



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



In the matter of: )  
)  
) ISCR Case No. 14-06714  
)  
Applicant for Security Clearance )

**Appearances**

For Government: Alison O’Connell, Esq., Department Counsel  
For Applicant: Alan V. Edmunds, Esq.

04/28/2017

**Decision**

RIVERA, Juan J., Administrative Judge:

Applicant was born in the People’s Republic of China (China). In 2002, when he was 23 years old, he entered the United States. He became a naturalized U.S. citizen in 2006. He married a Chinese citizen in 2009, and she became a naturalized U.S. citizen in 2014. His wife has frequent contact with her immediate relatives, who are citizens and residents of China. Applicant has an uncle who worked as a liaison at the Chinese embassy in the United States. Foreign influence security concerns are not mitigated. Access to classified information is denied.

**Statement of the Case**

Applicant submitted a security clearance application (SCA) on August 26, 2013. After reviewing it and the information gathered during a background investigation, the Department of Defense (DOD) on July 10, 2015, issued Applicant a Statement of Reasons (SOR) alleging security concerns under Guideline B (foreign influence).<sup>1</sup>

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<sup>1</sup> DOD acted under Executive Order 10865, *Safeguarding Classified Information Within Industry* (February 20, 1960), as amended; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Directive) (January 2, 1992), as amended; and the *Adjudicative Guidelines for Determining Eligibility for Access to Classified Information* (AG), implemented by the DOD on September 1, 2006.

Applicant answered the SOR on August 6, 2015, and initially requested a decision based on the written record. The case was assigned to another administrative judge on March 15, 2016, who issued a decision that was later vacated. Subsequently, Applicant requested a hearing, and the case was assigned to me on October 12, 2016. The Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing on October 20, 2016, scheduling a hearing for November 2, 2016.

At the hearing, the Government offered three exhibits (GE 1 through 3). GE 2 is a request for administrative notice concerning the government of China. GE 3 was the Government's discovery letter. Applicant testified and submitted two exhibits (AE) 1 (comprised of Tabs A through H), and AE 2 (a request for administrative notice concerning China). All exhibits were admitted into the record as evidence without objections, except for GE 2 and AE 2, which were admitted for the limited purpose of taking administrative notice. DOHA received the hearing transcript (Tr.) on November 9, 2016.

### **Procedural Matters**

Department Counsel moved to correct the misspelling of Applicant's first name in the SOR. The correct spelling of his first name is "Daqing." Without objections, I corrected the SOR accordingly. (Tr. 8-9)

The file on this case contains a prior decision issued by other DOHA administrative judge that was later vacated. I gave no weight to the prior decision or to any documents in the file that were not admitted as evidence during my hearing.

Applicant, through counsel, requested an expedited hearing. At the hearing, Applicant's counsel indicated he had sufficient time to prepare and was ready to proceed. Applicant affirmatively waived his right to 15-day advanced notice of the hearing. (Tr. 7)

Department Counsel and Applicant requested I take administrative notice of facts concerning the government of China. (GE 3 and AE 2) There were no objections, and I took administrative notice as requested. The noted facts are incorporated in my findings of fact.

### **Findings of Fact**

In his response, Applicant admitted the SOR allegations and submitted evidence in mitigation and extenuation. Applicant's admissions are incorporated into my findings of fact. After a complete and thorough review of the evidence of record, and having considered Applicant's demeanor while testifying, I make the following additional findings of fact:

Applicant is a 37-year-old senior consultant (software engineer). He has worked for federal contractors since 2007. He received a clearance in 2008, which he has held

continuously to present. Applicant was hired by his current employer and clearance sponsor in 2012.

Applicant was born in China. At age 8, in 1988, he immigrated with his parents to Canada where he was raised and educated. He attended schools in Canada, where he received a bachelor's degree. He became a naturalized Canadian citizen in 1991. Applicant entered the United States in 2002, pursuant to a student visa, seeking a master's degree that he completed in 2004. He became a naturalized U.S. citizen in 2006. In his 2013 SCA, Applicant stated that he was a dual citizen of Canada and the United States, but was in the process of renouncing his Canadian citizenship. (2013 SCA, Section 10 Dual-Multiple Citizenship Information).

Applicant's parents were born, raised, and educated in China. They immigrated to Canada in 1988, and became Canadian citizens. Applicant's parents have been residents in the United States for over 10 years and both are now naturalized U.S. citizens.

Applicant's wife was born, raised, and educated in China. She entered the United States in 2004. They married in 2009, and have two young children. She became a naturalized U.S. citizen in 2014.

Applicant and his wife own a home in the United States. As a software engineer, he earns \$100,000 a year. His wife is also employed and her income is \$130,000 a year. They have combined bank savings of about \$40,000. Applicant denied having any financial or property investments in China. His wife has a bank account in China with about \$10,000. He testified the bank account was funded with their wedding gifts. He denied contributing money to that account or having any control over it. She uses the account to cover medical and living expenses for her parents in China. He believes she probably will close the account when her parents pass away. Applicant testified that neither he nor his wife intend to return to live in China.

Applicant visited China in 2006, 2008, and 2010. During these trips, he visited his grandparents, extended relatives, and his parents-in-law. (Tr. 40) Applicant's parents-in-law, wife's sibling, and other relatives are residents and citizens of China. His wife maintains frequent contact with her relatives in China and they have a close relationship. At the time of Applicant's hearing, his wife was in China visiting her parents with their children for a three-week period. (Tr. 43) Her sister is married and has a family. Applicant does not know whether her spouse works for the Chinese government or is affiliated with the Chinese military.

Applicant's mother-in-law is retired. She was a German language teacher in a Chinese school. His father-in-law is a retired computer engineer. Applicant did not know who he worked for, but was certain he had not worked for the Chinese government or military. They are both currently collecting pensions from the Chinese government. (Tr. 41) Applicant claimed his last in-person contact with his in-laws happened in 2014, when they came to the United States to visit his children and wife, and stayed in Applicant's home.

Applicant's uncle (his father's younger brother) is a citizen and resident of China. Sometime before 2007, his father informed Applicant that his uncle would be working in the Chinese embassy in Washington, DC. Between 2007 and 2009, his uncle worked as a liaison in the Chinese embassy. Applicant visited with his uncle a few times (he described his contacts as infrequent).

Applicant attended a Chinese New Year's party at the Chinese embassy, and attended a baseball game with his uncle and a coworker. Applicant believes his uncle was reassigned in 2009 to another Chinese embassy in another country. He also believes his uncle is currently retired. Applicant testified he has had no contact with his uncle (no personal contact, emails, or telephone calls) since 2009.

At his hearing, Applicant presented the testimony of one witness and submitted six reference letters. His references included co-workers and friends. The gist of their testimony is that Applicant is a valuable employee who makes important contributions to his employer. He is considered to be honest, reliable, dedicated, knowledgeable, professional, and trustworthy. (AE E, H) His performance evaluations indicate Applicant consistently meets expectations and is considered to be a valuable performer. (AE E)

## **China**

I take administrative notice of the following facts concerning China: The National Counterintelligence Executive has identified China and Russia as the most aggressive collectors of U.S. economic information and technology. China's intelligence services, as well as private companies and other entities, frequently seek to exploit Chinese citizens or persons with family ties to China who can use their insider access to corporate networks to steal secrets using removable media devices or email.

In assessing the military and security developments in China, the U.S. Department of Defense has reported that:

- Chinese actors are the world's most active and persistent perpetrators of economic espionage. Chinese attempts to collect U.S. technological and economic information will continue at a high level and will represent a growing and persistent threat to U.S. economic security. The nature of the cyber threat will evolve with continuing technological advances in the global information environment.
- China uses its intelligence services and employs other illicit approaches that violate U.S. laws and export controls to obtain key national security and export-restricted technologies, controlled equipment, and other materials not readily obtainable through commercial means or academia.
- China is using its computer network exploitation (CNE) capability to support intelligence collection against the U.S. diplomatic, economic, and defense industrial base sectors that support U.S. national defense programs. The

information targeted could potentially be used to benefit China's defense industry, high technology, policymaker interest in U.S. leadership thinking on key China issues, and military planners building a picture of U.S. defense networks, logistics, and related military capabilities that could be exploited during a crisis.

- China uses state-sponsored industrial and technical espionage to increase the level of technologies and expertise available to support military research, development, and acquisition.
- The organizational network of China's military-industrial complex is such that the People's Liberation Army (PLA) is able to access sensitive and dual-use technologies or knowledgeable experts under the guise of civilian research and development.
- China has in place a long-term, comprehensive military modernization program designed to improve its armed forces' capacity to fight short-duration, high-intensity regional conflicts and, as China's global footprint and international interests grow, its military modernization program has become progressively more focused on investments for a range of missions beyond China's periphery.

In assessing the national security implications of the bilateral trade and economic relationship between the U.S. and China, the U.S.-China Economic and Security Review Commission has reported:

- Since at least the mid-2000s, the Chinese government has conducted large-scale cyber espionage against the United States. China has compromised a range of U.S. networks, including those of DoD, defense contractors, and private enterprises. China's material incentives for continuing this activity are immense and unlikely to be altered by small-scale U.S. actions.
- China's progress modernizing its defense industry is due in large part to China's substantial and sustained investment in defense research and development (R&D). China's large-scale, state-sponsored theft of intellectual property and proprietary information also has allowed China to fill knowledge gaps in its domestic defense and commercial R&D.
- Since the 1990s, China has promoted civil-military integration to facilitate the transfer of commercial technologies for military use. As part of this effort, China has encouraged civilian enterprises to participate in military R&D and production, sponsored research into dual-use science and technology, and developed common military and civilian technical standards.
- With the emergence of a more modern and able domestic defense industrial base, China is gradually shifting its focus from purchasing complete foreign

systems to procuring foreign military and dual-use subsystems and components via open sources, trade, and traditional and nontraditional espionage. Among China's most effective methods used to acquire sensitive U.S. technology are cyber espionage, witting and unwitting collection by Chinese students, scholars, and scientists; joint ventures; and foreign cooperation.

With respect to human rights concerns observed in China in 2014, the U.S. Department of State reported:

- The Peoples Republic of China (PRC) is an authoritarian state in which the Chinese Communist Party (CCP) is the paramount authority. CCP members hold almost all top government and security apparatus positions.
- Repression and coercion were routine, particularly against organizations and individuals involved in civil and political rights advocacy and public interest issues, ethnic minorities, and law firms that took on sensitive cases.
- Human rights concerns that were observed during 2014 also included a wide variety of human rights violations from extrajudicial killings to various violations of due process.

The U.S. Department of State warns visitors to China that they may be placed under surveillance. Hotel rooms (including meeting rooms), offices, cars, taxis, telephones, Internet, usage, and fax machines may be monitored onsite or remotely, and personal possessions in hotel rooms, including computers, may be searched without knowledge or consent.

The United States has implemented strategies to minimize the theft of intellectual property of U.S. companies by China. The United States and China continue to increase their dialogue in different areas (economic, military, human rights) improving their relations.

## **Policies**

Eligibility for access to classified information may be granted "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. The U.S. Supreme Court has recognized the substantial discretion of the Executive Branch in regulating access to information pertaining to national security, emphasizing that "no one has a 'right' to a security clearance." *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988).

The AG list disqualifying and mitigating conditions for evaluating a person's suitability for access to classified information. Any one disqualifying or mitigating condition is not, by itself, conclusive. However, the AG should be followed where a case

can be measured against them, as they represent policy guidance governing access to classified information. Each decision must reflect a fair, impartial, and commonsense consideration of the whole person and the factors listed in AG ¶ 2(a). All available, reliable information about the person, past and present, favorable and unfavorable, must be considered.

Security clearance decisions resolve whether it is clearly consistent with the national interest to grant or continue an applicant's security clearance. The Government must prove, by substantial evidence, controverted facts alleged in the SOR. If it does, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. The applicant bears the heavy burden of demonstrating that it is clearly consistent with the national interest to grant or continue his or her security clearance.

Persons with access to classified information enter into a fiduciary relationship with the Government based on trust and confidence. Thus, the Government has a compelling interest in ensuring each applicant possesses the requisite judgment, reliability, and trustworthiness of those who must protect national interest as their own. The "clearly consistent with the national interest" standard compels resolution of any reasonable doubt about an applicant's suitability for access in favor of the Government. "[S]ecurity clearance determinations should err, if they must, on the side of denials." *Egan*, 484 U.S. at 531; AG ¶ 2(b). Clearance decisions are not a determination of the loyalty of the applicant concerned. They are merely an indication that the applicant has or has not met the strict guidelines the Government has established for issuing a clearance.

## **Analysis**

### **Foreign Influence**

AG ¶ 6 explains the security concern about "foreign contacts and interests" stating:

[I]f the individual has divided loyalties or foreign financial interests, [he or she] 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 indicates two conditions that could raise a security concern and may be disqualifying in this case:

(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

(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.

Applicant was born in China. He immigrated with his parents to Canada at age eight; became a Canadian citizen; and completed a bachelor's degree in Canada. He entered the United States as a student in 2002. He completed a master's degree in the United States in 2006, and became a naturalized U.S. citizen in 2006. His parents have been living in the United States for more than 10 years, and they are naturalized U.S. citizens.

Applicant married his Chinese-born wife in 2009, and they have two children, born in the United States. His wife became a naturalized citizen in 2014. Applicant's in-laws (wife's parents and sister) are citizens and residents of China. His wife has frequent contact with her parents and relatives in China. At the time of the hearing, she was in China with her children visiting her parents. His in-laws (including his wife's sister, spouse, and children) and his uncle are residents and citizens of China. Applicant last visited his in-laws and extended family living in China in 2010. His in-laws stayed with Applicant in the United States in 2014.

Applicant's uncle worked as a liaison for the Chinese embassy in Washington, DC between 2007 and 2009. He claimed that he no longer maintains contact with his extended family and friends in China. He testified he has not had any contact with his uncle since he left his post at the Chinese embassy in 2009. His wife is close to her parents and sibling living in China. Applicant claimed to have infrequent or no contact with his in-laws and extended relatives and friends living in China.<sup>2</sup> However, his wife maintains frequent contact with her parents and sibling living in China.

There is a rebuttable presumption that a person has ties of affection for, or obligation to, their immediate family members. *See generally* ISCR Case No. 01-03120, 2002 DOHA LEXIS 94 at \*8 (App. Bd. Feb. 20, 2002). Applicant has ties of affection for his parents and wife. Through his wife, he also has ties of affection or obligation to her immediate family in China. The closeness of the relationship is established by her frequent contacts, visits to China, and his in-law's visits. Additionally, through his father he has ties of affection or obligation to his uncle.

Applicant's relationships with residents of China create a concern about Applicant's "obligation to protect sensitive information or technology" and his desire to help his relatives, who live in China. For example, if intelligence agents or government officials in China wanted to expose Applicant to coercion, they could exert pressure on

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<sup>2</sup> See ISCR Case No. 09-03114 at 2-3 (App. Bd. Oct. 22, 2010) (contact once a month is considered to be "frequent" under AG ¶¶ 7 and 8).



his relatives and friends residing in China. Applicant would then be subject to coercion through his relatives and classified information could potentially be compromised.

An applicant's possession of close family ties with their family living in a foreign country are not, as a matter of law, disqualifying under Guideline B. However, if an applicant has a close relationship with even one relative, living in a foreign country, this factor alone is sufficient to create the potential for foreign influence and could potentially result in the compromise of classified information. See *Generally* ISCR Case No. 03-02382 at 5 (App. Bd. Feb. 15, 2006); ISCR Case No. 99-0424 (App. Bd. Feb. 8, 2001).

The nature of a nation's government, its relationship with the United States, its history of intelligence gathering, and its human rights record are relevant in assessing the likelihood that an applicant's family members are vulnerable to government coercion or inducement. 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 collection operations against the United States. The relationship of China with the United States, and China's "history of conducting espionage against the United States puts a heavy burden of proof on Applicant" to demonstrate that his relationships with family members living in China do not pose a security risk. See ISCR Case No. 12-04780 at 3 (App. Bd. Nov. 13, 2013). Applicant should not be placed into a position where he might be forced to choose between loyalty to the United States and a desire to assist relatives living in China.

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).

There is no evidence that intelligence operatives from any foreign country seek or have sought classified or economic information from or through Applicant or his relatives living in China. Nevertheless, it is not possible to rule out such a possibility in the future. Applicant's relationships with family members living in China create a potential conflict of interest because these relationships are sufficiently close to raise a security concern about his desire to assist relatives in China by providing sensitive or classified information. Department Counsel produced substantial evidence of Applicant's contacts or relationships with family living in China, raising the issue of potential foreign pressure or attempted exploitation. AG ¶¶ 7(a) and 7(b) are established and further inquiry is necessary about potential application of any mitigating conditions.

AG ¶ 8 lists three conditions that could mitigate foreign influence security concerns including:

(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 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 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 Appeal Board concisely explained Applicant's responsibility for proving the applicability of mitigating conditions as follows:

Once a concern arises regarding an Applicant's security clearance eligibility, there is a strong presumption against the grant or maintenance of a security clearance. See *Dorfmont v. Brown*, 913 F. 2d 1399, 1401 (9th Cir. 1990), *cert. denied*, 499 U.S. 905 (1991). After the Government presents evidence raising security concerns, the burden shifts to the applicant to rebut or mitigate those concerns. See Directive ¶ E3.1.15. The standard applicable in security clearance decisions is that articulated in *Egan, supra*. "Any doubt concerning personnel being considered for access to classified information will be resolved in favor of the national security." Directive, Enclosure 2 ¶ 2(b).

ISCR Case No. 10-04641 at 4 (App. Bd. Sept. 24, 2013).

AG ¶¶ 8(a) and 8(c) have limited applicability. Applicant, directly or through his wife, has frequent contact with his in-laws who are citizens and residents of China. Applicant has close contact with his wife and her parents. He claimed his contacts with his in-laws living in China are infrequent; however, his wife continues to have contacts with her relatives in China.

Applicant's (directly or through his wife and his parents) connections to family living in China are positive character traits. However, for security clearance purposes, those same connections negate the possibility of mitigation under AG ¶¶ 8(a) and 8(c), and Applicant failed to fully meet his burden of showing there is "little likelihood that [his

relationships with family living in China] could create a risk for foreign influence or exploitation.”

AG ¶ 8(b) partially applies. A key factor in the AG ¶ 8(b) analysis is Applicant’s “deep and longstanding relationships and loyalties in the U.S.” Applicant’s relationship with the United States must be weighed against the potential conflict of interest created by his relationships with family living in China.

There is no evidence that the Chinese government or those conducting espionage have approached or threatened Applicant or his family to coerce Applicant for classified or sensitive information. While the U.S. Government does not have any burden to prove the presence of such evidence, if such record evidence were present, Applicant would have a heavier evidentiary burden to mitigate foreign influence security concerns. It is important to be mindful of the United States’ sizable financial and diplomatic investment in China. Applicant’s family living in China could become potential targets of intelligence agents because of Applicant’s support for the United States, and Applicant’s potential access to classified information could theoretically add some risk to Applicant’s family living in China. Moreover, his uncle worked as a liaison in the Chinese embassy in the United States. That close connection to the Chinese government in likely sensitive matters creates a heavier evidentiary burden for Applicant to mitigate the foreign influence security concerns raised by that relationship.

Applicant has significant connections to the United States and more limited connections to China. Notwithstanding, taken together, his and parent’s, and his wife’s connections to their family and friends living in China are significant. Security concerns are not analyzed in a piecemeal manner. Instead, the overall situation must be considered. Applicant’s close relationship to his parents, wife, and in-laws in China, who are vulnerable to potential Chinese coercion, outweighs his connections to the United States in the security analysis. Foreign influence security concerns under Guideline B are not mitigated.

### **Whole-Person Concept**

I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case, and under the whole-person concept. (AG ¶¶ 2(a) and 2(c)) I have incorporated my comments under Guideline B in my whole-person analysis. Some of the factors in AG were addressed under that guideline, but some warrant additional comment.

There are some facts supporting a grant of Applicant’s access to classified information. He entered the United States in 2002, at age 23, and attended post-graduate studies. He was awarded a master’s degree in the United States. He claimed to have no property or financial investments in China. However, Applicant’s wife has a bank account with \$10,000 in China. Applicant was naturalized as a U.S. citizen in 2006, and his wife in 2014. He has successfully worked for government contractors since 2007, while holding a clearance. There is no evidence of any security violations or of issues of possible security concerns.

A Guideline B decision concerning a foreign country must take into consideration the geopolitical situation and dangers in that country including from intelligence agents.<sup>3</sup> The danger of coercion from the Chinese government or intelligence agents is more likely than in many other countries. China competes with the United States militarily, diplomatically, and through trade. China has a history of espionage targeting U.S. military and industrial secrets.

The weight of the evidence supports denial of Applicant's access to classified information. Applicant's in-laws and his parents' relatives are citizens and residents of China. Applicant directly or through his wife has relatives with whom he has close ties of affection or obligation who are residents and citizens of China. Applicant has close ties of affection and obligation to his parents and wife. "It is not to question Applicant's patriotism to acknowledge that the record in [Applicant's] case raises the reasonable concern that [he] could be placed in a position of having to choose between [his] ties to the U.S. and [his] obligations to [his] foreign family members." ISCR Case No. 07-02485 at 5 (App. Bd. May 9, 2008) (reversing grant of security clearance because of Chinese connections). Applicant should not be placed into a position where Chinese government or intelligence officials could coerce his parents, wife (or their relatives in China), or Applicant, to attempt to obtain classified information. I conclude Applicant has failed to mitigate the foreign influence security concern.

### **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.b:	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 eligibility for a security clearance. Eligibility for access to classified information is denied.

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JUAN J. RIVERA  
Administrative Judge

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<sup>3</sup> See ISCR Case No. 04-02630 at 3 (App. Bd. May 23, 2007) (remanding because of insufficient discussion of geopolitical situation and suggesting expansion of whole person discussion).