



**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: August 27, 2025

In the matter of:)
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ISCR Case No. 24-01543

Applicant for Security Clearance)
_____)

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 security clearance. On October 2, 2024, DoD issued a Statement of Reasons (SOR) advising Applicant of the basis of that decision – security concerns raised under Guideline F (Financial Considerations), Guideline H (Drug Involvement and Substance Misuse), and Guideline E (Personal Conduct) 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 May 16, 2025, Defense Office of Hearings and Appeals Administrative Judge Marc E. Curry denied Applicant national security eligibility. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Discussion

The SOR alleged concerns related to Applicant's financial judgment, his drug use, and his personal conduct. Regarding the financial concerns, the SOR alleged Applicant failed to file federal and state income tax returns for tax years 2021 through 2023. He also owed unpaid tax obligations of about \$27,000 to the IRS and \$3,000 to his state tax authority. Under the drug

involvement and substance misuse concerns, the SOR alleged Applicant used marijuana from 2005 through the date the SOR was issued, including after submitting his security clearance application. The SOR also raised concerns over: his intent to use marijuana in the future; a 2015 charge for possession of drug paraphernalia; 2017 charges for possession of a controlled substance and possession of drug paraphernalia; his use and purchase of a drug called N,N-dimethyltryptamine from February 2017 to 2018; and his use and purchase of hallucinogenic mushrooms from July 2016 to October 2023. Under the personal conduct concerns, the SOR cross-alleged his 2015 possession of drug paraphernalia charge and related failures to appear on the charge. In his response to the SOR, Applicant denied the financial allegations, admitted all drug allegations, denied that the 2015 charge showed questionable judgment, and admitted the failure to appear allegation. The Judge found adversely on all of the allegations.¹

On appeal, Applicant does not challenge any of the Judge's findings of fact or assert any specific error. Instead, he asserts that his credit rating is improving, that he will abstain from any federally illegal substances, and that he has completed the deferred judgment that resulted from the 2015 charges. He submitted new documentation to support his claims. However, the Appeal Board does not review cases *de novo* and is prohibited from considering new evidence.

Applicant has not established that the Judge committed harmful error. Our review of the record reflects that the Judge examined the relevant evidence and articulated a satisfactory explanation for the decision, which is sustainable on this record. "The general standard is that a clearance may be granted only when 'clearly consistent with the interests of the national security.'" *Dept. of Navy v. Egan*, 484 U.S. 518, 528 (1988). "Any doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security." AG ¶ 2(b).

¹ The Judge failed to make a finding on SOR ¶ 2.j. However, this omission is harmless as the Judge clearly found all of Applicant's drug use against him.

Order

The decision in ISCR Case No. 24-01543 is **AFFIRMED**.

Signed: Moira Modzelewski

Moira Modzelewski
Administrative Judge
Chair, Appeal Board

Signed: Allison Marie

Allison Marie
Administrative Judge
Member, Appeal Board

Signed: Jennifer I. Goldstein

Jennifer I. Goldstein
Administrative Judge
Member, Appeal Board