



Date: November 17, 2025

In the matter of:

Applicant for Security Clearance

ISCR Case No. 24-02290

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 March 11, 2025, DoD issued a Statement of Reasons (SOR) advising Applicant of the basis of that decision – security concerns raised under Guideline H (Drug Involvement and Substance Misuse) of the National Security Adjudicative Guidelines (AG) in Appendix A of Security Executive Agent Directive 4 (effective June 8, 2017) (SEAD 4) and DoD Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). On August 22, 2025, Defense Office of Hearings and Appeals Administrative Judge Roger C. Wesley denied Applicant national security eligibility. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Discussion

Applicant, in his early 40s, earned a bachelor's degree in 2007 and a master's degree in 2009. He began working for his current employer and submitted an initial security clearance application (SCA) in July 2009, wherein he disclosed no illegal drug use. During his personal subject interview two months later, Applicant volunteered that he began using marijuana in 2002 while in high school and continued using the drug during college. He asserted that he had not used

marijuana since about early 2006 and had no intention to use again in the future, and Applicant was granted national security eligibility in October 2009.

Applicant submitted a new SCA in January 2024, disclosing that he used marijuana from 2002 to November 2023 and acknowledging that some of that use occurred while he possessed a security clearance. During his October 2024 interview, he elaborated that he resumed recreational marijuana use in 2014 but stopped in November 2023 due to the potential negative impact on his security clearance and job, and he again asserted that he had no intention of using the drug in the future. He also volunteered that he had intentionally omitted information about his then-ongoing marijuana use during a periodic reinvestigation in about 2016 or 2017.

Based on the foregoing, the SOR alleged that Applicant used marijuana from about 2002 to 2009, and that he used from about 2014 to November 2023 while granted access to classified information or employed in a sensitive position. Applicant admitted both allegations with explanation and reiterated that he had no intention to use marijuana again in the future. The Judge held adversely on both 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. On appeal, Applicant raises no claim of harmful error on the part of the Judge and instead challenges the sufficiency of his analysis under the Whole-Person Concept. This argument is unpersuasive. In reaching his adverse decision, the Judge acknowledged and credited Applicant's contributions to the defense industry and latest 21 months of marijuana abstinence, but he ultimately found Applicant's years-long use while holding a security clearance "particularly egregious" and discounted Applicant's latest commitment to abstinence considering his prior similar broken promise. Decision at 6. The Judge's analysis reflects that he weighed the record evidence and reached a reasonable conclusion, including in consideration of the Whole-Person Concept, and Applicant's disagreement with that weighing is insufficient to demonstrate that the Judge's decision was arbitrary, capricious, or contrary to law. *See* ISCR Case No. 04-08975 at 1 (App. Bd. Aug. 4, 2006) (citation omitted).

Applicant's appeal also requests conditional security eligibility. Appendix C of SEAD 4 provides authority to grant conditional security eligibility, "despite the presence of issue information that can be partially but not completely mitigated, with the provision that additional security measures shall be required to mitigate the issue(s)." Applicant did not request conditional eligibility at hearing and nothing in the record supports a conclusion that the Judge erred in not granting it. Moreover, although Appendix C provides authority to grant conditional security eligibility,¹ our review of this case reflects no evidence of proposed additional security measures or the efficacy thereof in the record below. Accordingly, Applicant has not established that the granting of an exception under Appendix C is merited.

¹ DIR. FOR DEF. INT. (INT. & SEC.), Memorandum (Jan. 12, 2018) ("Effective immediately, authority to grant clearance eligibility with one of the exceptions enumerated in Appendix C is granted to any adjudicative, hearing, or appeal official or entity now authorized to grant clearance eligibility when they have jurisdiction to render the eligibility determination.").

Conclusion

Applicant has not established that the Judge's conclusions were arbitrary, capricious, or contrary to law. Rather, the Judge examined and weighed the disqualifying and mitigating evidence and articulated a satisfactory explanation for the decision. The record is sufficient to support that the Judge's findings and conclusions are sustainable. "The general standard is that a clearance may be granted only when 'clearly consistent with the interests of the national security.'" *Department of the 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).

Order

The decision in ISCR Case No. 24-02290 is **AFFIRMED**.

Signed: Moira Modzelewski

Moira Modzelewski
Administrative Judge
Chair, Appeal Board

Signed: Jennifer I. Goldstein

Jennifer I. Goldstein
Administrative Judge
Member, Appeal Board

Signed: Allison Marie

Allison Marie
Administrative Judge
Member, Appeal Board