



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



In the matter of:)
)
) ISCR Case No. 22-00775
)
Applicant for Security Clearance)

Appearances

For Government: Adrienne Driskill, Department Counsel
For Applicant: *Pro se*

June 23, 2023

Decision

TUIDER, Robert, Administrative Judge:

Applicant submitted a Questionnaire for National Security Positions (SF-86) on October 23, 2020. On October 13, 2022, after reviewing the application and information gathered during a background investigation, the Department of Defense Consolidated Adjudications Facility, Fort Meade, Maryland, sent Applicant a statement of reasons (SOR), explaining it was unable to find that it was clearly consistent with the national interest to grant him eligibility for access to classified information.

This national security eligibility action was taken under Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; DoD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (AG), which became effective within the DoD on June 8, 2017.

The SOR detailed the factual reasons for the action under the security guideline known as Guideline H for drug involvement and substance misuse. Applicant timely

answered the SOR and requested a hearing. The case was assigned to me on February 21, 2023. The hearing was held as scheduled on March 22, 2023. After reviewing the transcript and evidence, I proposed to the parties that this case was appropriate for a summary disposition in Applicant's favor. Applicant did not object. Department Counsel had 10 days to consider the matter and provided written notice that Department Counsel did not object.

This case centers on Applicant's past use of narcotics with varying frequency, from approximately 2008 to 2016. The narcotics he used were primarily opiates and opioids. He was first introduced to Percocet following knee surgery to repair a torn meniscus and was prescribed opioids following four surgeries to repair intestine damage due to Crohn's disease. Applicant was continuously enrolled in drug treatment programs from July 2016 to December 2022. He successfully completed treatment in December 2022, was given a favorable prognosis, and was released. Applicant does not associate with anyone who uses drugs, has an excellent employment record, and enjoys strong family support.

To demonstrate his commitment to maintaining sobriety, Applicant has taken steps outside of his family support to include joining virtual teleconference Narcotics Anonymous meetings and consults with his primary care physician and clinical behavior health specialists. He participates in one-on-one sessions with a therapist as well as group sessions within a local university health care system that specializes in opioid addiction.

Based on the record evidence as a whole, I conclude that Department Counsel presented sufficient evidence to establish the facts alleged in the SOR under Guideline H. I also conclude that Applicant presented sufficient evidence to explain, extenuate, or mitigate the facts admitted by Applicant or proven by Department Counsel. In particular, I conclude that the security concerns are resolved under the following mitigating conditions: AG ¶¶ 26(a), 26(b)(1)(2)(3), 26(c), and 26(d).

The concerns over Applicant's history of drug involvement and substance misuse problems do not create doubt about his current reliability, trustworthiness, good judgment, and ability to protect classified information. In reaching this conclusion, I weighed the evidence as a whole and considered if the favorable evidence outweighed the unfavorable evidence or *vice versa*. 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 him national security eligibility for access to classified information. This case is decided for Applicant.

ROBERT TUIDER
Administrative Judge