

established. In finding against Applicant on each of the illegal drug use allegations, the Judge stated:

With the exception of his marijuana use in 2009, all of Applicant's subsequent use of illegal drugs came as a mature adult, in his early 30s. He was employed by a defense contractor at the time (his current employer) whether or not he held a clearance at the time, or had actual access to classified information. Regardless, he should have known better. Applicant's history of illegal drug use is too recent and too varied to provide much evidence of mitigation. [Decision at 8.]

In his appeal brief, Applicant argues he had no access to classified information when he used illegal drugs. There is no need to address this argument because, as noted above, the Judge concluded Disqualifying Condition 25(f) was not established. From a plain reading of the decision, it is apparent the Judge disregarded the phrase "while granted access to classified information" in finding against Applicant on the drug use allegations.

Applicant contends that the Judge did not accurately apply the whole-person concept and mischaracterized his trustworthiness. These arguments, however, are not sufficient to demonstrate the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. Directive ¶ E3.1.32.3.

Applicant failed to establish the Judge committed any harmful error. The Judge examined the relevant evidence and articulated a satisfactory explanation for the decision. The decision is sustainable on the record. "The general standard is that a clearance may be granted only when 'clearly consistent with national security.'" *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). *See also*, Directive, Encl. 2, App. A ¶ 2(b): "Any doubt concerning personnel being considered for national security eligibility will be resolved in favor of national security."

Order

The decision is **AFFIRMED**.

Signed: James F. Duffy

James F. Duffy
Administrative Judge
Chairperson, Appeal Board

Signed: Jennifer I. Goldstein

Jennifer I. Goldstein
Administrative Judge
Member, Appeal Board

Signed: Moira Modzelewski

Moira Modzelewski
Administrative Judge
Member, Appeal Board