



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



In the matter of:)
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[NAME REDACTED]) ISCR Case No. 20-02407
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Applicant for Security Clearance)

Appearances

For Government: Mark D. Lawton, Esq., Department Counsel
Allison Marie, Esq., Department Counsel

For Applicant: Troy L. Nussbaum, Esq.

01/25/2023

Decision

MALONE, Matthew E., Administrative Judge:

Applicant used marijuana between June 2001 and December 2018. Since 2012, he has used marijuana while having access to classified information. He also made false official statements about his drug use during background investigation interviews and in security clearance applications. Available information is not sufficient to mitigate the security concerns raised by his use of illegal drugs and his personal conduct. His request for a security clearance is denied.

Statement of the Case

On November 21, 2018, Applicant submitted an Electronic Questionnaire for Investigations Processing (e-QIP) to renew his eligibility for a security clearance required

for his employment with a federal contractor. Based on the results of the ensuing background investigation, adjudicators for the Defense Counterintelligence and Security Agency Consolidated Adjudications Facility (DCSA CAF) could not make an affirmative determination that it is clearly consistent with the interests of national security for Applicant to continue to have access to classified information. The adjudicators made that determination in accordance with Security Executive Agent Directive (SEAD) 4, Section E.4, and Department of Defense (DOD) Directive 5220.6, as amended (Directive), Section 4.2.

On January 25, 2021, the DCSA CAF issued a Statement of Reasons (SOR) alleging facts that raise security concerns under the adjudicative guideline for drug involvement and substance misuse (Guideline H). The guideline cited in the SOR is one of the adjudicative guidelines (AG) issued by the Director of National Intelligence on December 10, 2016, and effective for all security clearance adjudications on or after June 8, 2017. Applicant timely responded to the SOR (Answer) and requested a hearing before an administrative judge from the Defense Office of Hearings and Appeals (DOHA). I received the case on June 9, 2022, and I scheduled a hearing for September 7, 2022.

Under Guideline H, the SOR alleged that Applicant used marijuana between June 2001 and December 2018 (SOR 1.a), and that between January 2012 and December 2018, his marijuana use occurred while he had access to classified information (SOR 1.b). In response to the SOR (Answer 1), Applicant admitted in part and denied in part both allegations.

On September 6, 2022, DOHA Department Counsel amended the SOR by adding additional allegations of fact that raised security concerns about Applicant's personal conduct (Guideline E). Applicant responded to the amended SOR on September 9, 2022 (Answer 2) and requested a continuance, to which the Government objected. I overruled the objection and granted Applicant's request, rescheduling the hearing for September 22, 2022.

Under Guideline E, the amended SOR alleged that in an e-QIP signed and submitted on January 9, 2012, Applicant deliberately made a false official statement when he omitted the fact that he had used marijuana between 2001 and 2011 (SOR 2.a); that in an e-QIP signed and submitted on December 5, 2012, Applicant deliberately made a false official statement when he disclosed that he had used marijuana between 2004 and 2007, when in fact, he had used marijuana between 2001 and 2012 (SOR 2.b); that during an interview with a government investigator on January 30, 2013, Applicant deliberately made a false official statement when he stated he had last used marijuana in 2007, when in fact, he had used marijuana as recently as October 2012 (SOR 2.c); and that during an interview with a government investigator on January 24, 2019, Applicant deliberately made a false official statement when he stated he had last used marijuana in June 2018, when in fact, he had used marijuana as recently as December 2018 (SOR 2.d). In response to the Guideline E allegations, Applicant denied SOR 2.a, 2.c, and 2.d. He admitted SOR 2.b. (Answer 2)

The parties appeared as scheduled. Department Counsel proffered Government Exhibits (GX) 1 - 5. Department Counsel also provided a copy of a Discovery Letter to Applicant, dated November 24, 2020, and a Government's Exhibit List. They are included in the record as Hearing Exhibits (HX) 1 and 2, respectively. Applicant and two other witnesses testified. Applicant also proffered Applicant Exhibits (AX) A - F. A list of Applicant's exhibits is included as HX 3, and the SOR Amendments and Applicant's responses thereto are included in the record together as HX 4. I received a hearing transcript (Tr.) on October 5, 2022.

Applicant objected to the admissibility of GX 4 on grounds that it did not meet the admissibility requirements of Section E3.1.20 of the Directive. I sustained the objection and Department Counsel withdrew GX 4. (Tr. 14 – 15). I admitted the remaining exhibits from both parties without objection.

GX 4 was a summary of a personal subject interview (PSI) of Applicant by a government investigator on January 3, 2013. In SOR 2.c, the Government alleged that Applicant deliberately made false statements during that PSI regarding his alleged illegal use of marijuana. After the Government had presented its information in support of the SOR (GX 1, 2, 3, and 5) and rested its case, Applicant moved at the beginning of his case-in-chief to strike SOR 2.c based on the exclusion of GX 4. After hearing from both parties regarding Applicant's request, I took the motion under advisement while Applicant presented his exhibits and witnesses. At the conclusion of Applicant's case, he renewed his motion to strike. Department Counsel acknowledged there was no other basis for SOR 2.c and did not object to Applicant's motion. Accordingly, I amended the SOR by deleting SOR 2.c, leaving intact SOR 2.a, 2.b, and 2.d. (Tr. 21 – 23, 112 – 113).

Findings of Fact

In addition to the facts established by Applicant's admissions to allegations under both Guidelines H and E, I make the following findings of fact. Applicant is 38 years old. In 2002, he earned a bachelor's degree in political science. In 2013, he earned a master's of business administration (MBA). In January 2012, he went to work for a federal contractor in an information technology (IT) position that required eligibility for a security clearance. He worked there until July 2016, when he started working for his current employer, also a federal contractor, in a position that also requires access to classified information. (GX 1; Tr. 43 – 46)

Applicant has had access to classified information since 2012. He first applied for a security clearance by submitting an Electronic Questionnaire for Investigations Processing (e-QIP) on January 9, 2012 (e-QIP #1; admitted as GX 5). Based on the ensuing background investigation, he received a secret-level security clearance in early 2012. On December 12, 2012, he submitted another e-QIP (e-QIP #2; admitted as GX 3) to obtain eligibility for access at the top-secret level, which he received in March 2013.

On November 21, 2018, he submitted another e-QIP (e-QIP #3; admitted as GX 1) to initiate this current review of his eligibility for access. (GX 1; GX 3; GX 5)

Applicant was married from September 2011 until finalizing a divorce in May 2013. He and his ex-wife separated sometime in 2012. In October 2012, Applicant obtained what he termed a legal separation, and then proceeded through a contentious and bitter divorce. Applicant's ex-wife reportedly abused alcohol and was often abusive towards him. The divorce caused Applicant to endure significant personal, physical, financial, and psychological stress. Since 2017, he has been in a committed relationship with a woman to whom he now is engaged, and with whom he has two children. (Answer 1; GX 1; Tr. 48, 53 – 55)

Applicant first used marijuana at age 17 in 2001 while on a student trip abroad. He next used in 2004, while in college, and between 2007 and 2010 with friends in social settings. Available information shows he did not use marijuana again until October 2012. At that time, he began using marijuana as a means to cope with the stressors of his separation and pending divorce. He was having trouble sleeping because of related anxiety, and his doctor prescribed him different medications to address his condition. He avers that the medications either were ineffective or had significant side effects that impeded his ability to function at home and at work. He chose to use marijuana as a replacement for the prescribed medications and for about the next two years, he used frequently each week. Applicant obtained marijuana from a friend with whom he had worked in 2009 and 2010, receiving small amounts of marijuana from that friend in exchange for doing chores and odd jobs for him. Applicant often used marijuana with that friend. This arrangement and Applicant's frequency of use lasted until about May 2014, a year after his divorce, when the friend moved away. At all times during this period of drug use, Applicant had access to classified information. In e-QIP #2, submitted in December 2012, despite the fact that he had been using marijuana frequently each week for the preceding two months, he stated he had last used marijuana in 2007 and that he had used it a total of about five times. At hearing, he conceded he intentionally omitted information about his drug use from e-QIP #2. (Answer 1; GX 1; GX 2; Tr. 48 – 60, 69, 75 – 77)

When Applicant submitted e-QIP #1 in January 2012, he did not disclose that he had used marijuana during the preceding seven years; however, when he submitted e-QIP #2 in December 2012, he disclosed that he had used marijuana "socially a few times in college and grad school" between 2004 and 2007. Also in that application, he denied any future intent to use marijuana, stating "I do not have any need or use for it and will not jeopardize my way of life." In e-QIP #2, he did not mention that, two months earlier, he had begun using marijuana more frequently to cope with the breakup of his marriage. (GX 3 and 5)

In June 2018, Applicant and his fiancée were travelling with friends in a state where recreational use of marijuana is legal. They visited breweries and attended a concert, and at some point decided to try edibles containing THC, the controlled substance in

marijuana. Applicant next used marijuana at a New Year's Eve party in his home state, where marijuana use is still illegal under state law. He was intoxicated and smoked marijuana when someone offered it to him while standing around a bonfire. (Answer 1; GX 2; Tr. 59 – 60, 104 – 105)

Applicant submitted e-QIP #3 on November 21, 2018. In response to questions in Section 23 (Illegal Use of Drugs or Drug Activity), he disclosed that he used marijuana between October 2012 and June 2018, and that he had used in social settings about five times “since days of regular use,” by which he meant the period between October 2012 and May 2014. When asked if his drug use occurred while he possessed a security clearance, he answered “Yes.” When asked if he intended to use marijuana in the future, he answered “No,” and stated “The stress that was present while regularly using marijuana during my divorce are no longer present. I have developed proven routines and activities that help alleviate stress and have a positive relationship for which the stress of the past is no longer present.” In contrast to his reported five instances of marijuana use after 2014, Applicant testified that he only used marijuana twice after 2014 – in June and December 2018. On cross-examination, he referred to his e-QIP disclosure as “a general statement.” (GX 1 at 31 – 32; Tr. 59 – 60, 76 – 77)

During the background investigation initiated by e-QIP #3, Applicant completed a PSI with a government investigator on January 24, 2019. During that interview, he reported he first used marijuana in October 2012 and last used marijuana in June 2018. On July 5, 2019, a government investigator conducted two follow-up interviews with Applicant about his drug use. In the first July 5 interview, Applicant reported that he used marijuana with the person from whom he obtained the marijuana an average of four nights a week over an average of three weeks monthly. After his source of marijuana moved away, he smoked marijuana in social settings or parties if someone offered it to him. During the first July 5 interview, he also disclosed his use of marijuana on December 31, 2018. He stated that he only used marijuana that night because he was intoxicated. During the interview, he stated he did not intend to use marijuana in the future because he now has good sleep habits, he meditates, and he is in a good relationship with his fiancée. (GX 2)

The summary report of the July 5, 2019 PSI does not indicate that Applicant explained why he had not disclosed his December 2018 marijuana use when discussing his drug use during a PSI less than a month after his last use. Applicant denied SOR 2.d, which alleged that he intentionally made a false official statement to the government by failing to disclose his most recent drug use during the January 2019 PSI. In response to the SOR and at hearing, he stated that he did not disclose smoking marijuana at the December 2018 New Year's Eve party because he was so intoxicated that night he did not remember doing so. He claimed it was not until the spring of 2019, as he was discussing his drug use with a friend whom he had listed as a reference in e-QIP #3, Section 16 (People You Know Well) that he recalled his December 2018 use. That friend was the same person who hosted the New Year's Eve party, and according to Applicant, reminded him that he had used marijuana that evening. (GX 1; GX 2; Tr. 70 – 72)

Applicant's fiancée testified for Applicant. She recounted their use of edibles in June 2018, and she was present at the New Year's Eve party. Although she did not witness Applicant using marijuana, she testified she knew he had used it at the party because Applicant told her that evening that he had smoked marijuana. (Tr. 110 - 111)

In response to the Government's information, Applicant presented 19 letters of support, all attesting to his good character, reliability, and trustworthiness. (AX A) He also presented a series of lab reports that show he tested negative for controlled substances through hair and urine tests each month between May 2021 and August 2022 (AX B) In April 2021, he completed a marijuana education class that discusses the chemistry and legalities associated with marijuana. (AX C; Tr. 98 – 99) Also presented were recent performance evaluations from his employer that reflect excellent work between 2016 and 2020. (AX D) Applicant also has completed several IT certifications. (AX F) A co-worker who has known Applicant since 2017 testified that he is an excellent worker who is a "go-to guy" on important projects. The witness also reported that Applicant is largely self-taught in most of his IT skills, and that he is honest and trustworthy. The witness is aware of Applicant's use of marijuana to cope with divorce-related stress, but acknowledged that his drug use thereafter was a stupid mistake. (Tr. 29 – 43)

Applicant insists that he does not intend to use marijuana in the future. To that end, he presented a notarized statement of intent (AX E) in which he acknowledged that any future drug use might be grounds for revocation of any clearance he holds. Applicant also testified that he no longer associates with persons who use marijuana, and that he leads a lifestyle that is conducive to continued abstinence. By contrast, the personal reference who he claims refreshed his recollection about his December 2018 marijuana use is someone with whom Applicant has smoked marijuana in the past, and who hosted the New Year's Eve party. Applicant's fiancée characterized that party as a gathering of "very, very close friends." As of the July 2019 PSIs, Applicant was in contact with that person about quarterly. (GX 2; Tr. 91 – 93, 94 – 95, 105)

Policies

Each security clearance decision must be a fair, impartial, and commonsense determination based on examination of all available relevant and material information, and consideration of the pertinent criteria and adjudication policy in the adjudicative guidelines (AG). (See Directive, 6.3) Decisions must also reflect consideration of the factors listed in ¶ 2(d) of the guidelines. Commonly referred to as the "whole-person" concept, those factors are:

- (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.

The presence or absence of a disqualifying or mitigating condition is not determinative of a conclusion for or against an applicant. However, specific applicable guidelines should be followed whenever a case can be measured against them as they represent policy guidance governing the grant or denial of access to classified information. A security clearance decision is intended only to resolve whether it is clearly consistent with the national interest for an applicant to either receive or continue to have access to classified information. (See Department of the Navy v. Egan, 484 U.S. 518)

The Government bears the initial burden of producing admissible information on which it based the preliminary decision to deny or revoke a security clearance for an applicant. Additionally, the Government must be able to prove controverted facts alleged in the SOR. If the Government meets its burden, it then falls to the applicant to refute, extenuate or mitigate the Government's case. Because no one has a "right" to a security clearance, an applicant bears a heavy burden of persuasion. (See Egan, 484 U.S. at 528, 531) A person who has access to classified information enters into a fiduciary relationship with the Government based on trust and confidence. Thus, the Government has a compelling interest in ensuring each applicant possesses the requisite judgment, reliability and trustworthiness of one who will protect the national interests as his or her own. The "clearly consistent with the national interest" standard compels resolution of any reasonable doubt about an applicant's suitability for access in favor of the Government. (See Egan; AG ¶ 2(b))

Analysis

Drug Involvement and Substance Misuse

Applicant used illegal drugs between 2001 and 2018. Between 2012 and 2018, his drug use occurred while he had access to classified information. This information reasonably raises the security concern expressed at AG ¶ 24:

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.

More specifically, available information requires the application of the following AG ¶ 25 disqualifying conditions:

- (a) any substance misuse (see above definition);
- (f) any illegal drug use while granted access to classified information or holding a sensitive position; and
- (g) expressed intent to continue drug involvement and substance misuse, or failure to clearly and convincingly commit to discontinue such misuse.

Applicant used marijuana socially between 2001 and 2012. Between October 2012 and May 2014, he used it frequently each week for three weeks on average out of every month. He claimed in his Answer and at hearing that he did not use again until June 2018; however, in e-QIP #3, he stated that he used marijuana another five times in social settings before consuming edibles with his fiancée in June 2018. Finally, his last known use of marijuana occurred on December 31, 2018. Starting in 2012, his illegal drug use occurred after receiving a security clearance. At several points in his testimony, he affirmed that he had access to classified information. In his December 2012 e-QIP #2, Applicant stated he did not intend to use marijuana in the future; however, he had been using it frequently for about two months when he submitted that application, and he continued to use it frequently for much of the next two years, then less frequently between 2014 and 2018.

All of the foregoing supports application of AG ¶¶ 25(a), 25(f), and 25(g). By contrast, the following AG ¶ 26 mitigating conditions are pertinent here:

- (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;
- (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.

Available information shows that Applicant has not used marijuana since December 2018. This period of abstinence can be significant. The height of his drug use occurred while he was going through a difficult divorce and he turned to marijuana because the medications his doctor prescribed seemed to do more harm than good. Those circumstances have not recurred in the past eight years. After his divorce, his personal life became more stable, productive, and free of the stressors he experienced before May 2013. Nonetheless, Applicant continued to use marijuana on a frequent basis until May 2014, when his supplier moved away. Thereafter, he continued to use marijuana, albeit less frequently, in social settings until December 2018. Applicant has been in a committed and stable relationship since the summer of 2016, yet his marijuana use continued. The consumption of edibles containing THC in June 2018 was a choice he and his fiancée made while traveling with friends. His drug use in December 2018 was arguably the product of intoxication. Available information does not show that his drug use before October 2012 and after May 2013 was the product of any unusual circumstances. Because his illegal use of marijuana over the past ten years has occurred while he has had access to classified information, his decision to use illegal drugs reflects adversely on Applicant's judgment. AG ¶ 26(a) does not apply.

As to AG ¶¶ 26(b)(1) and (b)(2), Applicant's last use occurred while at a party with persons who, according to his fiancée, are very close friends of theirs. Additionally, his use of edibles occurred while traveling with his fiancée and their friends. At least as recently as December 2018, Applicant's circle of friends included people who use marijuana on a social basis. One of the persons with whom Applicant has used marijuana in the past is listed as a personal reference in his most recent e-QIP, and, according to the summary of his July 5 PSIs, is someone with whom Applicant has had contact at least on a quarterly basis. The record does not support application of AG ¶¶ 26(b)(1) and (b)(2).

As to AG ¶ 26(b)(3), Applicant presented a signed statement averring that he will no longer use marijuana, and that he understands that any future use might result in revocation of his eligibility for access to classified information. Generally, such a written commitment in combination with an acceptable period of abstinence would inure to his benefit. However, Applicant previously has stated his future intent to abstain, yet even as he made those statements, he was using marijuana, at times, frequently. Applicant was less than credible when discussing his marijuana use and he has made inconsistent statements about his drug use in previous background investigations. At his hearing, he testified that he did not disclose his December 2018 use in his January 2019 PSI because he forgot about it until a friend refreshed his recollection of it several months later. This does not appear to be true, because his fiancée testified that he told her the night of the party that he had used marijuana around the bonfire. On balance, available information probative of Applicant's future intent in this matter does not persuade me that he will not use marijuana again. AG ¶ 26(b)(3) does not apply. Based on all of the foregoing, I conclude that Applicant did not mitigate the security concerns raised by the Government's information about his illegal drug use.

Personal Conduct

The security concern about personal conduct is stated at AG ¶ 15:

Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes. The following will normally result in an unfavorable national security eligibility determination, security clearance action, or cancellation of further processing for national security eligibility:

(a) refusal, or failure without reasonable cause, to undergo or cooperate with security processing, including but not limited to meeting with a security investigator for subject interview, completing security forms or releases, cooperation with medical or psychological evaluation, or polygraph examination, if authorized and required; and

(b) refusal to provide full, frank, and truthful answers to lawful questions of investigators, security officials, or other official representatives in connection with a personnel security or trustworthiness determination.

More specifically, the following AG ¶ 16 disqualifying conditions pertain to these facts and circumstances:

(a) deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine national security eligibility or trustworthiness, or award fiduciary responsibilities; and

(b) deliberately providing false or misleading information; or concealing or omitting information, concerning relevant facts to an employer, investigator, security official, competent medical or mental health professional involved in making a recommendation relevant to a national security eligibility determination, or other official government representative.

In Applicant's first application for a security clearance in January 2012, in response to a question about illegal drug use during the preceding seven years, he did not disclose his marijuana use in 2007 (his use in 2004 was outside the scope of the question). In October 2012, he started using marijuana on a regular basis as a means of coping with the effects from the end of his marriage. In the midst of that conduct, he submitted another clearance application in December 2012. Therein, he acknowledged using marijuana "socially less than five times" between 2004 and 2007, whereas after October 2012, he

had been using multiple times weekly. He further stated that he did not intend to use marijuana in the future. After providing that information, he continued his illegal drug use on a frequent basis until May 2014.

On January 24, 2019, less than a month after Applicant's last use of marijuana, a government investigator interviewed him about his use of illegal drugs. Applicant stated that he first used marijuana in 2012, whereas he actually first used it in 2001. He reported his last use of marijuana was in June 2018, when he and his fiancée consumed edibles containing THC. He did not report his use of marijuana at the New Year's Eve party until he was re-interviewed on July 5, 2019. Applicant then disclosed his December 2018 but not his pre-2012 use. Later in the day on July 5, Applicant disclosed he had first used in 2001, as well as his sporadic use between 2010 and 2012.

Applicant has asserted that during his January 2019 PSI, he did not report his use on New Year's Eve because he was so intoxicated he forgot about it until well after the interview. He claims that at some point before the first July 5 interview, one of his character references (also the host of the party and someone with whom Applicant has used marijuana in the past) reminded him he had used marijuana that night. This claim stands in contrast to his fiancée's testimony that she and Applicant discussed his marijuana use on the night of the party. I did not find credible Applicant's claims that he did not remember his December 2018 drug use before the January 2019 PSI.

Available information shows that since 2012, when asked for information about his drug use, Applicant deliberately omitted his drug use or minimized the true extent of his drug use over the past 21 years. As alleged in SOR 2.a and 2.b, this occurred in his first two security clearance applications. As alleged in SOR 2.d, it occurred in his January PSI. Although not specifically alleged, in assessing mitigation, I have also considered the inconsistencies in both of his July 2019 PSIs. When it comes to deciding in whom to repose its trust, the government has a fundamental and compelling interest in having accurate, comprehensive, and truthful reporting of adverse information in a clearance holder's background. Over the past ten years, that has not occurred with regard to Applicant's use of marijuana and his statements regarding his future intentions. On balance, I conclude none of the pertinent mitigating conditions can apply here. Applicant did not mitigate the security concerns raised by the Government's information under this guideline.

I also have evaluated this record in the context of the whole-person factors listed in AG ¶ 2(d). There is significant positive information in the record about Applicant's performance and reputation in the workplace. He is accomplished in his area of expertise, self-taught in much of his skillset, and is generally well liked for his reliability and hard work, and he appears to be a devoted family man. Nonetheless, the use of marijuana in violation of federal laws against such conduct while possessing a security clearance and having access to classified information is not a minor concern. Such significant disregard for rules and regulations presents a risk that he would not properly safeguard classified information. Also of great importance is whether the government can rely on Applicant to

be truthful even if doing so might work against his personal interest. Possession of a security clearance entails a fiduciary responsibility that places the government's interests above one's own. Despite the positive information in this record, Applicant's deliberate falsifications about his use of illegal drugs undermine confidence that he will meet that obligation. Available information about Applicant's use of marijuana, in combination with his lack of truthfulness about that conduct, sustains the doubts about his clearance suitability raised by the Government's information. Because protection of the national interest is the principal focus of these adjudications, any such doubts must be resolved against the Applicant.

Formal Findings

Formal findings on the allegations set forth in the SOR, as required by section E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1, Guideline H:	AGAINST APPLICANT
Subparagraphs 1.a and 1.b:	Against Applicant
Paragraph 2, Guideline E:	AGAINST APPLICANT
Subparagraphs 2.a, 2.b, and 2.d:	Against Applicant
Subparagraph 2.c:	Dismissed.

Conclusion

In light of all of the foregoing, it is not clearly consistent with the interests of national security for Applicant to have access to classified information. Applicant's request for a security clearance is denied.

MATTHEW E. MALONE
Administrative Judge