



DEPARTMENT OF DEFENSE  
DEFENSE OFFICE OF HEARINGS AND APPEALS



In the matter of: )  
)  
) ADP Case No. 21-01442  
)  
Applicant for Security Clearance )

**Appearances**

For Government: Andrew Henderson, Esq., Department Counsel  
For Applicant: *Pro se*

04/26/2022

---

**Decision**

---

COACHER, Robert E., Administrative Judge:

On December 3, 2021, the Department of Defense (DOD) issued a Statement of Reasons (SOR) to Applicant detailing trustworthiness concerns under Guideline H, drug involvement and substance misuse. The action was taken under DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) implemented by the DOD on June 8, 2017 (AG).

Applicant answered the SOR with an undated response, and requested a hearing before an administrative judge. The case was assigned to me on February 25, 2022. The hearing was held as scheduled on April 12, 2022. On that same date, I proposed that this case was appropriate for a summary disposition in Applicant’s favor. Department Counsel did not object.

Applicant self-reported using marijuana one time in 2000, where he also was charged and received a deferred prosecution for possession of marijuana, and several times between 2012 and October 2018. Between 2012 and 2018, he also purchased marijuana in a state where marijuana is legal under state law. During these dates he did not hold a position of trust or a security clearance. Since he applied for a position of

trust and completed his trustworthiness application in December 2018, he has not used any illegal substances. He credibly testified that he has no intention of using marijuana or any other illegal substances in the future.

Applicant's admitted marijuana use, possession, and purchases are remote and happened under circumstances unlikely to recur. He also demonstrated his intent not to abuse drugs in the future. Based on the record evidence as a whole, I conclude that the trustworthiness concerns are mitigated under the following mitigating conditions: AG ¶¶ 26(a) and 26(b).

The concerns over Applicant's infrequent marijuana involvement does not create doubt about his current reliability, trustworthiness, good judgment, and ability to protect sensitive information. In reaching this conclusion, I weighed the evidence as a whole and considered if the favorable evidence outweighed the unfavorable evidence. I also gave due consideration to the whole-person concept. Accordingly, I conclude that he met his ultimate burden of persuasion to show that it is clearly consistent with the national interest to grant his eligibility for a position of trust. This case is decided for Applicant.

---

Robert E. Coacher  
Administrative Judge