



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



In the matter of:

Applicant for Security Clearance

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ISCR Case No. 17-00712

Appearances

For Government: Andrew Henderson, Esq., Department Counsel

For Applicant: Ryan Nurney, Esq.

03/28/2017

Decision

WESLEY, Roger C., Administrative Judge:

Based upon a review of the pleadings, exhibits, and testimony. I conclude that Applicant mitigated security concerns regarding foreign influence. Eligibility for access to classified information is granted.

History of Case

On April 19, 2017, the Department of Defense (DOD) Consolidated Adjudication Facility (CAF), pursuant to Executive Order 10865 and Department of Defense Directive 5220.6 (Directive), dated January 2, 1992, issued a Statement of Reasons (SOR) to Applicant detailing why DOD adjudicators could not make the preliminary affirmative finding under the Directive that it is clearly consistent with the national interest to grant or continue a security clearance for Applicant, and recommended referral to an administrative judge to determine whether clearance should be granted, continued, denied or revoked.

The Security Executive Agent, by Directive 4, *National Security Adjudicative Guidelines* (SEAD 4), dated December 10, 2016, superceded and replaced the September 2006 adjudicative guidelines (AGs). They apply to all covered individuals who

require initial or continued eligibility for access to classified information or eligibility to hold a sensitive position. Procedures for administrative due process for contractor personnel continue to be governed by DOD Directive 5220.6, subject to the updated substantive changes in the AGs, effective June 8, 2017. Application of the AGs that were in effect for the issuance of the SOR would not affect my decision in this case.

Applicant responded to the SOR on May 12, 2017, and requested a hearing. The case was assigned to me on August 17, 2017, and was scheduled for hearing on September 27, 2017. A hearing was held on the scheduled date. At the hearing, the Government's case consisted of two exhibits; Applicant relied on one witness (himself) and nine exhibits. The transcript (Tr.) was received on October 5, 2017.

Besides its two exhibits, the Government requested administrative notice of four documents and certain identified facts contained therein. Administrative or official notice is the appropriate type of notice used for administrative proceedings. See ISCR Case No. 05-11292 (App. Bd. April 12, 2007); ISCR Case No. 02-24875 (App. Bd. October 12, 2006). Administrative notice is appropriate for noticing facts or government reports that are well known. See *Stein*, Administrative Law, Sec. 25.01 (Bender & Co. 2006).

For good cause shown, administrative notice was granted with respect to the above-named background reports referenced in the administrative notice request addressing the geopolitical situation and security in Taiwan. (HE 1) Administrative notice was extended to the documents themselves, consistent with the provisions of Fed. R. Evid. 201. This notice did not foreclose Applicant from challenging the accuracy and reliability of the information contained in the reports addressing Taiwan's current state.

In addition to the above-described documents, I took official notice of *Background Note: Taiwan*, U.S. Department of State (September 2008) following the personal appearance. After receiving no objections from the parties (HE 2), I assigned this document an official notice number of V.

Summary of Pleadings

Under Guideline B, Applicant allegedly (a) has a wife who is a citizen of Taiwan and maintains a bank account in Taiwan with an approximate value of \$7,000 and (b) has in-laws who are citizens and residents of Taiwan. Allegedly, Applicant's mother-in-law is employed by a Taiwanese government entity.

In his response to the SOR, Applicant admitted most of the allegations with explanations. He claimed his wife intends to transition to green card status in 2018. He claimed that neither his mother-in-law nor father-in-law work for a Taiwan government entity. He also claimed that he has limited, casual contact with his wife's parents, who do not speak English. He further claimed that he purchased a plane ticket for his wife to return to Taiwan in May 2017 to close her bank account and eliminate the security concern.

Applicant claimed, too, that because of his deep and longstanding relationships and loyalties in the United States, which dictate his choosing in favor of the U.S interest should a conflict ever arise, he does not believe that any of his behaviors pose a risk to national security interests. And he claimed to fully understand the importance of protecting classified information and stressed he has had no security violations since receiving an interim clearance in 2015.

Findings of Fact

Applicant is a 28-year-old systems engineer for a defense contractor who seeks a security clearance. The allegations covered in the SOR and admitted by Applicant are adopted as relevant and material findings. Additional findings follow.

Applicant's background

Applicant married in September 2015 and has no children from this marriage. (GEs 1-2; Tr. 31, 36) He earned a bachelor's degree in mechanical engineering in May 2011 and a master's degree in mechanical engineering in December 2013. (GEs 1-2 and AEs G-H; Tr. 31-32) He expects to complete his graduate requirements in mechanical engineering for his Ph.D. degree in electrical and computer engineering in August 2018. (GEs -2 and AE E) He currently holds an interim security clearance. (GE 1; Tr. 33)

Since 2015, Applicant has been employed by his current employer. (GEs 1-2 and AEs E-F) Prior to joining his current firm, he held graduate assistant positions while enrolled in his graduate engineering programs. (AE E)

Applicant met his wife in 2012 through a pen pal website. (Tr. 35, 54) Initially, they exchanged messages with each other before moving on to using Skype transmission technology for chatting on a daily basis. (Tr. 36) His wife is a Taiwan citizen who was born and raised in Taiwan and immigrated to the United States in September 2015. (Tr. 38) Applicant sponsored his wife for permanent residence, and she received her permanent residence card in February 2016. (AE B; Tr. 34) She expects to transition to 10-year green card status in 2018. Currently, she is unemployed and is looking for a job. (Tr. 39)

Applicant's father-in-law and mother-in-law are citizens and residents of Taiwan. They have no affiliations or contacts with the Taiwan government. (Tr. 46-47) His mother-in-law works for a private hospital; while his father-in-law works in farming. (GE 2; Tr. 40-41, 44) Applicant maintains very limited, casual contact annually with his in-laws who do not speak English. (Tr. 40-41, 44-45) The SOR allegations that Applicant's mother-in-law is employed by a Taiwanese government entity is unproven.

Applicant last saw his in-laws in person in December 2016 in Taiwan and pledged to continue to maintain minimal contact with them and other foreign nationals outside of his official duties. (Tr. 42) While his wife has more contact with her parents than

Applicant (estimated by Applicant to be three to four times a year), her conversations never mention Applicant. (Tr. 48)

Applicant's wife has four sisters who are citizens and residents of Taiwan. (Tr. 50) To the best of Applicant's knowledge, none of her sisters work for the Taiwan government, or have any affiliations or known ties to the Taiwan government. (Tr. 49-50) Applicant assured that he could never be coerced, pressured, or influenced by any of his wife's family members to divulge classified or sensitive information that could potentially damage U.S. security interests. (Tr. 53)

Before they were married, Applicant's wife had a small bank account she maintained in Taiwan. (GEs 1-2 and AE O) She documented closing the account in May 2017. (AE O; Tr. 38, 56) At the time of closing, the account had less than \$1,000. (AE O) Currently, neither Applicant nor his wife have any bank accounts or other property interests in Taiwan. (Tr. 32, 47)

Applicant assured he has no foreign business, financial interest, or property interest in Taiwan that could create conflicts, actual or potential, that he cannot resolve favorably to his U.S. interests. Because of his deep and longstanding relationships and loyalties in the United States, which dictate his choosing in favor of the U.S. interest should a conflict ever arise, he could never be coerced, pressured, or influenced by Taiwan government authorities to disclose classified or sensitive information to any foreign source.

In a supplied written statement Applicant authored in September 2017, Applicant consented to automatic revocation of his clearance should he violate any of his commitments made in his statement. (AE J) Applicant indicated he has no immediate plans to return to Taiwan.

Character references and awards

Applicant's program manager and supervisor, who have known and worked with Applicant for several years, praised his engineering and research contributions and commend him for his integrity and trustworthiness. (Tr. 13-15, 21-24) Colleagues, family members, friends, and doctoral thesis advisor who have known Applicant for many years characterize him as intelligent, reliable, trustworthy, and deeply devoted to his family and protecting the security interests of the United States. (AEs L and P)

During his two years of employment with his current contractor, Applicant has earned a number of awards recognizing his contributions to the development of high quality research systems and programs. (AE I) His documented awards include multiple collaborative achievement commendations, certificates of completion, and awards of academic excellence in research. (AE I)

Applicant's documented performance evaluations for 2016 and 2017 credit him with consistent ratings of exceeds requirements. (AE K). Noted strengths include dedication and honesty for what he is doing, acceptance of challenges, harmonious in

his working relationships, and demonstrated good intuition on approaches to problem solving. (AE K)

Taiwan's country status

Taiwan has a rich history that dates back 12 to 15 thousand years. Dutch and Spanish colonists claimed the island in the 16th and 17th centuries. See *Background Note: Taiwan* at 1-2, U.S. Department of State, Bureau of East Asian and Pacific Affairs (September 2008) Migration from the Chinese mainland over time supplanted the aborigine peoples of Taiwan. Japan exerted considerable influence over Taiwan following China's ceding of Taiwan to Japan in 1895. (*Id.*)

Following the end of World War II in 1945, Taiwan reverted to Chinese rule. Civil war erupted soon after the reversion between Chiang Kai-Shek's Kuomintang (KMT) party and the increasingly influential Chinese Communist Party guided by Mao Zedong. When the civil war ended in 1949, two million refugees (predominantly nationalists) fled to Taiwan, where Chiang Kai-Shek established a separate provisional KMT capital in Taipei. See *Background Note: Taiwan, supra*, at 3. Mao's victorious Communist party, in turn, established the People's Republic of China (PRC).

For the past half century, Taiwan has demonstrated steady economic development and today is a major international trading power. Its accession to the world Trade Organization (WTO) in 2002 represented a significant achievement and strengthened its standing in the expanding global economy. Taiwan has exhibited steady political development as well since its establishment as an island government. Changes reflect a continuing liberalizing process that culminated in the tightly contested election of Chen Shui-bian in 2000. See *Background Note: Taiwan, supra*, at 3-4. Chen's Democratic Progressive Party (DPP) won major parliamentary victories in 2000 and again in 2004, enabling Chen to become the first opposition party candidate to win the presidency. Chen was re-elected in 2004 on a platform that included a "defensive referendum." (*Id.*, at 4) Such referenda have been historically perceived to be closely linked to the question of Taiwan's independence.

Legislative elections in January 2008 produced a decisive majority for the KMT party over Chen's DPP. (*Background Note: Taiwan, supra*, at 4) In the presidential election that was held one month later, Ma Ying-jeou prevailed, securing a united government under KMT control for the first time. (*Id.*) The January 2012 presidential and legislative elections were held concurrently for the first time (as the result of a constitutional amendment) and resulted in the reelection of Ma Ying-jeou and renewed KMT legislative control by the victorious KMT party.

Today's Taiwan political system can appropriately be described as a multi-party democracy under a constitutional umbrella comprising five branches: executive, legislative, judicial, control and examination. By all accounts, Taiwan has a good human rights record and has demonstrated respect for the rule of contract in its commercial relations.

Taiwan's PRC relations

The PRC does not recognize Taiwan's independence, and insists that there is only "one China" For earlier background on expanding cross-strait trade between Taiwan and the PRC, see *Background Note: Taiwan, supra*, at 4. Despite differences over the PRC's one China policy, Taiwan and the PRC have enjoyed increased contacts over the past decade. (*Id.*) Over the past several years, Taiwan has relaxed restrictions on unofficial contacts with the PRC. With Taiwan's continued relaxation of its PRC policy regarding unofficial contacts, cross-strait interactions have grown significantly.

With increasing contacts between Taiwan and the PRC, cross-strait trade has grown rapidly over the past 20 years. (*Background Note: Taiwan, supra*, at 3-4) China is Taiwan's largest trading partner, and Taiwan is China's seventh largest. (*Id.*) In June 2010, following prolonged negotiations, the two sides signed an Economic Cooperation Framework Agreement (ECFA), which was designed to liberalize cross-strait trade in products and services, with the long-term goal of eventually creating and essentially free-trade regime. The development of semi-official cross-strait relations between Taiwan and the PRC hopefully will contribute to tension reductions and to an environment conducive to an eventually peaceful resolution of outstanding differences between the two sides.

The PRC's military modernization is targeting countries (inclusive of the United States) with the potential to degrade core U.S. military-technological advantages. Administrative Notice, *supra*, at 3. See also *Annual Report to Congress: Military and Security Developments Involving the People's Republic of China 2017* at 75, U.S. Department of defense 2017). These PRC operations use clandestine agents to collect intelligence on Western consortia investing in the PRC who are suspected of involvement in attempts to democratize the PRC, as well as other pro-democracy groups thought to be engaging in anti-communist activities (*Id.*)

In the current political environment, it is still too early to predict the direction of cross-strait negotiations between Taiwan and the PRC. Because of the PRC's long insistence on Taiwan's acceptance of the "one China" principle as a requisite to any jump-starting of negotiations over practical agreements in trade, cultural exchanges, and other areas of mutual interest, future relations between the two sides remain cloudy at best.

U.S.-Taiwan relations

In a joint communique with the PRC in January 1979, the U.S. announced its recognition of the government of the PRC as the sole government of China and that there is but one China, of which Taiwan is a part. See Administrative Notice, *supra*, and *Background Note: Taiwan, supra*, at 4) The Joint Communique stated that within this context the people of the United States will maintain cultural, commercial, and other unofficial relations with the people of Taiwan.

To implement the joint communique, Congress passed the Taiwan Relations Act (TRA) in April 1979. President Carter, in turn, signed the legislation into law on April 10,

1979. Besides providing the legal basis for maintaining the U.S. unofficial relationship with Taiwan, the TRA reinforced the U.S. commitment to providing defense assistance to Taiwan. The TRA expressly provides for the continued sale of appropriate defensive military equipment to Taiwan and declares that peace and stability in the area are in U.S. interests. See *Background Note, Taiwan*, *supra*, at 4. And even though the United States terminated its Mutual Defense Treaty with Taiwan following its de-recognition of the latter, it has continued its sale of appropriate defensive military equipment to Taiwan. (*Id.*)

While ambiguously written, the U.S. commitment to Taiwan's security against cross-strait aggression by the PRC's military forces is implicit in the TRA's coverage of U.S. responsibilities towards Taiwan. This implicit construction is oft-used to support proponents of a "two China" policy. To be sure, initial actions of the Bush Administration in 2001 provided cause to conclude that President Bush abandoned longstanding U.S. policy of "strategic ambiguity" in favor of a policy that placed a clearer emphasis on Taiwan's interests at the expense of the PRC. See *Background Note: Taiwan*, *supra*, at 3-4. More recent developments, though, reflect the smoothing of U.S.-PRC relations as a part of the broader war on terrorism.

The United States and Taiwan enjoy robust unofficial relationships. Currently, the United States does not support Taiwan independence and opposes unilateral steps by either side to alter the *status quo*. See Administrative Notice; *supra*, and *Fact Sheet: U.S. Relations with Taiwan*, U.S. Department of State, Bureau of East Asian and Pacific Affairs (September 2016). For additional historical context, see *Background Note: Taiwan*, *supra*, at 3-4. For so long as Taiwan's national security remains under threat (both veiled and unveiled) from the PRC, Taiwan can be expected to pursue the development of its military amidst expectations of military assistance from the United States. Stressing self-reliance, Taiwan maintains a large military establishment (accounting for 2.9 per cent of its gross domestic product). Its principal mission is to defend itself against the PRC, which has not renounced the use of force against Taiwan.

With its unchanged public policy of maintaining "strategic ambiguity" in its official relations with Taiwan, the United States can be expected to continue its support of Taiwan's island security with the sale of defensive military equipment. Maintaining strong, unofficial relations with the people of Taiwan is and has been a major U.S. goal. It provides the formal basis for pursuing its special relationship with Taiwan and legitimizes its commitment to assist Taiwan in furthering its defense capabilities. See *Fact Sheet: U.S. relations with Taiwan*, *supra*, at 2.

Taiwan's economic collection practices

Based on past reports to Congress, Taiwan is considered one of the most active collectors of U.S. economic and proprietary information. In its 2011 Annual Report to Congress on Foreign Economic Collection and Industrial Espionage, the Counterintelligence Executive (CE) listed Taiwan as well as the PRC among the most active collectors based on cited surveys. See Administrative Notice, *supra*, and *Annual Report to Congress on Foreign Economic Collection and Industrial Espionage*, Office of National Counterintelligence Executive 2009-2011 at 5 (October 2011). Specific incidents

are cited in the CE's report that identify offenders of proprietary information thefts and attempts to acquire export-restricted products. See *Annual Report to Congress: Military and Security Developments Involving the People's Republic of China 2017*, *supra*.

Stress points between Taiwan, the PRC and the United States

In its Annual Reports to Congress in 2000, 2005, and 2008, and 2017, the National Counterintelligence Executive described the PRC as a country intent on acquiring and exploiting the knowledge developed by multiples of collection agents: legally, if possible, and otherwise illegally by espionage. See *Annual Report to Congress on Foreign Economic Collection and Industrial Espionage*, *supra*. Recent indictments of Chinese citizens for espionage have served to highlight the PRC's spying activities in the U.S. (*Id.*) Violating its own 2004 U.S.-China agreement, the PRC oft-fails to schedule timely end-use inspection visits of dual-use items licensed for export to the PRC. Better export controls can be effective only if they are multilateral in scope. Multilateral export controls and arms embargoes, however, do provide additional insurance against altering the cross-strait military balance that has been long maintained.

Without effective dual use export controls in place, the PRC can be expected to acquire dual use technologies with military potential from the United States and Taiwan through the United States and other source countries. Reported intelligence, though, is lacking on any Taiwan use of its collection resources in the United States to supply the PRC with needed military technology (alone or through technology with known dual use capabilities).

Other stress points between the PRC and Taiwan are reflected in periodic PRC military exercises in the Taiwan Straits. More frequent U.S.-PRC high-level exchanges have the potential to reduce cross-strait military tensions.

Policies

The AGs for Determining Eligibility for Access to Classified Information (effective June 2006) list Guidelines to be considered by administrative judges in the decision making process covering DOHA cases. These Guidelines require the administrative judge to consider all of the "Conditions that could raise a security concern and may be disqualifying" (Disqualifying Conditions), if any, and all of the "Mitigating Conditions," if any, before deciding whether or not a security clearance should be granted, continued or denied.

In addition to the relevant AGs, administrative judges must take into account the pertinent considerations for assessing extenuation and mitigation set forth in AG ¶ 2(a) of the AGs, which are intended to assist the judges in reaching a fair and impartial commonsense decision based upon a careful consideration of the pertinent guidelines within the context of the whole person.

The adjudicative process is designed to examine a sufficient period of an applicant's life to enable predictive judgments to be made about whether the applicant is

an acceptable security risk. The following AG ¶ 2(a) factors are pertinent: (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.

Viewing the issues raised and evidence as a whole, the following adjudication policy factors are pertinent herein:

Foreign Influence

The Concern: "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 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 it is known to target U.S. citizens to obtain classified or sensitive information or is associated with a risk of terrorism."

Burden of Proof

By virtue of the precepts framed by the Directive, a decision to grant or continue an Applicant's request for security clearance may be made only upon a threshold finding that to do so is clearly consistent with the national interest. Because the Directive requires administrative judges to make a common sense appraisal of the evidence accumulated in the record, the ultimate determination of an applicant's eligibility for a security clearance depends, in large part, on the relevance and materiality of that evidence. As with all adversary proceedings, the Judge may draw only those inferences which have a reasonable and logical basis from the evidence of record. Conversely, the Judge cannot draw factual inferences that are grounded on speculation or conjecture.

The Government's initial burden is twofold: (1) it must prove any controverted fact[s] alleged in the Statement of Reasons, and (2) it must demonstrate that the facts proven have a material bearing to the applicant's eligibility to obtain or maintain a security clearance. The required showing of material bearing, however, does not require the Government to affirmatively demonstrate that the applicant has actually mishandled or abused classified information before it can deny or revoke a security clearance. Rather, consideration must take account of cognizable risks that an applicant may deliberately or inadvertently fail to safeguard classified information.

Once the Government meets its initial burden of proof of establishing admitted or controverted facts, the burden of proof shifts to the applicant for the purpose of establishing his or her security worthiness through evidence of refutation, extenuation or mitigation of the Government's case.

Analysis

Applicant is a U.S. citizen by birth who married a Taiwan national in September 2015. Security concerns arise over the status of Applicant's in-laws who are citizens and residents of Taiwan, a country historically friendly to the United States, albeit, one with a reported history of economic collection activities in the United States.

Foreign influence concerns

Department Counsel urges security concerns over risks that Applicant's mother-in-law and father-in-law (citizens residing in Taiwan, might be subject to undue foreign influence by Taiwanese government authorities to access classified information in Applicant's possession or control. Because Applicant's extended family members reside in Taiwan, they present potential heightened security risks covered by disqualifying condition (DC) ¶ 7(a) of the AGs for foreign influence: "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." The citizenship/residence status of these extended family members in Taiwan pose some potential concerns for Applicant because of the risks of undue foreign influence that could compromise classified or sensitive information under Applicant's possession and/or control.

Applicant's mother-in-law works for a private hospital; while his father-in-law works in private farming. Neither in-law is affiliated or associated any way with the Taiwan government or military. Based on the information furnished by Applicant, his in-laws pose no identifiable security risk to Applicant or the Government that could place Applicant at risk to any form of coercion or pressure to divulge classified or sensitive information in his possession. The same holds for Applicant's spouse who now has permanent residence status.

The AGs governing collateral clearances do not dictate *per se* results or mandate particular outcomes for applicants with relatives who are citizens/residents of foreign countries in general. What is considered to be an acceptable risk in one foreign country may not be in another. The geopolitical aims and policies of the particular foreign regime involved do matter. And the AGs do take into account the country's demonstrated relations with the United States as an important consideration in gauging whether the particular relatives with citizenship and residency elsewhere create a heightened security risk. Taiwan, while reported to target the United States and its companies in the past for economic and proprietary information, is still a country with no known recent history of hostage taking or disposition for exerting undue influence against family members to obtain either classified information, or unclassified economic and proprietary data.

The special relationship that has existed between the United States and Taiwan over the past half-century has been one marked by mutually reconcilable political and economic interests. Reports of Taiwan intelligence gathering against U.S. companies are counterbalanced by Taiwan's history of friendship and partnership in a defense pact formalized in 1979. The mutually supportive bonds that have linked Taiwan's special relationship with the United States have not been weakened by either the TRA, or the geopolitical forces that have shaped the U.S.'s evolving relationship with the PRC.

Taiwan remains a friend of the United States and is a country whose democratic institutions are not incompatible with our own traditions and respect for human rights and the rule of law. Whatever potential heightened security risks arise as the result of Applicant's having family members with citizenship and residency in Taiwan are mitigated.

As for security concerns associated with the presence of Applicant's mother-in-law and father-in-law in Taiwan, any potential heightened risk of a hostage situation or undue foreign influence brought in the hopes of eliciting either classified information or economic or proprietary data out of Applicant through his extended family members residing in Taiwan is minimal. For not only does Applicant have infrequent contact with his in-laws residing in Taiwan, but neither he nor his spouse have any bank accounts or other property or financial interests in Taiwan. Applicant pledged his loyalty and support to the United States where he has lived all of his life as a U.S. citizen by birth, continuously since immigrating to this country in 1969. During this time, he has amassed considerable close family and community relationships. Applicant, accordingly, may take advantage of two important mitigating conditions:

MC ¶ 8(a), the nature of the relationships with foreign persons, the country in which these persons are located, or the persons or activities of these 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, and

MC ¶ 8(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 minima, or the individual has such deep and longstanding relationships and loyalties to the United States that the individual can be expected to resolve any conflict of interest in favor of the U.S. interests.

Raised security concerns over Applicant's wife and in-laws having Taiwan citizenship and financial interests in Taiwan that could create conflicts of interests that could potentially place Applicant at risk to making choices that prioritize his personal interests over the security interests of the United States are unlikely to materialize.

Whole-person assessment

Whole person assessment also serves to minimize Applicant's exposure to conflict of interests with his Taiwan in-laws. Not only is a U.S. citizen by birth and earned multiple degree in engineering from a respected U.S. university, but he has made every effort to work and pursue his professional and financial interests exclusively in the United States. Applicant is highly regarded and trusted by his company managers, colleagues, and close friends, who are not aware of any risks of coercion, pressure, or influence that Applicant's mother-in-law and father-in-law might be exposed to in Taiwan. Applicant's professional and academic awards and professional evaluations are superior and provide much promise of success in his chosen field of engineering.

In Applicant's case, any likelihood of coercion, pressure, or influence being brought to bear on any of his extended family members residing in Taiwan would appear to be minimal. By all reasonable accounts of the presented record, Applicant has no identifiable conflicts of interest with Taiwan citizens and residents or property interests in Taiwan that could be at risk to exploitation or compromise by Taiwan authorities. Overall, any potential security concerns attributable to Applicant's extended family members in Taiwan are sufficiently mitigated to permit safe predictive judgments concerning Applicant's ability to withstand risks of undue influence attributable to his familial relationships in Taiwan. Favorable conclusions are warranted with respect to the allegations covered by Guideline B.

Formal Findings

In reviewing the allegations of the SOR in the context of the findings of fact, conclusions, and the factors and conditions listed above, I make the following separate formal findings with respect to Applicant's eligibility for a security clearance.

GUIDELINE B: (FOREIGN INFLUENCE): FOR APPLICANT

Subparas. 1.a-1.c: For APPLICANT

Conclusions

In light of all the circumstances presented by the record in this case, it is clearly consistent with the national interest to grant or continue Applicant's security clearance. Clearance is granted.

Roger C. Wesley
Administrative Judge

