



**DEPARTMENT OF DEFENSE
 DEFENSE LEGAL SERVICES AGENCY
 DEFENSE OFFICE OF HEARINGS AND APPEALS
 APPEAL BOARD
 POST OFFICE BOX 3656
 ARLINGTON, VIRGINIA 22203
 (703) 696-4759**

Date: June 21, 2022

In the matter of:)	
)	
-----)	ADP Case No. 20-03014
)	
Applicant for Security Clearance)	
)	

APPEAL BOARD DECISION

APPEARANCES

FOR GOVERNMENT

James B. Norman, Esq., Chief Department Counsel

FOR APPLICANT

Pro se

The Department of Defense (DoD) declined to grant Applicant a trustworthiness designation. On July 13, 2021, DoD issued a statement of reasons (SOR) advising Applicant of the basis for that decision—trustworthiness concerns raised under Guideline H (Drug Involvement and Substance Misuse) and Guideline E (Personal Conduct) of DoD Directive 5220.6 (January 2, 1992, as amended) (Directive). Applicant requested a decision on the written record. On April 29, 2022, after considering the record, Defense Office of Hearings and Appeals (DOHA) Administrative Judge Darlene D. Lokey Anderson denied Applicant’s request for a trustworthiness designation. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Under Guidelines H and E, the SOR alleged that Applicant used marijuana with varying frequency from about 2009 to about 2019 while granted access to classified information. In responding to the SOR, Applicant admitted using THC during the alleged time period but indicated he never used “any substance” while accessing classified information. The Judge found against Applicant under both guidelines.

In his appeal brief, Applicant does not assert that the Judge committed any error. Rather, he provides an explanation for his drug involvement and requests the Appeal Board reconsider the adjudication and reinstate his trustworthiness designation. The Board does not conduct a *de novo* review of a case.

The Board is tasked to address material issues raised by the parties to determine whether the Judge committed harmful error. Directive ¶ E3.1.32. Because Applicant has not made such an allegation of error, the decision of the Judge denying him a trustworthiness designation is sustainable.

Order

The decision is **AFFIRMED**.

Signed: James F. Duffy
James F. Duffy
Administrative Judge
Chairperson, Appeal Board

Signed: Moira Modzelewski
Moira Modzelewski
Administrative Judge
Member, Appeal Board

Signed: Jennifer I. Goldstein
Jennifer I. Goldstein
Administrative Judge
Member, Appeal Board