



DEPARTMENT OF WAR  
DEFENSE OFFICE OF HEARINGS AND APPEALS



In the matter of: )  
)  
) ISCR Case No. 25-00460  
)  
)  
Applicant for Security Clearance )

**Appearances**

For Government:  
Nicole A. Smith, Esq, Department Counsel

For Applicant:  
*Pro se*

5/11/2026

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**Decision**

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CEFOLA, Richard A., Administrative Judge:

Applicant has not mitigated the security concerns raised under the Foreign Influence guideline. National security eligibility for access to classified information is denied.

**Statement of the Case**

Applicant submitted a Questionnaire for National Security Positions on September 22, 2022 (Questionnaire). On June 27, 2025, the Defense Counterintelligence and Security Agency (DCSA) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline B (Foreign Influence). The action was taken under Executive Order 10865, *Safeguarding Classified Information Within Industry* (February 20, 1960), as amended; Department of Defense (DoD) Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) effective within DoD after June 8, 2017.

On August 18, 2025, Applicant responded to the SOR in writing (Answer) and requested that the case be decided on the written record in lieu of a hearing. In his Answer, Applicant denied each allegation. On February 2, 2026, Department Counsel submitted the Government’s written case in a File of Relevant Material (FORM). In that

same document, the Government withdrew SOR ¶¶ 1.d – 1.g., which therefore will not be considered herein. A complete copy of the FORM, consisting of Government Exhibits (GE) 1 to 5 and the Government’s arguments in support of the remaining SOR allegations, was received by the Applicant on February 26, 2026. He was afforded an opportunity to file objections and submit material to refute, extenuate, or mitigate the security concerns, but he did not respond within the period specified to do so. The case was assigned to me on May 1, 2026, and GE 1 to 5 were admitted without objection.

In the FORM, Department Counsel requested that I take administrative notice of certain facts about the Republic of China (Taiwan) and The People’s Republic of China (China) and provided a summary of the facts, supported by Government documents pertaining to both countries (GE 5). Without objection, I have taken administrative notice of the facts contained in the request. Given the nature of the relationship between Taiwan and China, coupled with the long-standing “One China” policy of the United States, Taiwan cannot be viewed in a vacuum when conducting a Guideline B analysis. The facts are summarized in the written request and will not be repeated verbatim here however I take particular note of the following:

China is a large and economically powerful country, with a population of over a billion people. China has an authoritarian government dominated by the Chinese Communist Party, and it exercises consistent diplomatic, political, and military pressure on Taiwan. China has a poor record with respect to human rights, suppresses political dissent, and engages in arbitrary arrests and detentions, forced confessions, torture, and mistreatment of prisoners. China is one of the most aggressive countries in seeking sensitive and protected U.S. technology and economic intelligence. It targets the United States with active intelligence gathering programs, both legal and illegal. As a result, it is a growing threat to U.S. national security. There are several recent cases involving actual or attempted espionage, as well as the illegal export of information.

### **Findings of Fact**

Applicant is 48-year-old senior consultant with the sponsoring DoD contractor where he has worked since August 2022. He submitted the Questionnaire in conjunction with his employment. Born in Taiwan, he immigrated to the United States in 2002 and naturalized in 2017, while still maintaining Taiwanese citizenship. He earned a bachelor’s degree in Taiwan in 1999, then a master’s degree in the United States in 2005. Applicant completed his compulsory two years of military service for Taiwan in 2001. He is unmarried and has no children. (Answer; GE 3 at 5-7, 10-12, 16, 18-19)

### **SOR Paragraph 1, Guideline B (Foreign Influence)**

The Government alleged that Applicant is ineligible for a security clearance due to foreign influence. I find the following facts regarding this allegation and Applicant’s admissions:

**1.a. Applicant's father retired as a Lieutenant Colonel from the Taiwan Air Force:** Applicant's 80-year-old father was born in China but resides in Taiwan. He retired from the Taiwan Air Force in 1990, where he rose to the rank of Lieutenant Colonel. Applicant maintains weekly contact with this father. His mother passed away some time ago and his father now has a girlfriend, with whom Applicant maintains monthly contact. (Answer; GE 3 at 19-20; GE 4 at 1)

**1.b. Applicant's aunt is a dual U.S. – Taiwan citizen residing in Taiwan:** Applicant's 77-year-old aunt was born in China but resides in Taiwan. She is a dual U.S.-Taiwan citizen who has been a housewife for most of her life. Applicant maintains semi-annual contact with her. (Answer; GE 4 at 1)

**1.c. Applicant has close and/or continuing relationships with multiple citizens / residents of Taiwan:** Applicant maintains contact with at least 55 individuals who were born in either China or Taiwan. All of the individuals have Taiwanese citizenship and some have dual citizenship with the United States (save for one with dual U.S. – U.K. citizenship). Applicant's contact frequency ranges from as often as weekly to as infrequently as annually. Of the 55 individuals listed by Applicant, 30 still reside in Taiwan. Their vocations range from housewife to data scientist, from teacher to software developer. Applicant avers most of the relationships are via social media and all are casual / infrequent. (Answer, GE 4 at 1-4)

**1.d. – 1.g.** [Withdrawn by the Government]

### **Whole-Person and Mitigating Evidence**

Applicant did not respond to the FORM and offered no evidence in mitigation.

### **Policies**

When evaluating an applicant's suitability for national security eligibility, the administrative judge must consider the adjudicative guidelines. In addition to brief introductory explanations for each guideline, the adjudicative guidelines (AG) list potentially disqualifying conditions and mitigating conditions, which are to be used in evaluating an applicant's national security eligibility.

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 AG ¶ 2 describing the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. The entire process is a conscientious scrutiny of applicable guidelines in the context 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, “Any doubt concerning personnel being considered for national security eligibility will be resolved in favor of the 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. I have not drawn inferences based on mere speculation or conjecture.

Directive ¶ E3.1.14, requires the Government to 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 the applicant or proven by Department Counsel, and has the ultimate burden of persuasion as to obtaining a favorable clearance 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 national security eligibility. 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 or sensitive information.

Finally, as emphasized in Section 7 of Executive Order 10865, “Any determination under this order adverse to an applicant shall be a determination in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See *also* Executive Order 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information.)

## **Analysis**

### **SOR Paragraph 1, Guideline B, Foreign Influence**

The security concern for foreign influence is set out in AG ¶ 6:

Foreign contacts and interests, including, but not limited to, business, financial, and property interests, are a national security concern if they result in divided allegiance. They may also be a national security concern if they create circumstances in which the individual may be manipulated or induced to help a foreign person, group, organization, or government in a way inconsistent with U.S. interests or otherwise made vulnerable to pressure or coercion by any foreign interest. Assessment of foreign contacts and interests should consider the country in which the foreign contact or interest is located, including, but not limited to, considerations such as whether it is known to target U.S. citizens to obtain classified or sensitive information or is associated with a risk of terrorism.

The facts of this case establish the following potentially disqualifying conditions set forth in AG ¶ 7 to all the allegations under Guideline B:

- (a) contact, regardless of method, 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
- (b) connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual's obligation to protect classified or sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information or technology.

The burden therefore shifts to Applicant to mitigate security concerns under Guideline B. And in the case of a hostile country like China, the burden is very heavy. [ISCR 17-04208 at 3-4 (App. Bd. Aug. 7, 2019)]. The guideline includes the following conditions in AG ¶ 8 that can mitigate security concerns arising from Applicant's foreign contacts:

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

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that “[a]ny doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security.” In this case, the record evidence fails to establish AG ¶¶ 8(a), (b), or (c) for the contacts alleged, with the exception of Applicant's aunt, given her age, vocation, and the nature of Applicant's contact.

Applicant's father, on the other hand, served as a senior officer in the armed forces of a foreign nation that continues to receive pressure from the Chinese government.

Applicant contends that his father, having long retired from the military, is in no position to cause harm to the U.S. It is well-established, however, that an Applicant's ties to persons of high rank in a foreign government or military are of concern because it is foreseeable that through such an association the Applicant could come to the attention of those interested in acquiring U.S.-protected information. [ISCR 14-03112 at 3 (App. Bd. Nov. 3, 2015); ISCR 11-12623 at 4 (App. Bd. Feb 2, 2015); ISCR 17-01979 (App. Bd. July 31, 2019)]

Regarding Applicant's 55 other contacts from Taiwan, it is conceivable that one or more could be mitigated under AG ¶¶ 8(a), (b), and/or (c). But rather than provide a statement or any other evidence to allow for a meaningful analysis of the nature of each contact, he has instead asserted that all 55 contacts should receive a single, blanket assessment of being "casual and infrequent." China, however, is a nation that presents a heightened risk; and as noted above, Applicant has a very heavy burden of persuasion to show that his connections do not pose a threat to U.S. security given China's hostile position in relation to the United States. In this case, the concerns raised with China and the nature, extent, and circumstances surrounding Applicant's contacts leave no room for mitigation. Accordingly, none of the mitigating conditions, individually or collectively, are sufficiently applicable to overcome Applicant's numerous contacts and relationships.

### **Whole-Person Concept**

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for national security eligibility by considering the totality of the applicant's conduct and all relevant circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(d):

- (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 national security 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 above whole-person factors and the potentially disqualifying and mitigating conditions in light of all pertinent facts and circumstances surrounding this case. I have incorporated my comments under Guideline B in my whole-person analysis, and I note Applicant's statements in his Answer. Overall, the record evidence leaves me with questions and doubts about Applicant's eligibility and suitability for a security clearance. Applicant did not mitigate the foreign influence issues.

## Formal Findings

Formal findings for or against Applicant on the allegations set forth in the amended SOR, as required by ¶ E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1, Guideline B:	AGAINST APPLICANT
Subparagraph 1.a:	Against Applicant
Subparagraph 1.b:	For Applicant
Subparagraph 1.c:	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 national security eligibility. Eligibility for access to classified information is denied.

RICHARD A. CEFOLA  
Administrative Judge