



**DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS**



In the matter of:)
)
) ISCR Case No. 19-01278
)
)
Applicant for Security Clearance)

Appearances

For Government: Aubrey M. De Angelis, Esq., Department Counsel
For Appellant: *Pro se*

February 19, 2020

Decision

GLENDON, John Bayard, Administrative Judge:

This case involves security concerns raised under Guidelines F (financial considerations) and H (drug involvement and substance misuse). Applicant has made arrangements to pay all of his state taxes for the years 2013 through 2015. He had previously filed his state and federal tax returns, as required. He has resolved his delinquent medical and consumer debts. In addition, he stopped using marijuana in 2017 and has expressed a credible intent not to use it in the future. Applicant provided significant evidence in mitigation. National security eligibility for access to classified information is granted.

Statement of the Case

On January, 20, 2017, Applicant filed a security clearance application (SCA). The Department of Defense Consolidated Adjudications Facility (DOD CAF) sent Applicant a Statement of Reasons (SOR) on May 24, 2019, setting forth 11 allegations under Guideline F and six allegations under Guideline H. The DOD CAF acted under Executive Order 10865, *Safeguarding Classified Information within Industry* (Feb. 20, 1960), as

amended; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Jan. 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) promulgated in Security Executive Agent Directive 4, *National Security Adjudicative Guidelines* (Dec. 10, 2016), effective for all adjudicative decisions on or after June 8, 2017.

On June 25, 2019, Applicant responded to the SOR. He requested a hearing before an administrative judge of the Defense Office of Hearings and Appeals (DOHA). On July 25, 2019, the case was assigned to me. DOHA issued a notice of hearing on September 5, 2019, scheduling the hearing for September 25, 2019.

I convened the hearing as scheduled. Department Counsel presented eight proposed exhibits. I marked her exhibits as Government Exhibits (GE) 1 through 8 and her exhibit list as Hearing Exhibit 1. Applicant offered three exhibits, which I marked as Applicant Exhibits (AE) A through C. Applicant also submitted duplicate copies of certain exhibits that were more readable than the original documents attached to his SOR answer. I kept these documents in the record for convenience purposes and have marked them together as Hearing Exhibit 2.

I kept the record open until October 9, 2019, to give both parties the opportunity to submit additional evidence. On October 4, 2019, Applicant emailed five additional exhibits, which I have marked as AE D through H. In his email, he provided material information of an evidentiary nature. Accordingly, I have marked his email as AE I.

On October 7, 2019, Department Counsel wrote in an email that she had provided DOHA's staff with a physical copy of a post-hearing exhibit for mailing to Applicant and me. She wrote in her email that the exhibit may not be received until after the deadline, but requested that I consider the submission to be timely filed. The proposed exhibit consists of a number of pages and is not easily scanned. Applicant responded with a complaint about Department Counsel's timing. I advised him that I considered Department Counsel's submission to be timely under the circumstances, and in fairness to Applicant, I extended the deadline for him to supplement the record until October 16, 2019. He provided no additional evidence. I have marked the email correspondence related to this extension as Hearing Exhibit 3. I have marked Department Counsel's post-hearing submission as GE 9.

I admitted all exhibits into the record. DOHA received the hearing transcript (Tr.) on October 11, 2019.

Findings of Fact

In his SOR answer, Applicant denied that he failed to file his 2016 and 2017 federal and state tax returns as required, but he admitted that he owed state taxes. He also admitted the eight other debts alleged in the SOR under Guideline F. Under Guideline H, he admitted five of the six allegations regarding his history using marijuana, but denied that he intended to continue using marijuana in the future (SOR ¶ 2.c). I have incorporated

his admissions in my findings of fact. Applicant's personal information is extracted from his SCA unless otherwise indicated by a parenthetical citation to the record. After a thorough and careful review of the pleadings, Applicant's testimony at the hearing, and the documentary evidence in the record, I make the following findings of fact:

Applicant, 51, has worked as a senior consultant for a Federal Government contractor since 2014 and earns a significant salary. Prior to that he worked for another government contractor for eight years. He has held a security clearance since at least 2006. Applicant earned an associate's degree and a bachelor's degree. He started college at age 14 and earned his bachelor's degree at age 19. He has been married since 1998, and they have a 15-year-old child. Applicant also has two adult stepchildren. (Tr. 62-65.)

Applicant and his wife have experienced serious medical issues in recent years and have incurred large medical bills that have strained their finances. In his 2017 SCA, Applicant disclosed certain debts of which he was aware. He also disclosed his history of using marijuana while holding a security clearance and three arrests for minor drug offenses during the period 2002 through 2007. (Tr. 35-56, 87-88.)

Guideline F (Financial Considerations)

SOR ¶¶ 1.a and 1.b, Failure to File 2016 and 2017 Federal and State Tax Returns as Required - Applicant denies these allegations. He attached to his SOR answer copies of his 2016 and 2017 federal and state income tax returns, which he wrote were timely filed. After the hearing, he provided federal tax return transcripts for both years. The transcripts establish that he and his wife timely filed their federal returns and received refunds in both years. Applicant has refuted these SOR allegations as erroneous. The basis of the allegations is a miscommunication during his background interview and an error in the investigator's report of investigation. (GE 2 at 4-5; AE D, AE E; Tr. 27, 37-40.)

SOR ¶ 1.c, State Tax Debt in the approximate amount of \$9,000 for Tax Years 2013-2015 – Applicant admits this allegation, but states that in June 2018 he has entered into a payment plan to pay \$500 per month to resolve it. Applicant attached a copy of a letter from his state with a copy of his payment plan. The agreement recites that Applicant owed back taxes for tax years 2013, 2015, 2016, and 2017 in the amount of \$5,941, plus interest and penalties, for a total amount of \$7,644. He presently owes less than \$5,000.

In 2015, he and his wife had entered into a payment plan with their state and had reduced their tax debt with payments for a couple of years. His wife, however, stopped making the payments because of their large medical expenses. She did this without advising Applicant. At that time, she was solely responsible for managing the family's finances. Under the current payment plan, they have paid three monthly installments and their back taxes will be paid off in 2020. The underlying reason for the delinquency is the multi-state taxation of Applicant's income and his use of the refunds from one state to pay the taxes owed in a second state. Applicant's wife diverted the refunds and used them for

other purposes. She then failed to pay all of their taxes in the second state where they reside. (AE G at 1-2; AE B at 7; Tr. 11, 40-43, 45-48; 87-91, 94.)

SOR ¶¶ 1.d, 1.f, 1.g, 1.h, 1.i, and 1.k, Unpaid Medical Collection Accounts Totalling about \$3,750 - Applicant was unaware of these accounts before his April 2018 background interview. Since then, he has resolved most of these debts. He provided evidence from the creditor identified in SOR ¶ 1.d, dated September 11, 2019, that this debt was paid. He also provided evidence of payment from the creditors identified in SOR ¶¶ 1.h, and 1.k. (GE 1 at 34-38; GE 2 at 5-6; AE A at 1, 3, 6; Tr. at 54-55, 57-58.)

Applicant provided no evidence that he had resolved the debts owed to a creditor that are alleged in SOR ¶¶ 1.f (\$197) and 1.g (\$97), even though he was able to provide evidence of his resolution of another debt owed to the same creditor (SOR ¶ 1.h), as noted above. He provided evidence of his payment of a fourth debt (\$218) owed to this creditor, which was not alleged in the SOR. Neither the account number nor the amount of that debt matches the account number and debt amount alleged in either SOR ¶¶ 1.f or 1.g. Applicant claims that the unalleged debt for \$218 was the only outstanding debt he had with that creditor and that he paid it. In addition, he was unable to resolve the debt of \$49 alleged in SOR ¶ 1.i. Applicant's June 2017 credit report, which was the basis of that SOR allegation, provides insufficient information to identify and pay this creditor. None of these three debts appears in GE 7, the Government's May 2019 credit report, or in Applicant's more recent credit reports. (GE 7 at 6; AE A at 4, GE 8; AE F; Tr. at 11, 56-57.)

SOR ¶ 1.e, July 2016 Judgment in the Amount of \$648 – Applicant was also unaware of this debt when he was interviewed by a Government investigator. He testified that he had resolved this judgment, and that his wife could provide details. His wife testified, but offered no information about this particular debt. Applicant and his wife failed to follow up on their intention to provide evidence about the payment of this judgment. The debt no longer appears on either the May 2019 credit report or on Applicant's two credit reports. If the judgment was still unresolved, it would have been listed on at least one of these credit reports, which supports Applicant's testimony that this judgment has been satisfied. (GE 2 at 6; GE 4; GE 7 at 4; GE 8; AE F; Tr. at 55-56.)

SOR ¶ 1.j, Collection Account for a Defaulted Bank Loan in the Amount of \$1,133 – Applicant was unaware of this collection account at the time of his background interview. In about June 2017, his wife defaulted on this bank loan. He resolved this account with a payment in June 2019 in the amount of \$577.86, as evidenced by a letter in the record from the bank's collection agency. (GE 2 at 6; GE 7 at 6; AE A at 2.)

To avoid a repetition of unpaid bills in the future, Applicant is now reviewing his family's bills with his wife. In addition, his wife has learned an important lesson about being completely candid with him. Her expressions of remorse over this situation emphasized her commitment to avoid this problem in the future. They have not sought financial counseling, though he said they planned to do so. He has provided no evidence of that. (Tr. at 58-61, 106.)

Guideline H (Drug Involvement and Substance Misuse)

SOR ¶¶ 2.a through 2.c, Marijuana Use from 1999 through at least 2015 – Applicant first experimented with marijuana when he was in college at age 16 or 17. He smoked marijuana sporadically in his 20s and 30s on social occasions. That changed when he was diagnosed with a serious illness in 2006. He was 38 at that time. Every three years or so, he experiences exacerbations that last for one to three weeks. He started using marijuana to reduce the spasms and pain that he experienced during these periods. His physician also advised him that smoking marijuana would reduce the side effects of the drug he took for his illness during these intense periods of his disease. The state in which he resides has enacted a “medical marijuana” law, but Applicant has never obtained a prescription or the equivalent to buy marijuana under that law. (GE 1 at 31; GE 2 at 4; GE 9; Tr. 12-13, 17, 53, 65-84.)

In his January 2017 SCA, Applicant disclosed his past marijuana use during periods when he held a security clearance. In response to a question about his future use of an illegal drug, he wrote: “In all honesty, if I get another exacerbation, there is a good chance that I will use marijuana again to help alleviate the effects.” In mid-2017, Applicant last used marijuana to ease his suffering from his illness. At that point, he made a commitment to himself that he would no longer continue to use marijuana for any reason. In his April 2018 background interview, he stated that he has ceased all use of marijuana and does not intend to use the drug in the future. At the hearing, he identified a mistake in the interview summary in a sentence that was inconsistent with his prior statement about his future intentions regarding the use of marijuana. He also submitted a letter of intent to abstain from all drug involvement and substance misuse. In his letter, he acknowledged that any future drug involvement or substance misuse would be grounds for revocation of his national security eligibility, if granted. (GE 1 at 31; GE 2 at 4; GE 9; Attachment to SOR Answer; Tr. at 12-13, 17-18, 53, 79-84.)

After receiving the SOR, Applicant enrolled in an intensive outpatient drug treatment program. The program last two months, from July 8, 2019, to September 12, 2019. He submitted as evidence a letter from the program that provides a favorable prognosis “for long-term sobriety.” The letter also states that Applicant has committed to abstain from all substances, including alcohol. Applicant has, in fact, abstained from both marijuana and alcohol since entering this program and is committed to living a substance-free life. (AE C; Tr. at 79-84.)

SOR ¶¶ 2.d through 2.f, Marijuana Charges in 2002 and Twice in 2007 – In his SOR answer, Applicant admitted that he was charged with marijuana-related crimes on three occasions, once in 2002, and again in October and December 2007. He pleaded guilty to the first offense and was sentenced to serve one year on probation. He possessed marijuana in 2007 because he was using marijuana to mitigate a period of particularly bad flare-ups of his illness following his 2006 diagnosis. He pleaded guilty to the first offense in 2007 and was fined. The charges in the second offense were dropped. (GE 1 at 28-29.)

Applicant submitted six character reference letters as well as two letters from his wife. These letters provide strong support for Applicant's trustworthiness, honesty and integrity. He is a trusted and valued member of a team supporting a DOD component. In her letters, his wife accepted full responsibility for the financial issues raised in the SOR. She referenced the extraordinary expenses they have incurred for Applicant's medical treatment and the treatment of her serious condition, which interfered with her ability for a period to continue paying the monthly installments on their initial state tax payment agreement. She also wrote that she and Applicant are current with all of their bills and live modestly in a rental home. (AE A; AE G.)

Policies

"[N]o one has a 'right' to a security clearance." *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). As Commander in Chief, the President has the authority to "control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information." *Id.* at 527. The President has authorized the Secretary of Defense or his designee to grant applicants eligibility for access to classified information "only upon a finding that it is clearly consistent with the national interest to do so." Exec. Or. 10865 § 2.

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the adjudicative guidelines. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, an administrative judge applies these guidelines in conjunction with an evaluation of the whole person. An administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. An administrative judge must consider all available and reliable information about the person, past and present, favorable and unfavorable.

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. Decisions include, by necessity, consideration of the possible risk that the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of classified information.

Clearance decisions must be made "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." Exec. Or. 10865 § 7. Thus, a decision to deny a security clearance is merely an indication the applicant has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance.

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The Government has the burden of establishing controverted facts alleged in the SOR. See *Egan*, 484 U.S. at 531.

“Substantial evidence” is “more than a scintilla but less than a preponderance.” See *v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994). The guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant’s security suitability. See ISCR Case No. 15-01253 at 3 (App. Bd. Apr. 20, 2016).

Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. An applicant has the burden of proving a mitigating condition, and the burden of disproving it never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

An applicant “has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance.” ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). “[S]ecurity clearance determinations should err, if they must, on the side of denials.” *Egan*, 484 U.S. at 531.

Analysis

Guideline F, Financial Considerations

The security concern under this guideline is set out in AG ¶ 18 as follows:

Failure to live within one’s means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual’s reliability, trustworthiness, and ability to protect classified or sensitive information. . . . An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds. . . .

This concern is broader than the possibility that a person might knowingly compromise classified information to raise money. It encompasses concerns about a person’s self-control, judgment, and other qualities essential to protecting classified information. A person who is financially irresponsible may also be irresponsible, unconcerned, or negligent in handling and safeguarding classified information.

The following potentially disqualifying conditions under this guideline apply: AG ¶ 19(a) (“inability to satisfy debts”), AG ¶ 19(c) (“a history of not meeting financial obligations”), and AG ¶ 19(f) (“failure to pay . . . annual Federal, state, or local income tax returns . . . as required.”)

The following mitigating conditions are potentially applicable:

AG ¶ 20(a): the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not

cast doubt on the individual's current reliability, trustworthiness, or good judgment;

AG ¶ 20(b): the conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, a death, divorce or separation, clear victimization by predatory lending practices, or identity theft), and the individual acted responsibly under the circumstances;

AG ¶ 20(c): the individual has received or is receiving financial counseling for the problem from a legitimate and credible source, such as a non-profit credit counseling service, and there are clear indications that the problem is being resolved or is under control;

AG ¶ 20(d): the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts; and

AG ¶ 20(g): the individual has made arrangements with the appropriate tax authority to . . . pay the amount owed and is in compliance with those arrangements.

AG ¶ 20(a) is partially established. Applicant's financial issues are recent and are frequent, but the circumstances under which they arose are unusual. Applicant's financial behavior was due to his long-time pattern of entrusting his wife to handle the family finances. When the uninsured portions of their large medical bills caused his wife to fall behind on paying their state taxes and subsequently to cease making their monthly payments under a payment plan with the state authorities, she hid their problems from Applicant. He did not learn about this delinquency, and the fact that he had some unpaid medical bills, until he began the process of renewing his security clearance. Once he learned about the debts, he immediately took action and began paying them off, so that the only significant remaining debt is about \$5,000 of state taxes that will be paid in a few months under a new payment plan. He is now fully engaged in the family finances, and the past situation is unlikely to recur. The fact that he was not previously engaged, and only became involved in his family finances when his clearance was at risk, undercuts the full mitigation value of his remedial actions. Under all of the circumstances, however, his past behavior does not cast doubt about his current reliability, trustworthiness, and good judgment.

AG ¶ 20(b) is established. Applicant's compensation is significant and reflects his expertise in his field. Since 2006, however, he has experienced unusually high medical bills due to his chronic illness. His wife also recently incurred large medical bills due to her medical condition. These bills have consumed much of his income and resulted in the financial stress that gave rise to the unpaid state taxes and other bills that went unpaid. Once he learned about these issues in his background interview, he took responsible actions to make sure they were paid and that he is current on all of his bills going forward. He and his family live modestly in a rental home, saving their financial resources to pay

for Applicant's ongoing medical care. Applicant's credit reports reflect that he carries a minimal amount of consumer credit debt. The circumstances that gave rise to his financial problems were beyond his control, and Applicant has acted responsibly in addressing his debts and asserting control over his family finances.

AG ¶ 20(c) is partially established. Applicant testified that he intended to seek financial counseling, but he provided no evidence after the hearing that he had done so. Nevertheless, the evidence shows that his financial problems are under control.

AG ¶ 20(d) is partially established. Applicant learned about his debts during his background interview. Since then, he has made a good-faith effort to pay his creditors. His one remaining delinquent debt, his state taxes, will be fully paid later this year. The fact that he was motivated to pay these debts because his security clearance was at risk undercuts to a degree his evidence of "good-faith" under this mitigating condition.

AG ¶ 20(g) is established with respect to Applicant's delinquent tax payments. He has filed his tax returns in a timely manner and has entered into an installment plan to repay his delinquent state taxes of about \$5,000 with monthly payments of \$500. He is in compliance with that plan.

Guideline H, Drug Involvement and Substance Misuse

The security concern under this guideline is set out in AG ¶ 24 as follows:

The illegal use of controlled substances, to include the misuse of prescription and non-prescription drugs, and the use of other substances that cause physical or mental impairment or are used in a manner inconsistent with their intended purpose can raise questions about an individual's reliability and trustworthiness, both because such behavior may lead to physical or psychological impairment and because it raises questions about a person's ability or willingness to comply with laws, rules, and regulations. *Controlled substance* means any "controlled substance" as defined in 21 U.S.C. 802. *Substance misuse* is the generic term adopted in this guideline to describe any of the behaviors listed above.

The following disqualifying conditions under Guideline H are potentially applicable:

AG ¶ 25(a): any substance misuse (see above definition);

AG ¶ 25(f): any illegal drug use while granted access to classified information or holding a sensitive position; and

AG ¶ 25(g): expressed intent to continue drug involvement and substance misuse, or failure to clearly and convincingly commit to discontinue such misuse.

The record evidence established the disqualifying conditions set forth in AG ¶¶ 25(a), 25(f), and 25(g).

The following mitigating conditions under this guideline are potentially applicable:

AG ¶ 26(a): the behavior happened so long ago, was so infrequent, or happened under such circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;

AG ¶ 26(b): the individual acknowledges his or her drug involvement and substance misuse, provides evidence of actions taken to overcome this problem, and has established a pattern of abstinence, including, but not limited to:

- (1) disassociation from drug-using associates and contacts;
- (2) changing or avoiding the environment where drugs were used; and
- (3) providing a signed statement of intent to abstain from all drug involvement and substance misuse, acknowledging that any future involvement or misuse is grounds for revocation of national security eligibility; and

AG ¶ 26(d): satisfactory completion of a prescribed drug treatment program, including, but not limited to, rehabilitation and aftercare requirements, without recurrence of abuse, and a favorable prognosis by a duly qualified medical professional.

AG ¶ 26(a) is partially established. Applicant's drug use is now in the past. Since 2006, he has only used marijuana when he had exacerbations from his illness, which occur every two or three years. Accordingly, his past use of marijuana was infrequent. Furthermore, his use of marijuana is unlikely to recur. Under the circumstances, his past drug involvement does not cast doubt on his current reliability, trustworthiness, or judgment, although, as discussed below, his use of marijuana while holding a security clearance raises concerns about his judgment and reliability.

AG ¶ 26(b) is established. At one time, Applicant expressed an intent to continue using marijuana infrequently to mitigate the severity of exacerbations of his illness. Applicant has subsequently acknowledged his misuse of an illegal drug. In mid-2017, he made a commitment to himself to live a drug-free and alcohol-free life. He has succeeded in fulfilling that commitment to improve his life. He has also signed a statement of intent pursuant to the terms of AG ¶ 26(b)(3).

AG ¶ 26(d) is partially established. Although he was not prescribed to participate in a drug treatment program, he voluntarily entered an intensive outpatient program. His voluntary actions demonstrate his sincere intention to terminate his reliance on marijuana to ease his suffering from his illness. He completed the two-month program and received a favorable prognosis by a duly qualified medical professional.

Applicant's use of marijuana while holding a security clearance, which at one time resulted in criminal charges on three occasions, raises the most serious security concerns set forth in the SOR and the most difficult to mitigate. This history calls into question Applicant's judgment and reliability. His actions were the result of his reliance on self-help to treat a painful, chronic illness and to minimize the side effects of his prescribed medications for his illness. After a careful consideration of all of the evidence, including my assessment of Applicant's credibility, his two and one-half years of sobriety, and his sincere desire to make a significant change in his life regarding his past use of marijuana and alcohol, I conclude that Applicant has mitigated the security concerns raised under AG ¶ 25(f).

Whole-Person Analysis

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept. In applying the whole-person concept, an administrative judge must evaluate an applicant's eligibility for a security clearance by considering the totality of the applicant's conduct and all relevant circumstances and applying the adjudicative factors in AG ¶ 2(d), specifically: (1) the nature, extent, and seriousness of the conduct; (2) the circumstances surrounding the conduct, to include knowledgeable participation; (3) the frequency and recency of the conduct; (4) the individual's age and maturity at the time of the conduct; (5) the extent to which participation is voluntary; (6) the presence or absence of rehabilitation and other permanent behavioral changes; (7) the motivation for the conduct; (8) the potential for pressure, coercion, exploitation, or duress; and (9) the likelihood of continuation or recurrence.

I have incorporated my comments under Guidelines F and H in my whole-person analysis and applied the adjudicative factors in AG ¶ 2(d). Some of the factors in AG ¶ 2(d) were addressed above, but other factors warrant additional comment. I have taken into consideration Applicant's age. A person of his age should be mature enough to know better than to use an illegal drug while holding a security clearance. I have also taken into consideration Applicant's serious disease and the role that it played in his use of marijuana. Applicant's use was infrequent and since 2006 has been limited to the unusual circumstances of his illness and his desire for relief from pain and the side effects of the medication that he takes when he experiences an exacerbation. Over two years ago, he made a commitment to himself to abstain from drugs and alcohol. He has shown his commitment to a drug-free life by voluntarily entering an intensive outpatient treatment program. I found Applicant's testimony to be credible and sincere. There is little likelihood that this situation will recur in the future. With respect to his finances, he is resolving his

delinquent state taxes, and has made a good-faith effort to pay his medical and other debts. Now that he has assumed a role in the family finances, it is unlikely that he will experience future delinquencies with his taxes or other bills.

After weighing the disqualifying and mitigating conditions under Guidelines F and H and evaluating all of the evidence in the context of the whole person, I conclude Applicant has mitigated the security concerns raised by his financial considerations and drug involvement while holding a security clearance.

Formal Findings

Guideline F, Financial Considerations:	FOR APPLICANT
Subparagraphs 1.a through 1.k:	For Applicant
Guideline H, Drug Involvement:	FOR APPLICANT
Subparagraphs 2.a through 2.f:	For Applicant

Conclusion

I conclude that it is clearly consistent with the national interests of the United States to grant Applicant national security eligibility for access to classified information. Clearance is granted.

John Bayard Glendon
Administrative Judge