

denied Applicant's request for a trustworthiness designation. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Applicant raised the following issue on appeal: whether the Judge's decision was arbitrary, capricious, or contrary to law. The Judge's favorable findings under Guideline C are not at issue in this appeal. Consistent with the following, we affirm.

The Judge's Findings of Fact

The Judge made the following findings pertinent to the issues raised on appeal: Applicant came to the U.S. in the late 1970s, becoming a citizen of this country in the early 1990s. His wife is a U.S. citizen by birth. The couple has no children.

Applicant's parents were citizens and residents of Iran.¹ They have passed away, but before that Applicant provided them with financial support on occasion. He has had infrequent contact with his Iranian relatives for the past several years. None of Applicant's siblings have any known connections with the Iranian military or government. He last told his family about the nature of his work in the mid-2000s. Since 2011, he has kept the nature of his work from them.

Iran supports terrorist organizations. Its proxies play disruptive roles in the Middle East. Iran has conducted intelligence operations against the U.S., which have increased in depth and complexity. The country commits human rights violations, and it sometimes places foreign visitors under surveillance, monitoring hotel rooms, telephones, and fax machines.

Applicant enjoys an excellent reputation for the quality of his work performance. He received a certificate of appreciation for his exemplary service.

The Judge's Analysis

The Judge concluded that Applicant had not mitigated concerns arising from his family connections in Iran. He stated that, given Iran's history of monitoring communications systems, these connections could come to the attention of those in Iran interested in acquiring U.S. protected data. Indeed, it cannot be ruled out that this may already have occurred. He also cited to evidence of terrorist activity in Iran, the country's human rights abuses, and the illegal exporting of U.S. technology as matters that weigh against the granting of a trustworthiness designation.

Discussion

Applicant cites to evidence of his ties within the U.S., his permanent residence in this country for several decades, and his lack of recent contact with his siblings. He argues that he would not yield to pressure by foreign governments. Applicant's arguments are not enough to demonstrate that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. *See, e.g.*, ADP Case No. 12-09387 at 2 (App. Bd. Apr. 26, 2016).

¹The finding about the Iranian citizenship of Applicant's relatives is found in the Analysis. Decision at 10.

The Judge examined the relevant data and articulated a satisfactory explanation for the decision. In Foreign Influence cases, the nature of the foreign government involved, the intelligence gathering history of that government, and the presence of terrorist activity are important considerations that provide context for the other record evidence and must be brought to bear on the Judge's ultimate conclusions in the case. The country's human rights record is also an important consideration. *See, e.g.*, ADP Case No. 08-10099 at 2-3 (App. Bd. Jan. 28, 2011). The decision is sustainable on this record. The standard applicable to trustworthiness cases is that set forth in *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988) regarding security clearances: such a determination "may be granted only when 'clearly consistent with the interests of the national security.'" *See, e.g.*, ADP Case No. 12-04343 at 3 (App. Bd. May 21, 2013). *See also Kaplan v. Conyers*, 733 F.3d 1148 (Fed. Cir. 2013), *cert. denied*.

Order

The Decision is **AFFIRMED**.

Signed: William S. Fields

William S. Fields
Administrative Judge
Member, Appeal Board

Signed: James E. Moody

James E. Moody
Administrative Judge
Member, Appeal Board

Signed: James F. Duffy

James F. Duffy
Administrative Judge
Member, Appeal Board