



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



Date: July 16, 2026

In the matter of:

Applicant for Security Clearance

ISCR Case No. 26-00047

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 February 10, 2026, DoD issued a Statement of Reasons (SOR) advising Applicant of the basis of that decision – security concerns raised under Guideline F (Financial Considerations) 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). The SOR was later amended to add a security concern raised under Guideline E (Personal Conduct). On June 30, 2026, Defense Office of Hearings and Appeals Administrative Judge LeRoy F. Foreman denied Applicant national security eligibility. Applicant appealed pursuant to Directive ¶¶ E3.1.28 and E3.1.30.

Discussion

Under Guideline F, the SOR alleged that Applicant had a delinquent consumer debt of about \$2,000, that he failed to timely file his 2021 through 2023 federal tax returns and his 2021 through 2024 state tax returns, and that he owed minor balances to both tax authorities. The SOR further alleged under Guideline H that Applicant used marijuana from about 2009 to October 2023, at which time he was terminated from his employment following a positive drug test. In response

to the SOR, Applicant admitted the Guideline F and Guideline H allegations with explanation and requested that his case be decided based on the written record. In its File of Relevant Material (FORM), the Government amended the SOR to add a concern under Guideline E that Applicant deliberately failed to disclose the full extent of his marijuana use on his 2025 security clearance application (SCA). Applicant responded to the FORM with documentation addressing the financial concerns.

The Judge found that Applicant's evidence established his payment of the delinquent consumer debt and tax balances and his filing of some of the delinquent federal and state tax returns. Noting the overall late timing of Applicant's tax resolution efforts and that he "did not provide documentation to support that he filed his past-due tax returns for tax year 2021 (federal and state), 2022 (state), and 2023 (state)," the Judge found the corresponding Guideline F concerns unmitigated and resolved them adversely. Decision at 8.

Regarding the Guideline H and Guideline E concerns, Applicant disclosed a single use of marijuana in his SCA – when he "took a hit" at a party in September 2023, which accounted for his positive drug test and related termination. Government Exhibit 3 at 35. He confirmed that representation during his background interview but later disclosed in response to interrogatories that he actually used marijuana daily from about 2009 to 2023. The Judge found that Applicant "did not fully disclose the length and extent of his marijuana use at his first opportunity, which in and of itself raises security concerns about his reliability, trustworthiness, and good judgment," that he provided no evidence supporting that he stopped using marijuana or of changed behavior or environment, and that he did not sign a statement of intent regarding future use. Decision at 9. Additionally, the Judge found Applicant's "specificity in his response" to the SCA's clear questions about employment history and drug use "demonstrate[d] his intent to provide very specific information and to make it abundantly clear that he only used marijuana once during the time-period in question," and thereby concluded that Applicant's SCA response "was not an oversight or error, but rather an intentional act of providing misleading information and deliberate omission of relevant facts." *Id.* at 10.

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. He instead reiterates the status of his debts and tax returns, restates that he has stopped using marijuana, and requests to submit additional documentation to support his appeal. The Appeal Board does not review cases *de novo* and is prohibited from considering new evidence on appeal. Directive ¶ E3.1.29. Accordingly, the Judge's decision is affirmed.

Order

The decision in ISCR Case No. 26-00047 is **AFFIRMED**.

Signed: Moira Modzelewski

Moira Modzelewski
Administrative Judge
Chair, Appeal Board

Signed: Allison Marie

Allison Marie
Administrative Judge
Member, Appeal Board

Signed: Jennifer Goldstein

Jennifer Goldstein
Administrative Judge
Member, Appeal Board