



Date: May 13, 2025

In the matter of:

Applicant for Public Trust Position

ADP Case No. 23-00367

APPEAL BOARD DECISION

APPEARANCES

FOR GOVERNMENT

Andrea M. Corrales, Esq., Deputy Chief Department Counsel

FOR APPLICANT

Pro se

The Department of Defense (DoD) declined to grant Applicant a trustworthiness designation. On June 30, 2023, DoD issued a Statement of Reasons (SOR) advising Applicant of the basis of that decision – trustworthiness concerns raised under Guideline H (Drug Involvement and Substance Misuse) and Guideline F (Financial Considerations) of the National Security Adjudicative Guidelines (AG) in Appendix A of Security Executive Agent Directive 4 (effective June 8, 2017) and DoD Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). On January 10, 2025, Defense Office of Hearings and Appeals Administrative Judge David M. White denied Applicant national security eligibility. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Discussion

Applicant is in his early 40s. Under Guideline H, the SOR alleged, and Applicant admitted, that he used hallucinogenic mushrooms from 2008 to at least June 2020, that he had used marijuana since October 2020, and that he intended to continue to use both drugs in the future. The Judge found that Applicant uses marijuana on a weekly basis and intends to continue such use in the

future because it helps him relax and sleep. Applicant acknowledged his understanding that, despite recreational marijuana's legality under his residential state law, it remains illegal under federal law. Regarding his hallucinogenic mushroom use, Applicant submitted a statement of intent declaring that he would stop using hallucinogens in the United States but intended to use them during future overseas trips.

Under Guideline F, the SOR alleged one delinquent lease account, placed for collection for about \$25,000. Applicant acknowledged that he cosigned the lease with a friend and that they both stopped paying the rent after the friend relocated in 2019, but he denied the allegation on the basis that the debt might be charged off. He has decided to make no effort to resolve the debt, despite having funds available after his monthly expenses are paid.

Based on the foregoing, the Judge found that the evidence creates substantial doubt about Applicant's national security eligibility and held adversely on all allegations.

There is no presumption of error below and the appealing party has the burden of raising claims of error with specificity. Directive ¶ E3.1.30. Applicant makes no assertion of error on appeal. Instead, he reiterates his intentions against using hallucinogens while holding national security eligibility and highlights that he is not a drug abuser. He also reiterates that he is not liable for the alleged debt because it has been charged off. None of Applicant's arguments are persuasive. The Judge's findings of fact are amply supported by the record, and his conclusions are well-rooted in Appeal Board precedent and are sustainable.

Applicant also provides new evidence in the form of updates regarding his use of marijuana, which the Appeal Board is prohibited from considering on appeal. Directive ¶ E3.1.29.

Conclusion

Applicant has not established that the Judge committed any error. Based on our review of the record, we conclude the Judge examined the relevant evidence and articulated a satisfactory explanation for the decision. A trustworthiness determination will be granted only when "clearly consistent with the national security interests of the United States." AG ¶ 1(d). *See also Kaplan v. Conyers*, 733 F.3d 1148 (Fed. Cir. 2013) (citing *Dept. of Navy v. Egan*, 484 U.S. 518, 528 (1988)); ADP Case No. 17-03252 at 3 (App. Bd. Aug. 13, 2018). "Any doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security." AG ¶ 2(b).

Order

The decision in ADP Case No. 23-00367 is **AFFIRMED**.

Signed: Moira Modzelewski

Moira Modzelewski
Administrative Judge
Chair, Appeal Board

Signed: Allison Marie

Allison Marie
Administrative Judge
Member, Appeal Board

Signed: Catherine M. Engstrom

Catherine M. Engstrom
Administrative Judge
Member, Appeal Board