems engineering from a United States university in 2000. Applicant became a United States citizen in 1991. (Tr. 91-93; Gov Ex 1, Security Clearance Application, e-QIP, dated January 17, 2006)

Applicant is presently single but has been married twice. She married a United States citizen in 1984 shortly after receiving her bachelor's degree. Shortly after her marriage, she applied for and received her permanent resident status in the United States. She was divorced in 1987. She married another United States citizen in 1989, and that marriage was dissolved by divorce in 1997. She has lived continuously in the

United States since her arrival in 1979. (Tr. 93-97; Gov Ex 1, Security Clearance Application, E-QIP, dated January 17, 2006)

Applicant has worked for her present defense contractor employer since 1999. Prior to that, she worked for other defense contractors. She applied for a security clearance in 1992 and it was granted in 1993. She has continuously held a security clearance since it was first granted in 1993. She has received periodic investigations and reviews since the initial grant of a security clearance. She presently has a security clearance. (Tr. 39, 96-97)

Applicant's father was a wealthy business man in Iran before the overthrow of the Shah in 1979. He was the owner and managing partner with his brothers of the American car dealership in Iran. At the time of the overthrow of the Shah, her father was in France. He never returned to Iran after the overthrow and lived in France until he died in 1988. Her father and mother divorced in 1980 but remained amicable. There is no indication that her mother remarried. Her father's business was confiscated and sold but he never received any proceeds from the sale of the dealership. While he was a business man, he did not have any arrangements or contacts with the Shah or the government. (Tr. 98-101)

Applicant's mother is 78 years old and a resident and citizen of Iran. She also is a permanent resident (green card) of the United States. Applicant visits her mother in Iran frequently. Applicant visited her mother in Iran in May and June 1997, October and November 2000, December 2003 to January 2004, and March 2005. Her last visit to Iran was in early 2007 to see her mother. Applicant and her mother are trying to arrange their next visit at a neutral site since both she and her mother are concerned about Applicant coming to Iran. She and her mother agree it is too difficult and dangerous for Applicant to travel to Iran. Applicant's mother also visited her in the United States. She visited numerous times since 1996 and her last visit was in September 2002. Applicant's mother has not traveled to see her since 2002 because of the physical difficulties in traveling, her advanced age, and her deteriorating health. (Tr. 107-109, 117-121)

Applicant also talks to her mother at least weekly by telephone. She has tried to get her mother to move to the United States and live with her. Applicant purchased a house so her mother could live with her. Her mother did come to the United States for a time and tried to live here. However, the lifestyle was different and her mother did not like it and returned to Iran. Applicant considers her relationship with her mother as a close mother-daughter relationship. When her mother passes away, she will be buried in Iran. Applicant fully intends to travel to Iran for her burial. Her mother does not know she has a security clearance, that she works for a defense contractor, or her type of work. Her mother knows only that she is an engineer for a good company. (Tr. 124-126, 138, 146-147)

Her father owned property in Iran prior to the 1979 revolution. He owned condominiums in Tehran which he purchased in the name of Applicant and her brother

when they were about six years old. Her mother lives in one of the condominiums. Her father also owned two condominiums near the Caspian Sea which her mother still uses. Applicant tried to turn over her rights to the condominium to her mother in 1994. However, her mother was unable to make the transfer because of the legal and political situation in Iran. Applicant executed a power of attorney to her mother permitting her to do anything with the properties that she thinks is appropriate. (Tr. 107-108) Applicant and her brother inherited her father's house in France which they sold and split the proceeds. (Tr. 102-106)

Applicant does not expect to receive any proceeds from the sale of the properties in Iran. Applicant's father died without a will. By Iranian law, her brother gets two-thirds of the estate and she gets one third. She does not believe the properties will be sold because the family has been unable to sell them for many years. She believes they will remain unused after her mother passes away. Her father also owned undeveloped land in Tehran and Tabriz with his brothers. Applicant is unsure of the ownership and value of the properties. However, she has turned over her rights to the properties by power of attorney to her mother. (Tr. 110-112, 145-146)

Applicant has a full brother and two half brothers through her mother. Her full brother is a citizen and resident of the United Kingdom but also has a United States permanent resident certificate. One half-brother is a resident and citizen of the United Kingdom. Her other half brother is a citizen of France but resides in the United States as a permanent resident. (Tr. 112-113)

Applicant has an uncle from her paternal side of the family that is a resident and citizen of Iran. Her father's other brothers are deceased. Applicant has an aunt from her maternal side of the family that is also a resident and citizen of Iran. She also has some cousins who are citizens and residents of Iran. The last time she saw any of these relatives was in early 2007 for the Persian New Year when she visited her aunt and uncle in Iran. Her relationship with her aunt and uncle are cordial. She has had no contact with them since early 2007. She also has two maternal aunts who are residents and citizens of the United States. (Tr. 114-116, 1124-126)

Applicant has, in addition to her United States passport, a current Iranian passport. She obtained her first United States passport in 1991 shortly after becoming a citizen. She renewed her original Iranian passport in 1993 or 1994 following the guidance from the United States State Department to travel to Iran on an Iranian passport and not a United States passport. She last renewed her Iranian passport in 2007. She turned her Iranian passport to her employer's facility security officer. (Applicant Exhibit B, FSO Letter, dated February 26, 2008) She is trying to make some arrangement to use the Iranian passport if needed to travel to Iran to see her mother. She believes if she asks for the passport back to use for travel to Iran she will lose her security clearance. (Tr. 121-124)

On one of her trips to Iran in 1979, Applicant was questioned by Iranian authorities at the airport. The authorities knew she was a United States citizen and

asked her to wait with other United States citizens of Iranian ancestry. They copied her United States passport and let her enter the country. She has not had any other incidents entering or leaving Iran. Her mother is careful about Applicant coming to Iran. She will not let Applicant visit if the political situation is not right. Applicant is mindful of all of the State Department travel warnings and follows them. (Tr. 129-137) Applicant is not aware of any procedure recognized by Iran to renounce Iranian citizenship. Her Iranian passport does have a stamp from Iran indicating that she is a United States citizen. She would renounce her Iranian citizenship if she could and if it would not cause harm to her mother. She maintained an Iranian passport because of the State Department guidance that such a passport is needed to enter or exit Iran. She felt that her possession of the passport was keeping with the State Department guidance. She has no reason to visit Iran except to see her mother. (Tr. 139-142, See, Gov Exs 2 and 3, Interrogatories, dated July 12, 2007, and August 16, 2007).

Applicant presented a number of witnesses to testify to her reliability and trustworthiness. A long term friend who is an Army employee testified that she has known Applicant for over 20 years and they have a close relationship. She considers Applicant to be a loyal United States citizen who is proud of her citizenship. When Applicant became a citizen, she had a party for her. (Tr. 43-47)

A retired Navy officer testified he has known Applicant for over 10 years. She is a close friend of his family and they spend time together. He considers her a loyal United States citizen who is dedicated and devoted to the United States. He believes her trustworthiness and character are beyond reproach. She is energized to be a United States citizen. (Tr. 47-53)

A senior supervisor for Applicant's employer testified he hired her in the early 1990s and worked with her directly for a number of years. They have also worked together on professional committees. Her work performance was excellent and she was a good conscientious employee. Applicant was always professional and trustworthy in her personal and professional dealings. She always spoke highly of the United States. He has held a security clearance for over 30 years and has recommended others for access to classified information. He would fully recommend Applicant for access to classified information. In fact, he had recommended her for her first security clearance. (Tr. 53-58)

A retired Navy officer and former ship commander testified who has worked as a colleague with Applicant for over six years in support of Navy contracts. He considers Applicant's work to be very professional and she cares about her work product in support of the Navy. He considers Applicant caring and eager to work in support of the United States Navy. He considers Applicant trustworthy, open, honest, and above-board. He discussed with Applicant her trips to Iran to see her mother and Applicant was very open with her discussions. (Tr. 60-65)

Another retired Navy officer who commanded three ships has worked with Applicant for over eight years in support of Navy shipbuilding contracts. He found

Applicant to be one of the top ten employees working on his projects. Applicant was one of the most trustworthy and reliable people who could solve problems. He discussed with her issues about the concern she had for her mother and found her to be proud of her role as a daughter. She was also proud of her service and work. Applicant has earned the trust of everyone at work. (Tr. 65-71)

Another witness testified that he has a background in engineering and national defense industry but presently works for a congressional intelligence committee. He considers Applicant to be the model immigrant who came to the United States and immersed herself into the culture. He considers Applicant to be a caring and trustworthy person. (Tr. 72-77)

Another witness testified that he worked with Applicant as a defense contractor. He considers Applicant to be a trustworthy person of excellent character. (Tr. 77-81)

A personal friend testified she has known Applicant for over 12 years and considers Applicant to be a wonderful patriotic American citizen who fully participates in patriotic events. She considers Applicant to be trustworthy. She traveled out of the country with Applicant and observed her conduct to be appropriate and above board. (T. 81-86)

A Navy reserve officer testified that he has known and worked with Applicant for over 12 years. He views Applicant as a fine outstanding citizen. Applicant is trustworthy who is a valuable asset to Navy contracts. (Tr. 86-90)

Applicant presented six letters of recommendation. The letters were from supervisors and co-workers. They include retired Navy officers and an astronaut. All of these letters attested to Applicants excellent work performance. They all noted that she is a proud and valued United States citizen. They considered her trustworthy and reliable. (Applicant Exhibits C, D, E, F, G, and K, Letters dated March 4, March 10, March 17, March 18, and March 21, 2008)

Iran is a country that has been hostile to the United States since the 1979 revolution that overthrew the former pro-western government. Iran's support for terrorist groups has long concerned the United States. Iran's human rights practices are also a concern for the United States. The Iranian theocratic government has repressed its people, pursued weapons of mass destruction, initiated a nuclear program that may include nuclear weapons, and continues to support terrorism in Iraq and around the world. Iran is known to conduct intelligence operations and economic espionage against the United States. There is no direct evidence in the record concerning Iranian espionage activity towards or within the United States, but this hostile relationship supports the inference that Iran would seek to damage or counter United States military capabilities by seeking to obtain classified or sensitive information when possible. The United States Department of State warns United States citizens, particularly United States citizens of Iranian origin, to consider carefully the risks of travel to Iran. Iran does not recognize renunciation of citizenship by those born there, and has detained

and harassed naturalized United States citizens traveling there. Applicant and her mother are aware of the dangerous nature of the regime and intentionally minimize her trips to Iran. The continued support for terrorism and human rights violations contributed to President Bush's strong criticism of Iran in his 2002 State of the Union message and his designation of Iran as one of the "Axis of Evil." Iran is a nation whose interests are inimical to the United States.

### **Policies**

When evaluating an Applicant's suitability for a security clearance, the Administrative Judge must consider the revised adjudicative guidelines (AG). In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are useful 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 over-arching adjudicative goal is a fair, impartial and common sense 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, the Applicant is responsible for presenting "witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by applicant or proven by Department Counsel. . . ." The Applicant has the ultimate burden of persuasion as to obtaining a favorable security decision.

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

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**

There is a security concern because 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 the U.S. interests, or is vulnerable to pressure or coercion by any foreign interests. Adjudication under this guideline can and should consider the identity of the foreign country in which the foreign contact or financial interest is location, including but not limited to, such consideration 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 ¶ 6)

Applicant has frequent and close contact with her mother who is a citizen and resident of Iran. She visited her mother a number of times in Iran and her mother visits Applicant in the United States. Applicant’s last trip to Iran to see her mother was about a year ago. This type of contact raises security concerns under Foreign Influence Disqualifying Conditions (FI DC) AG ¶ 79(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); and FI DC AG ¶ 7(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). The mere existence of a foreign family member is not sufficient. The nature of Applicant’s contact with the family member must be examined to determine whether it creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion. “Heightened” is a relative term denoting increased risk over some normally existing risk that can be said to be inherent anytime a family member lives subject to a foreign government. One factor that heightens the risk in Applicant’s case is the nature of the Iranian government and its hostility towards the United States.

Applicant also has some property interests in Iran that she inherited from her father and holds with her mother and brother. These property interests raise FI DC AG ¶ 7(e) (A substantial business, financial, or property interest in a foreign country, or in any foreign-owned or foreign operated business, which could subject the individual to heightened risk of foreign influence or exploitation). I do not find that Applicant being

detained for a short time by Iranian authorities in 1997 was a security concern. Applicant was not singled out for attention but was retained for a short time with other United States citizens of Iranian birth for their passports to be copied. This was a routine action by Iranian authorities.

I have considered Foreign Influence Mitigating Conditions (FI MC) 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, group, organization, or government and the interest of the U.S.); FI MC AG ¶ 8(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 interest in favor of the U.S. interest; FI MC AG ¶ 8(c) (Contact or communication with foreign citizens is so casual or infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation); and FI MC AG ¶ 8(f) (The value or routine nature of the foreign business, financial, or property interest is such that they are unlikely to result in a conflict and could not be used effectively to influence, manipulate or pressure the individual).

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." The Appeal Board consistently applied this mitigating condition narrowly, holding that its underlying premise was that an applicant should not be placed in a position where he or she is forced to make a choice between the interest of the family member and the interest of the United States. (See, ISCR Case No. 03-17620, App. Bd, Apr. 17, 2006; ISCR Case No. 03-24933, App. Bd. Jul. 28, 2005; ISCR Case No. 03-02382, App. Bd. Feb. 15, 2005; and ISCR Case No. 03-15205, 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 new guidelines, however, the potentially conflicting loyalties may be weighed to determine if an applicant can be expected to resolve any conflict in favor of the U.S. interest.

The nature of the government of Iran, its disregard for human rights, and its intent to seek information on United States technology place a heavy burden on Applicant in mitigating the disqualifying conditions and the security concerns. Applicant has a close relationship with her mother. Her mother is a 78 year old widow who has no contact or relationship with the Iranian government. However, there could be a circumstance where Applicant is placed in a position of having to choose between the interests of her mother and the government or interests of the United States because of the nature of the Iranian government. Accordingly, FI MC Ag ¶ 8(a) does not apply.

It is clear from Applicant's testimony as well as the discussions regarding her mother she had with her co-workers that the relationship with her mother is not casual

or infrequent. Applicant herself describes it as very close. Applicant and her mother realize that there is a risk for Applicant to go to Iran, and they try to meet in an area outside Iran. Applicant tried to have her mother live with her in the United States but the arrangement did not work. Since Applicant and her mother are concerned about her trips to Iran, there must be likelihood that their contact could create the risk for foreign influence or exploitation. Since the relationship with her mother was not casual and infrequent, FI DC AG ¶ 8 (c) does not apply to her relationship with her mother.

On the contrary, while not listed as a security concern, I note that her relationship with her aunt and uncle in Iran are casual and infrequent. She sees them only when she visits Iran and talks to them only if they are at her mother's house when she calls. She last saw her aunt and uncle over a year ago. Her relationship with them is casual and infrequent. Applicant's trips to Iran do not show an interest in Iran or its government, but were taken for the sole purpose of visiting her mother. The trips were not made because of her desire to see Iran or for government purposes. The trips to Iran do not create a security concern.

Applicant has some claim to her father's property in Iran. Her father purchased a condominium in her name when she was a child. She also has a claim to some properties her father owned with his brothers and two other condominiums that her family owns and uses on the Caspian Sea. However, she turned over her rights to the property by giving her mother a power of attorney to do whatever she can with the properties so that her interests are minimal. She does not expect to receive any proceeds from these properties. Since her interests in the properties are minimal and granted to and controlled by her mother, it is unlikely that her interests will result in a conflict and could not be used to influence, manipulate or pressure her. She has established FI MC AG ¶ 8(f) as to the property interests.

Applicant has little if any sense of loyalty to Iran. She spent only her early years in Iran. The revolutionary government of Iran caused her family to lose a lot of their wealth, so that her father never returned to the country. She has established by testimony of those that have known her for many years that she has a deep sense of loyalty and admiration for the United States and its way of life. There was testimony from many retired and former military officers who understand a sense of loyalty and obligation. There was testimony from colleagues and friends who work in the defense industry who hold security clearances and understand the requirements to receive access to classified information. Applicant came to the United States as a teenager and received her professional education here. She became a United States citizen as soon as she could, married United States citizens, and has been successful working in the defense industries. She sees the United States as offering her freedom, justice, and tolerance with an opportunity to reach her potential. Her sense of loyalty or obligation is not to Iran but to the United States. A conflict of interest in this case is extremely unlikely. In balancing all of the factors mentioned and considered above, I am satisfied Applicant's loyalty to the United States is such that she can be expected to resolve any conflict of interest in favor of the United States interest. Accordingly, Applicant has met her heavy burden to show that her contacts with her mother in Iran and her trips to Iran

do not cause a security concern. I conclude Applicant has mitigated security concerns rising from her contact with her mother in Iran, her minimal property interest in Iran, and her trips to Iran.

### **Guideline B, Foreign Preference**

When an individual acts in such a way as to indicate a preference for a foreign country over the United States, then he may be prone to provide information or make decisions that are harmful to the interests of the United States. (AG ¶ 9) Applicant applied for an Iranian passport after obtaining United States citizenship. Iran considers her an Iranian citizen because she was born in Iran. She applied for the passport because of United States State Department guidance that suggests United States citizens of Iranian birth considered dual United States and Iranian citizenship use such a passport to enter or leave Iran. She possessed and used that passport to enter Iran as late as 2007. Even though there is State Department guidance to have an Iranian passport, her possession of the Iranian passport raises Foreign Preference Disqualifying Condition (FP DC) AG ¶ 10(a) (Exercise of any right, privilege, or obligation of foreign citizenship after becoming a United States citizen or through the foreign citizenship of a family member. This includes but is not limited to: (1) possession of a current foreign passport.)

Applicant raised Foreign Preference Mitigating Conditions (FP MC) AG ¶ 11(b) (The individual has expressed a willingness to renounce dual citizenship), and FP MC AG ¶ 11(e) (The passport has been destroyed, surrendered to the cognizant security authority, or otherwise invalidated.) Applicant does not know of any procedure accepted by the Iranian government to renounce her Iranian citizenship. She expressed a willingness to renounce any claim to Iranian citizenship provided it did not adversely affect her mother. The Iranian passport is a current passport but has been turned over to her facility security officer, a cognizant security official. She knows if she asks for the passport back and uses it, she will also lose her security clearance and access to classified information. Applicant has mitigated security concerns for foreign preference raised by her current Iranian passport.

### **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) 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.

I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case. I carefully considered all of the circumstances discussed above in regard to disqualifying and mitigating conditions as well as the following factors in light of the “whole person” concept. The “whole person” concept requires consideration of all available information about Applicant, not a single item in isolation, to reach a common sense determination concerning Applicant’s security worthiness. Applicant has a close relationship with her mother in Iran. These simple facts alone might be sufficient to raise security concerns over Applicant’s vulnerability to coercion, exploitation, or pressure. However, mere family ties with people in a foreign country are not, as a matter of law, disqualifying under Guideline B. Whether an applicant’s family ties in a foreign country pose a security risk depends on a common sense evaluation of the overall facts and circumstances of the family ties.

Applicant has strong loyalties to the United States and a strong lack of loyalty for Iran. She has successfully held a security clearance for over 15 years even though her relationship with her mother was a known factor. She is regarded as loyal, trustworthy, and reliable by those that work and know her. Many of them are former Navy officers, government, or contractor officials. They know and understand the qualifications for access to classified information and have themselves made judgments on people for access to classified information. Applicant has established her deep loyalty to the United States. She established that she has no loyalty to Iran or its government. Her loyalty is to her mother who happens to reside in Iran. Overall, on balance the record evidence leaves me without questions or doubts as to Applicant’s eligibility and suitability for a security clearance. For all these reasons, I conclude Applicant has met the particularly heavy burden of mitigating all potential security concerns arising from her family member and property interest in Iran as well as her current Iranian passport. Accordingly I find that Applicant has mitigated the security concerns arising from foreign influence and foreign preference.

### **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:	FOR APPLICANT
Subparagraph 1.a:	For Applicant
Subparagraph 1.b:	For Applicant
Subparagraph 1.c:	For Applicant
Subparagraph 1.d:	For Applicant

Paragraph 2, Guideline B:

FOR APPLICANT

Subparagraph 2.a:

For Applicant

Subparagraph 2.b:

For Applicant

Subparagraph 2.c:

For Applicant

Subparagraph 2.d:

For Applicant

### **Conclusion**

In light of all of the circumstances presented by the record in this case, it is clearly consistent with national security to grant Applicant eligibility for a security clearance. Eligibility for access to classified information is granted.

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THOMAS M. CREAN  
Administrative Judge