



**DEFENSE LEGAL SERVICES AGENCY  
DEFENSE OFFICE OF HEARINGS AND APPEALS  
APPEAL BOARD**



Date: May 4, 2026

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In the matter of: )  
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Applicant for Security Clearance )  
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ISCR Case No. 25-00919

**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 July 29, 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) 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 March 4, 2026, 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**

Applicant, in his mid-30s, has been employed by a defense contractor since July 2015. He submitted a security clearance application (SCA) in August 2015, wherein he disclosed using marijuana from June 2012 through May 2015 and indicated that he would use the drug in the future if it became legal under federal law and if permitted by his employer. Applicant was granted national security eligibility in June 2016. In 2023, he submitted a new SCA and asserted that he had no reportable illegal drug use or activity within the prior seven years and had never illegally used a drug while possessing a security clearance. During his background interview in April 2024,

however, Applicant volunteered that he had continued to use marijuana since 2012, confirmed that his use occurred while holding a security clearance, and asserted that he intended to continue using unless explicitly told to stop. He also volunteered for the first time that he used acid and hallucinogenic mushrooms one time each in about 2012 or 2013. The Government subsequently issued interrogatories to ascertain the full scope of Applicant's drug use history, and Applicant disclosed in his June 2025 response that he continued to use marijuana on the weekends and had last used the drug several days earlier.

Based on the foregoing, the SOR alleged under Guideline H that Applicant used marijuana from about 2012 through at least June 2025, including while occupying a sensitive position beginning in 2016, and that he intended to continue using marijuana in the future. The SOR further alleged under Guideline E that Applicant deliberately failed to disclose his marijuana use on his 2023 SCA and to report his use of hallucinogens on his 2015 SCA. Applicant received the SOR in August 2025 and responded by admitting all allegations with minor explanation. At his hearing several months later, he testified that he continued to use marijuana until about October 2025, two months after receiving the SOR. The Judge found adversely on all allegations under both Guidelines.

On appeal, Applicant does not challenge the Judge's conclusions under Guideline H, which alone are sufficient to sustain the ultimate adverse decision. His appeal argues only that there was insufficient evidence to support the Judge's findings that Applicant falsified his 2015 and 2023 SCAs or his resulting unfavorable conclusion under Guideline E. This challenge is unpersuasive.

The record reflects that, during his background interview, Applicant told the investigator that he failed to list his continuing marijuana use on his latest SCA "because of an oversight." Government Exhibit 3 at 10. In response to the SOR, Applicant admitted both falsification allegations, explaining his confusion in 2023 about the reportability of marijuana due to its state legality and his uncertainty in 2015 about whether the hallucinogens he ingested were "real." SOR Response at 2. Applicant's explanations of innocently omitting information from his SCAs were relevant – but not conclusive – evidence for the Judge to consider in light of the entire record. *See* DISCR OSD Case No. 90-0770, 1992 WL 388309 at \*2 (App. Bd. Jul. 16, 1992).

Intent to mislead the Government can be inferred from circumstantial evidence. *Id.* To that end, evidence that runs contrary to Applicant's explanation includes his experience in the national security investigation process, his omission of reportable information under the same topic from multiple applications, the clarity of the questions at issue, and his acknowledgment during his background interview that he "[d]id not want to risk employment over fake drugs," which reflects intentionality in withholding the information. SOR Response at 2. The record's circumstantial evidence was sufficient to support the Judge's finding that Applicant intentionally falsified his 2015 and 2023 SCAs. Applicant's argument is merely a disagreement with the Judge's weighing of the evidence, which is not sufficient to show that the Judge weighed the evidence in a manner that was arbitrary, capricious, or contrary to law. *See* ISCR Case No. 04-08975, 2006 WL 2725032 at \*1 (App. Bd. Aug. 4, 2006) (citation omitted).

## Conclusion

Applicant has not established that the Judge's adverse decision was arbitrary, capricious, or contrary to law. Our review of the record confirms 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).

## Order

The decision in ISCR Case No. 25-00919 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