



**U.S. Citizenship  
and Immigration  
Services**

Non-Precedent Decision of the  
Administrative Appeals Office

In Re: 19519098

Date: NOV. 03, 2021

Appeal of Texas Service Center Decision

Form I-140, Immigrant Petition for Alien Worker (Advanced Degree, Exceptional Ability, National Interest Waiver)

The Petitioner, an assistant professor of international studies, seeks second preference immigrant classification as an individual of exceptional ability in the sciences, arts or business, as well as a national interest waiver of the job offer requirement attached to this EB-2 classification. See Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2). After a petitioner has established eligibility for EB-2 classification, U.S. Citizenship and Immigration Services (USCIS) may, as matter of discretion, grant a national interest waiver if the petitioner demonstrates: (1) that the foreign national's proposed endeavor has both substantial merit and national importance; (2) that the foreign national is well positioned to advance the proposed endeavor; and (3) that, on balance, it would be beneficial to the United States to waive the requirements of a job offer and thus of a labor certification. Matter of Dhanasar, 26 I&N Dec. 884 (AAO 2016).

The Texas Service Center Director determined that the Petitioner qualifies for classification as an advanced degree professional and that the proposed endeavor has substantial merit and national importance. However, the Director concluded that the evidence did not establish that the Petitioner is well positioned to advance the endeavor, or that a waiver of the required job offer, and thus of the labor certification, would be in the national interest.

On appeal, the Petitioner offers a brief and additional evidence to argue that she qualifies for a national interest waiver. In these proceedings, it is the Petitioner's burden to establish eligibility for the requested benefit. Section 291 of the Act, 8 U.S.C. § 1361. Upon de novo review, we will dismiss the appeal.

## I. LEGAL FRAMEWORK

To establish eligibility for a national interest waiver, a petitioner must first demonstrate qualification for the underlying EB-2 visa classification (emphasis added), as either an advanced degree professional or an individual of exceptional ability in the sciences, arts, or business. Because this classification requires that the individual's services be sought by a U.S. employer, a separate showing is required to establish that a waiver of the job offer requirement is in the national interest.

Section 203(b) of the Act sets out this sequential framework:

(2) Aliens who are members of the professions holding advanced degrees or aliens of exceptional ability. –

(A) In general. – Visas shall be made available . . . to qualified immigrants who are members of the professions holding advanced degrees or their equivalent or who because of their exceptional ability in the sciences, arts, or business, will substantially benefit prospectively the national economy, cultural or educational interests, or welfare of the United States, and whose services in the sciences, arts, professions, or business are sought by an employer in the United States.

(B) Waiver of job offer –

(i) National interest waiver. . . . [T]he Attorney General may, when the Attorney General deems it to be in the national interest, waive the requirements of subparagraph (A) that an alien’s services in the sciences, arts, professions, or business be sought by an employer in the United States.

Section 101(a)(32) of the Act provides that “[t]he term ‘profession’ shall include but not be limited to architects, engineers, lawyers, physicians, surgeons, and teachers in elementary or secondary schools, colleges, academics, or seminaries.”

The regulation at 8 C.F.R. § 204.5(k)(2) contains the following relevant definitions:

Advanced degree means any United States academic or professional degree or a foreign equivalent degree above that of baccalaureate. A United States baccalaureate degree or a foreign equivalent degree followed by at least five years of progressive experience in the specialty shall be considered the equivalent of a master’s degree. If a doctoral degree is customarily required by the specialty, the alien must have a United States doctorate or a foreign equivalent degree.

Exceptional ability in the sciences, arts, or business means a degree of expertise significantly above that ordinarily encountered in the sciences, arts, or business.

Profession means one of the occupations listed in section 101(a)(32) of the Act, as well as any occupation for which a United States baccalaureate degree or its foreign equivalent is the minimum requirement for entry in the occupation.

In addition, the regulation at 8 C.F.R. § 204.5(k)(3)(ii) sets forth the specific evidentiary requirements for demonstrating eligibility as an individual of exceptional ability. A petitioner must submit documentation that satisfies at least three of the six categories of evidence listed at 8 C.F.R. § 204.5(k)(3)(ii).

Furthermore, while neither the statute nor the pertinent regulations define the term “national interest,” we set forth a framework for adjudicating national interest waiver petitions in the precedent decision *Matter of Dhanasar*, 26 I&N Dec. 884 (AAO 2016). In announcing this new framework, we vacated our prior precedent decision, *Matter of New York State Department of Transportation*, 22 I&N Dec. 215 (Act. Assoc. Comm’r 1998). *Dhanasar* states that after a petitioner has established eligibility for EB-2 classification, U.S. Citizenship and Immigration Services (USCIS) may grant a national interest waiver as matter of discretion. See also *Poursina v. USCIS*, 936 F.3d 868, 2019 WL 4051593 (9th Cir. 2019) (finding USCIS’ decision to grant or deny a national interest waiver to be discretionary in nature). As a matter of discretion, the national interest waiver may be granted if the petitioner demonstrates: (1) that the foreign national’s proposed endeavor has both substantial merit and national importance; (2) that the foreign national is well positioned to advance the proposed endeavor; and (3) that, on balance, it would be beneficial to the United States to waive the requirements of a job offer and thus of a labor certification. See *Dhanasar*, 26 I&N Dec. at 888-91, for elaboration on these three prongs.

## II. ANALYSIS

The Director found that the Petitioner qualifies as a member of the professions holding an advanced degree. The Petitioner holds a doctorate degree in international studies, which she earned from a U.S. university in 2015. The Director found that the evidence of record established the substantial merit and national importance of the proposed endeavor. However, upon de novo review and for the reasons discussed below, we must withdraw the Director’s conclusion that the Petitioner met the national importance portion of the first prong. In addition, we agree with the Director that the evidence does not establish the Petitioner’s eligibility under the second *Dhanasar* prong.

### A. National Importance

Although the Director determined that the Petitioner’s proposed endeavor has both substantial merit and national importance, we withdraw the Director’s finding concerning the national importance portion of the Petitioner’s eligibility under the first *Dhanasar* prong. As the below discussion illustrates, we conclude that the evidence is insufficient to support a finding that the endeavor has national importance.

On the Form I-140, Immigrant Petition for Alien Worker, which the Petitioner filed in January 2019, she provided the following information:

#### Part 5 - Additional Information About the Petitioner

Section 11. Occupation: International Relations Researcher

#### Part 6 - Basic Information About the Proposed Employment

Section 1. Job Title: Assistant Professor in International Studies

Section 2. SOC Code: 19-3094

Section 3. Nontechnical Job Description: Prepare and deliver lectures to college students on topics such as International Relations, Security Studies. Conduct research in International Studies field, publish findings in professional journals.

The Petitioner's résumé indicates that at the time of filing, she held an adjunct professor position at [REDACTED], as well as served as an international consultant for the [REDACTED] and as a contributing analyst for [REDACTED]. On her ETA 750 Part B, the Petitioner listed her employment as an international consultant and as a contributing analyst but stated that she held her position as an adjunct professor with [REDACTED] only until December 2018. Also on the ETA 750 Part B, she listed her prospective position as an international relations researcher and referred our attention to her personal statement for further details. In viewing the Petitioner's Form I-140, résumé, and ETA 750 Part B collectively, we note discrepancies both in whether the Petitioner is currently employed as a professor, as well as whether her intended employment is as a professor or solely as a researcher.

Her personal statement provided background concerning her past accomplishments, as well as her future research plans and job opportunities. The Petitioner stated that in the coming years, she intends to "extend [her] research on [REDACTED] foreign policy to support civil society as the cornerstone of improved maintenance of public affairs in emerging societies and countries" and that her research "addresses fundamental issues for lasting peace and stability in the world." She expressed certainty that she will "make a significant contribution to enhancing the study of national security issues." She further clarified that she intends to extend her "prior research on [REDACTED]'s geopolitical challenges to the United States and [REDACTED] by using new and more advanced approaches to obtain a proper database of [REDACTED] propaganda, segmented by media, topic, target audience, and reach, that greatly improves the works of all analysts studying [REDACTED] information warfare." The Petitioner explained that she is seeking employment opportunities to continue her work and noted that she had an interview for an assistant professor position scheduled with the international studies department of the University [REDACTED]. She also stated that she was certain of her ability to find suitable employment within her field once she receives a visa. The record contains emails from [REDACTED] assigning the Petitioner to teach two Spring 2019 courses, as well as requesting her course preferences for Summer and Fall 2019. Additionally, the Petitioner asserted that she conducts peer reviews of others' academic work and serves as on the editorial board of [REDACTED], an academic journal.

Based upon the information provided, the Petitioner's future plans remain unclear. As previously noted, her statement on the Form I-140 indicates that her proposed employment is as an assistant professor in international studies, while her Form ETA 750, Part B indicates her prospective employment will be as an international relations researcher. The conflicting information provided prevents us from determining if the Petitioner currently works as an adjunct professor and if so, how much time she will devote to teaching as opposed to research. This is significant, as we determined in *Dhanasar* that the petitioner's teaching activities did not rise to the level of having national importance because they would not impact his field more broadly. *Id.* at 893. In addition, we cannot ascertain how much time the Petitioner intends to devote to research while also pursuing her consulting, analyst, peer review, and editorial board activities.

Finally, the Petitioner appears to be engaged in an active employment search, as evidenced by her interview for an assistant professor position at the University [REDACTED] and her statement that she is certain to find suitable employment. The Petitioner did not provide details on what "suitable employment" involves and we cannot ascertain whether her proposed endeavor activities will encompass this future and unknown employment or whether she intends to perform

research outside of and apart from whatever “suitable employment” she finds. We question what the Petitioner’s proposed endeavor actually involves and note that the purpose of a national interest waiver is not to afford a petitioner an opportunity to engage in a U.S. job search. In *Dhanasar*, we held that a petitioner must identify “the specific endeavor that the foreign national proposes to undertake.” *Id.* at 889. Although the record contains explanations of past and current employment and research, we have insufficient information concerning the Petitioner’s proposed future endeavor to conclude that it has national importance.

To evaluate whether a petitioner’s proposed endeavor satisfies the national importance requirement, we look to evidence documenting the “potential prospective impact” of the work. With respect to the Petitioner’s teaching, we conclude that the record does not establish by a preponderance of the evidence that such activities would impact the field of international relations more broadly, as opposed to being limited to the specific students and university she may serve. The Petitioner has not included sufficient evidence of the specific future activities she will engage in, which inhibits a determination concerning the proposed endeavor’s broader impact and therefore its national importance. Accordingly, we conclude that her endeavor, as currently described, does not meet the first prong of the *Dhanasar* framework.

A review of the Petitioner’s evidence does not clarify her proposed endeavor, nor persuasively establish its national importance. The Petitioner provided online commentary from academic and news sources asserting the significance and relevance of the international relations field, particularly to U.S. interests. However, in determining national importance, the relevant question is not the importance of the industry or profession in which the individual will work; instead, we focus on the “the specific endeavor that the foreign national proposes to undertake.” See *Id.* at 889. Although the Petitioner asserted that her “state-of-the-art research in international relations offers novel insight into the position of the [United States] in the global world order, which guides the development and implementation of informed foreign policies that optimize outcomes for both the United States and its international partners,” she has not provided sufficient documentation to substantiate these claims. The Petitioner has not explained how her research is “state-of-the-art” or even what such a claim means in the context of research. For instance, she has not asserted that her research methods are new or different from traditional research methods or the methods already used by others. Furthermore, the claim that she offers “novel insights” is not supported by the record. In examining the documentation, we observe evidence that many others study, publish, and offer their research-based perspectives on similar topics. The record contains insufficient evidence to support a finding that the Petitioner’s research has offered novel insights, particularly as the record contains evidence demonstrating that other researchers have also considered similar concepts.

The Petitioner offered evidence of her research publications and that at the time of filing her petition in January 2019, her work had been cited nine times. While we acknowledge that evidence of the impact her past work has had provides a basis to suggest that her future work will have a similar impact, this past research acclaim does not in itself establish the national importance of the proposed endeavor. Here, the Petitioner has not identified the specific nature of her proposed future activities so that we might determine the endeavor’s possible impact, nor has she identified how any future research would be disseminated into the community such that its potential can be properly evaluated. To illustrate, if the Petitioner holds an adjunct professor position while also researching, this may inform how she publishes and disseminates her research ideas. Alternatively, if she performs research independently and holds no other employment,

we question how she will fund her research work and publish any findings concerning it. Finally, obtaining undefined “suitable employment” at an unknown time could detract from the time she might devote to research. As the impact created by such scenarios would vary, we conclude that the Petitioner has not established how her past research record supports a finding that her future work will have a similar impact or that such impact would rise to the level of national importance.

Although we acknowledge the Petitioner’s claims that her research has informed foreign policy, the record does not contain sufficient or persuasive evidence to support such a conclusion. We reviewed the letter from [redacted] which the Petitioner submitted in response to the Director’s request for evidence (RFE). [redacted], the Director of Public Policy at [redacted] asserted that the [redacted] [redacted] a combat command of the United States Department of Defense, “funded the Petitioner’s efforts to understand [redacted] government intentions through a study of state media.” While we acknowledge this letter and the printout of a report co-authored by the Petitioner concerning the role of [redacted] the record contains insufficient evidence to corroborate [redacted] claims. For instance, the record does not contain evidence, such as a money transfer, check, or contract, to corroborate that any U.S. defense entity paid the Petitioner to conduct this study. Moreover, the documentation does not suggest that the [redacted] adopted any policies as a result of the Petitioner’s study. The news article printout regarding the [redacted]’s work in [redacted] [redacted] provides helpful background into the possible reasons for commissioning a study, but the article does not suggest that the Petitioner’s research had any bearing on the [redacted]’s policies or that they specifically commissioned the Petitioner to conduct research on their behalf. In addition, although [redacted] claims to be a former researcher within the [redacted], it is unclear when he left that role and joined his current role at [redacted] nor can we ascertain the nature of [redacted]’s authority to comment on behalf of the [redacted]. Based upon this evidence, the Petitioner has not established her research has informed foreign policy or that her proposed endeavor has national importance.

While the Petitioner submitted numerous letters of recommendation from other researchers and academics in the field, few authors discussed the Petitioner’s proposed future endeavor. Instead, the authors primarily focused on the Petitioner’s past work. As such, these letters do not assist in our understanding of the proposed endeavor. In examining the authors’ claims concerning the Petitioner’s past research, we observe that the impact of her research appears limited to academia. The authors offer little detail to substantiate a finding that the Petitioner’s research has affected the international relations field as a whole. Although [redacted] asserted that the Petitioner’s research on [redacted] national security policy has provided insights that inform the foreign policy of the United States, neither this letter nor the record substantiates such a claim. Similarly, although [redacted] [redacted] described the Petitioner’s research as “groundbreaking,” her publications as “influential,” and that she has proposed “innovative frameworks,” he offered insufficient detail to explain such assertions. For instance, he did not explain why her research was groundbreaking or different, who or what specifically her publications have influenced, or what innovative frameworks she has proposed for understanding foreign policy in [redacted]. Likewise, [redacted] commented on the Petitioner’s “innovative approach” as an example of the Petitioner’s vital role in the field but offered little detail to explain what the Petitioner’s approach is or how it is innovative in comparison to others in the field.

Generalized conclusory statements that do not identify a specific impact in the field have little probative value. *See 1756, Inc. v. U.S. Att’y Gen.*, 745 F. Supp. 9, 15 (D.D.C. 1990) (holding that an agency need not credit conclusory assertions in immigration benefits adjudications). The submission of reference letters supporting the petition is not presumptive evidence of eligibility; USCIS may evaluate the content of those letters so as to determine whether they support the petitioner’s eligibility. *Id.* See also *Matter of V-K-*, 24 I&N Dec. 500, n.2 (BIA 2008) (noting that expert opinion testimony does not purport to be evidence as to “fact”).

Overall, the Petitioner has not clearly identified how her research activities fit in with her future employment plans. The record does not include consistent information or sufficient supporting evidence identifying how the Petitioner will allocate her time between her various activities or whether her proposed endeavor of research includes employment as a professor or in some other position that she will find at an unknown future time. As she has not identified what specific future activities she will engage in and how, the Petitioner has not established that her proposed endeavor will have a broader impact or national importance. For the foregoing reasons, we withdraw the Director’s finding concerning the Petitioner’s eligibility under the first Dhanasar prong and conclude instead that the evidence is insufficient and lacks the requisite detail necessary to support a finding that the endeavor has national importance.

#### B. Whether the Petitioner is Well Positioned to Advance the Proposed Endeavor

As the Petitioner has not established eligibility under the first Dhanasar prong, eligibility under the second and third prongs is moot. A national interest waiver is only available to those who establish eligibility for the underlying classification and under all three prongs of the Dhanasar framework. Nevertheless, because the Director made additional findings concerning the Petitioner’s eligibility under the second Dhanasar prong and the Petitioner asserts error in those findings, we provide additional analysis concerning the Petitioner’s eligibility under the second Dhanasar prong. As previously explained, the record contains conflicting information concerning whether the Petitioner is currently employed as a professor and how her research activities fit in with her future employment plans. The unclear nature of the proposed endeavor inhibits a proper assessment of whether the Petitioner is well positioned to advance it.

Analysis under the second prong shifts the focus from the proposed endeavor to the Petitioner. In our precedent Dhanasar decision, we found “[t]he petitioner’s education, experience, and expertise in his field, the significance of his role in research projects, as well as the sustained interest of and funding from government entities such as NASA and AFRL, position him well to continue to advance his proposed endeavor of hypersonic technology research.” *Id.* at 893. Although the record demonstrates that the Petitioner’s advanced degree is relevant to international relations research and that she has some experience in the field, the Petitioner has not persuasively established her expertise, that she holds a significant role in her field, that there is sustained interest in her work, or that she has received funding for her past research or for her future endeavor. Accordingly, the evidence is insufficient to conclude that the Petitioner is well positioned to advance her endeavor.

We acknowledge that the Petitioner authored a book and additional individual chapters published within larger collections of research, and that these publications had collectively garnered nine citations at the time of filing. In addition, we acknowledge the Petitioner’s appellate arguments concerning the

limitations of Google Scholar and that Microsoft Academic affords an improved perspective on the Petitioner's record of success. However, as Dhanasar demonstrates, we look to a variety of factors in determining whether a petitioner is well positioned to advance the proposed endeavor and citations are merely one factor among many that may contribute to such a finding. While nine citations may indicate some level of success in her field of endeavor, such a citation record does not persuasively support the Petitioner's claim that her work is widely recognized. Moreover, much of the Petitioner's published research appears intertwined with or supported by her former research faculty supervisor, [REDACTED]. For example, [REDACTED] wrote the Petitioner's first book review and many of the Petitioner's published chapters appear in [REDACTED]'s textbook materials. The Petitioner has not provided persuasive evidence of her expertise and experience in research that is independent from the support and established platform provided by her former faculty research supervisor. Additionally, the Petitioner appears as a co-author on a research report concerning the role of [REDACTED] news media in [REDACTED] and it is therefore not apparent how much of the Petitioner's own research went into this report. Based upon this evidence, it appears as though the Petitioner has received collaborative support from others in producing research and we question her record of success in producing research independently.

The Petitioner submitted evidence that others have reviewed her work and provided their opinions on her publications, which she argued supports a finding that her work has been favorably received in the field of international relations. In examining the reviews, we observe that most appear to be general summaries or supposition concerning possible future impact. For instance, a Ph.D. candidate summarized the various chapters of an overall publication that contains one chapter the Petitioner wrote. The candidate's summary provides no commentary on how the Petitioner has influenced the field or any indication that the Petitioner's work has been favorably received. Although [REDACTED], a political candidate in the United Kingdom, wrote that the Petitioner's work will certainly challenge scholars' views, [REDACTED] offered little explanation for such an assertion, nor did she claim that the Petitioner's work had any actual impact on the field. Further, the record does not establish what professional credentials [REDACTED] possesses to offer her opinion on the Petitioner's work. Similarly, [REDACTED] reviewed the Petitioner's written work and offered his own summary of it but did not offer any comment on its quality, impact, or importance in the field. The Petitioner further claimed that researcher [REDACTED] reviewed her work; however, the record merely contains [REDACTED]'s online biography and does not contain any review of the Petitioner's work. Based on the evidence provided, the reviews of the Petitioner's written work do not suggest a record of success or favorable status in the field that would position her well to advance the proposed endeavor.

The Petitioner also claimed that she received U.S. government funding for her research and that this funding supports a finding that she is well positioned to advance her endeavor. The Petitioner provided a copy of a [REDACTED] contract for her work as a consultant on a project from November 2017 to May 2018. A letter from the [REDACTED] project officer indicated that the United States Agency for International Development (USAID) funded the project. The Petitioner's consultant role involved analyzing an academic writing program at a university in [REDACTED] in order to improve the university's writing courses and the overall curriculum in the region. The record does not contain evidence to support a finding that the Petitioner received USAID funding for her proposed endeavor or that the funding she received extended beyond the university writing project. Furthermore, the evidence suggests the Petitioner received funding for her consultancy work in instructional methods and educational policy, rather than for international relations research. In addition, the source of funding appears not to have been



available to the Petitioner since the close of her contract in May 2018. Accordingly, the past funding she received for her consultancy work has no bearing on her positioning to advance her proposed endeavor.

The Petitioner also claimed that she received \$4,000 from the [redacted] to investigate [redacted] news media coverage and their posture towards [redacted]. As previously discussed, the only evidence the Petitioner provided to support such an assertion is a letter from the Director of Public Policy at [redacted]. This evidence is secondary and not persuasive of actual payment or a request for the Petitioner to conduct research on behalf of the U.S. military. Moreover, the letter lacks specific dates and other corroborative and verifiable details. We further conclude that it does not persuasively establish the author's prior work as a researcher for [redacted] or his authority to comment on behalf of [redacted]. Even if we were to accept the Petitioner's contention that she received U.S. military funding for her research, this would still be insufficient to support a finding that such funding would be available for use in pursuing her proposed endeavor or that she is currently well positioned to advance her endeavor because of it.

The Petitioner also asserted that her position on an editorial board and her peer review of others' written work establishes her expertise in the field and thereby positions her well to advance the proposed endeavor. However, the Petitioner has not persuasively supported her contention that these activities suggest she has expertise in her field or that these activities improve her ability to carry out the proposed endeavor. For instance, the Petitioner offered little information concerning [redacted] how her service on the board positions her as a leader in the field, what her duties are as a member, or how much time she spends on her editorial board duties. Similarly, the Petitioner has not offered data on how many articles she has peer reviewed in relation to other researchers in her field, or how the reputation of the journals and the peers for whom she reviews indicates that the Petitioner is an expert in her field. In addition, whether her proposed endeavor involves international relations research or teaching international relations as a professor, the Petitioner's work as a member on an editorial board or as a peer reviewer appears to take time away from her other proposed endeavor activities. Accordingly, even if we were to accept the Petitioner's argument that this work demonstrates that she is an expert in her field, it would nevertheless fail to demonstrate how she is well positioned to carry out her endeavor.

In her RFE response, the Petitioner asserted that she received a prestigious fellowship based on her outstanding contributions to the field. She presented a letter from the Chief Executive Officer of the [redacted] which stated that they identified the Petitioner as an "outstanding scholar" and that she was selected to receive a fellowship "based on her reputation for producing important research relevant to understanding the [redacted] region." The Petitioner provided little information concerning what this fellowship conferred upon her or how it is considered prestigious. It is not apparent how many other scholars received this fellowship, how many were considered overall, what qualifications [redacted] considered in making its determination, or whether the fellowship is known beyond the presenting organization. Accordingly, we conclude that this fellowship does not support a finding that the Petitioner's reputation in the field positions her well to advance her proposed endeavor.

Returning once again to the Petitioner's recommendation letters, we observe that most authors discuss the Petitioner's past research contributions. Most authors appear to have little knowledge of the Petitioner's current or future employment or funding, nor have the authors provided details concerning the international relations community's interest in the Petitioner's proposed future work. As the

Petitioner's current and future employment status remains unclear, we question her ability to predominantly pursue research in a manner commensurate with the authors descriptions of her past work. Accordingly, the past success the authors described is insufficient to support a finding that the Petitioner is well positioned to carry out her future endeavor.

For the foregoing reasons, the evidence is insufficient to establish that the Petitioner is well positioned to advance the proposed endeavor. Because the documentation in the record does not establish: (1) the national importance of the Petitioner's proposed endeavor as required by the first prong of the Dhanasar precedent decision; or (2) that the Petitioner is well positioned to advance the proposed endeavor under the second prong, the Petitioner has not demonstrated eligibility for a national interest waiver. Further analysis of her eligibility under the third prong outlined in Dhanasar would serve no meaningful purpose.

### III. CONCLUSION

The appeal will be dismissed for the above stated reasons, with each considered as an independent and alternate basis for the decision.

ORDER: The appeal is dismissed.