



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: February 3, 2026

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 In the matter of:)
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 Applicant for Security Clearance)
 _____)

ISCR Case No. 24-02143

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 December 20, 2024, DoD issued a Statement of Reasons (SOR) advising Applicant of the basis of that decision – security concerns raised under Guideline B (Foreign Influence) and 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) and DoD Directive 5220.6 (Jan. 2, 1992, as amended) (Directive). On December 17, 2025, Defense Office of Hearings and Appeals Administrative Judge Richard A. Cefola denied Applicant national security eligibility. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Discussion

Under Guideline B, the SOR alleged that Applicant’s parents and brother are citizens of Taiwan, and that her grandmother is a citizen and resident of Taiwan. Under Guideline H, the SOR alleged that Applicant: used marijuana from April 2013 to about May 2024 with varying frequency; purchased marijuana from April 2013 to about July 2018 with varying frequency; used lysergic acid diethylamide (LSD) from February 2015 to about April 2023 with varying frequency; and used methylenedioxymethamphetamine (MDMA) from September 2017 to about March 2018 with varying frequency. Applicant admitted all allegations in her Answer to the SOR and elected

a decision on the written record. Applicant was provided a complete copy of the Government's File of Relevant Material (FORM) on April 28, 2025, and was notified of her ability to respond to the FORM with any objections or additional information for the Judge to consider. Applicant responded to the FORM in an undated letter. The Judge found that Applicant mitigated the concerns raised under Guideline B but failed to mitigate the Guideline H concerns.

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 makes no assertion of error but rather offers an update on her family's immigration status and a clarification on her interrogatory response. She also offered to sign a statement of intent to abstain from all drug involvement and substance misuse. The Appeal Board does not review cases *de novo* and is prohibited from considering new evidence on appeal. Directive ¶ E3.1.29.

The Board's authority to review a case is limited to cases in which the appealing party has alleged the judge committed harmful error. Because Applicant has not made such an allegation of error, the decision of the Judge denying Applicant national security eligibility is sustainable.

Order

The decision in ISCR Case No. 24-02143 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