



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



In the matter of:)
)
) ISCR Case No. 22-02138
)
Applicant for Security Clearance)

Appearances

For Government: Brian Farrell, Esq., Department Counsel
For Applicant: Carl Marrone, Esq.

05/06/2024

Decision

MURPHY, Braden M., Administrative Judge:

Applicant has a history of illegal drug use, including marijuana and cocaine, and of using prescription diet pills not prescribed to her. On her first security clearance application, in 2020, she disclosed the marijuana use but not the other illegal drug use. Most of her drug use occurred several years ago but it did not end conclusively until March 2022, when she was working in a sensitive position with a security clearance. Applicant’s conduct raises security concerns under Guideline H (Drug Involvement and Substance Misuse) and Guideline E (Personal Conduct). I conclude that Applicant provided sufficient evidence in mitigation, including her subsequent maturity, credible expressions of remorse, evidence of rehabilitation, and substantial whole person character evidence, to mitigate Guideline H and Guideline E security concerns. Applicant’s eligibility for continued access to classified information is granted.

Statement of the Case

Applicant submitted security clearance applications (SCAs) on June 23, 2020, and April 5, 2022. On November 18, 2022, the Defense Counterintelligence and Security Agency Consolidated Adjudication Services (DSCA CAS) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline H (drug

involvement and substance misuse), and Guideline E (personal conduct). The DOD issued the SOR under Executive Order (Exec. Or.) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; Department of Defense (DOD) Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and Security Executive Agent Directive (SEAD) 4, *National Security Adjudicative Guidelines* (AG), effective June 8, 2017.

Through counsel, Applicant submitted a response to the SOR on February 27, 2023. She addressed the allegations and requested a hearing before an administrative judge from the Defense Office of Hearings and Appeals (DOHA). She included exhibits A through V. The case was assigned to me on October 31, 2023. On November 15, 2023, DOHA issued a notice scheduling Applicant's hearing for January 10, 2024, by video-teleconference through an online platform.

The hearing convened as scheduled. Department Counsel offered Government's Exhibits (GE) 1 through 4. Applicant offered the attachments to her SOR Response as Applicant's Exhibits (AE) A through V.¹ (Applicant's resumé was inadvertently omitted but was submitted after the hearing and included as part of AE J). (Tr. 18-19) All exhibits were admitted without objection. Applicant and four witnesses testified. DOHA received the hearing transcript (Tr.) on January 23, 2024.

Amendment to the SOR

During the hearing, Department Counsel moved to amend SOR ¶ 1.a to conform to the record evidence by adding a comma and the phrase ". . . and holding a sensitive position." at the end of the allegation. The motion was granted without objection and SOR ¶ 1.a was amended accordingly. (Tr. 142-144)

Findings of Fact

Applicant admitted SOR ¶¶ 1.a, 1.b and 1.c under Guideline H, with explanations. She "admitted" SOR ¶¶ 2.a and 2.b under Guideline E, with explanations, but I do not construe her explanations as clearly and explicitly admitting falsification. I therefore consider her answers as denials. Her admissions are incorporated into the findings of fact. Additional findings follow.

Applicant is 29 years old. She married in 2021. She works as a systems engineer for a defense contractor. She earned an associate degree in December 2016 and a bachelor's degree in electrical engineering in May 2020. (GE 1; AE I, AE J; Tr. 21, 34-36)

¹ Some of Applicant's Exhibits, as referenced in the SOR Response submitted by counsel, are more "administrative" rather than "substantive" in nature. These include AE A (the SOR); AE B and C (Guidelines E and H of SEAD 4); and AE V (SEAD 4, Appendix C)

Applicant worked in restaurants between 2011 and 2019 before entering the engineering field. She worked defense contractor 1 in an engineering “co-op” position from July 2018 to July 2020, while attending college. She then worked for the U.S. Air Force as a civilian electrical engineer until January 2022, when she began her current job with defense contractor 2. She submitted her first SCA in June 2020 for her job with the Air Force. (GE 1; AE J)

Applicant first tried marijuana in middle school as a young teenager. She used marijuana again in high school, beginning in about May 2012, usually in social settings. She graduated from high school in 2013, and started college that fall, though she withdrew in the spring 2014 term. She moved in with a childhood friend and started working in bars and restaurants. Between May 2014 and August 2014, she used marijuana about weekly. She also purchased it from friends. In summer 2014, she moved in with her boyfriend, now her husband. She also decided to focus on her studies. Between 2014 and 2017, she used marijuana about 10 to 20 times. (SOR ¶ 1.a) She generally smoked it or used a vape pen, either in social situations or to help her sleep. Between 2017 and 2022, she did not use marijuana. (GE 3 at 4; Tr. 23-39, 70-79)

Applicant reported on her June 2020 SCA that she used marijuana between May 2013 and May 2014 about three to five times a month. (Her brief middle school use was beyond the seven-year scope of the question). She reported using marijuana “only a few times” between 2014 and 2017, that she did not use marijuana after beginning her college studies, and no longer used marijuana. She also acknowledged that marijuana was “banned on a federal level.” She disavowed any future use of marijuana because of her chosen career, knowing drug use was not tolerated, and “could cost me my career,” as well as due to the chemical effects marijuana has on her thought process. (GE 2 at 50; Tr. 73-75)

Applicant had also experimented with cocaine, between June 2014 and October 2018. Within that timeframe, she used cocaine two or three times in social situations. (SOR ¶ 1.b) She no longer socializes with the people with whom she used cocaine. She has no interest in using cocaine again. It would risk her job and her marriage. She has not been around any cocaine use since 2018. (Affidavit, AE D; GE 3 at 5; Tr. 47-55, 95-96)

Between about March 2018 and January 2021, Applicant used prescription diet medication (diet pills) that were not prescribed to her. (SOR ¶ 1.c) She first used the prescription diet pills in 2018, when she was in college and working at a restaurant. The pills, which were amphetamines, were widely available from co-workers, who would get them from a local dealer known as a “diet doctor.” She got the pills from a co-worker, C, and she knew they were not prescribed to her. She took the pills because she wanted to lose weight. She used the pills over three different timeframes, or “cycles,” of about a week, the last time in 2021. She knew what she was doing was illegal under state and federal law and was against her employer’s drug policy. She stopped because she did not like the side effects. She no longer socializes or interacts with C. She now has

healthy weight control habits, including doing yoga and exercise and maintaining a healthy diet. She is also under less stress and knows how to handle it better. (GE 3 at 5; Affidavit, AE D; Tr. Tr. 46-47, 55-63, 85-95, 104)

Applicant disclosed her marijuana use on her June 2, 2020 SCA. She did not disclose her prior cocaine use, and she also did not disclose her use of someone's else's prescription drug medication, both of which had occurred during the previous seven years. These two omissions are alleged in the SOR as deliberate falsifications under Guideline E (SOR ¶¶ 2.b, 2.c), as they should have been disclosed in response to relevant "seven-year timeframe" questions on her June 2020 SCA (GE 2 at 50-51)

Applicant acknowledged that she did not disclose the full extent of her drug use because she was scared that she would not get a job if she were totally honest about her drug use. She was just completing her college studies. She is regretful and remorseful and now understands that the security clearance system is based on honesty from clearance holders. (AE D; Tr. 40-41; 63-66) She also said no one spoke to her during the clearance application process about guiding her through the SCA questions. (Tr. 79, 93-94) She said she did not disclose her cocaine use on her 2020 SCA because she regarded it as "on a different level" (i.e., more serious) than marijuana use, which she did disclose. She acknowledged that cocaine use was "a hard one to admit," (Tr. 96) She also knew that she should have answered "Yes" and reported the diet pill misuse on her 2020 SCA. (Tr. 61)

Applicant was granted eligibility for a secret clearance by DOD on or about August 5, 2020. (GE 4; Tr. 22) She acknowledged that while working for the Air Force, she had actual access to classified information, and worked in a classified environment, from the granting of her clearance eligibility until she left the job in January 2022. (Tr. 100-102) During this time, she engaged in her last cycle of prescription diet pills.

On one occasion in March 2022, Applicant used marijuana at a friend's wedding. Applicant explained that she became extremely nauseous at the wedding, and she used a friend's "vape pen" to inhale THC to try to alleviate her nausea. (GE 3 at 5; Affidavit, AE D: Tr. 39) She held a clearance at the time, through her job at defense contractor 2, but she did not work in a classified environment. (Tr. 102-103) While it was not clear that she had been "granted access to classified information" at the time, she held a clearance and was "holding a sensitive position." (SOR ¶ 1.a was therefore amended accordingly, as noted above.)

Applicant acknowledged knowing that using marijuana was illegal under federal law and that it was against security clearance protocol. She said when she used marijuana at the wedding in March 2022, she knew she would have to report it on her next SCA. She believed that her next SCA was the next opportunity to disclose it. She did not report her drug use to her facility security officer at the time and did not know she would soon be submitting an updated SCA. (Tr. 41-42, 80-82, 105)

In April 2022, Applicant submitted a second SCA, as she had been asked to apply for a top-secret clearance. (GE 1; Tr. 22, 156-158) She updated her marijuana use (to include her March 2022 use). She disclosed using cocaine two or three times between about June 2014 and October 2018. She also disclosed misusing a prescription diet medication between about March 2018 and January 2021. (SOR ¶ 1.c) She reported that she had been granted a secret clearance with the Air Force in about September 2020. (GE 1 at 52-54, 56)

Applicant discussed the details of her drug use in a May 2022 background interview. In a November 2022 interrogatory response, she authenticated the interview summary as accurate, with some corrections about her employment history. She also indicated that she had had no further illegal drug use since her interview, that she no longer associated with people who use illegal drugs, and that she had not been around illegal drugs. (GE 3; Tr. 32-33)

When asked during her testimony what had changed between her first SCA and her second SCA, Applicant said she knew she had been wrong by not being honest the first time and wanted to “make that right.” She also made a career change (to defense contractor 2) and wanted to make it her career long term. So, “I knew I had to make it right.” She believed that her next SCA was the first opportunity to be fully candid. As Department Counsel confirmed, she was not interviewed after her June 2020 SCA, because it was during the COVID pandemic. (Tr. 82-85)

Applicant acknowledged making a bad decision in being dishonest about the full extent of her drug use on her June 2020 SCA. She accepts full responsibility. She said she was embarrassed about her drug use. She decided to correct her prior omissions on her 2022 SCA. (Applicant’s statement, AE U; Tr. 22)

In December 2022, as part of her SOR Response, Applicant was assessed for substance abuse. She reported her prior drug use fully and honestly in the assessment. She was not recommended for services or drug treatment. She has never been in drug counseling and has never felt the need for it. She has never been arrested for a drug-related offense. (AE E; Tr. 98, 103-104) She also took a (non-random) drug test and tested negative for any illegal drug, (AE G) The same month, she pledged to abstain from all drugs, including marijuana, cocaine, and other illegal substances, and acknowledged that future drug involvement was grounds for revocation of her clearance and national security eligibility. (AE F) In her testimony, she affirmed that she has no future intentions to use illegal drugs or to use someone else’s prescription. (Tr. 103)

Applicant testified that her father was addicted to pain medication when she was growing up. He was also in and out of jail. She also knew friends’ parents who used drugs. (Tr. 42-44) Applicant does not miss using drugs. She now has a better understanding of the consequences and the impact it has on her judgment and the increased risk it entails. (Tr. 44-45) Her husband does not use drugs, nor do their friends. Her father no longer abuses drugs. Her brother has a drug problem, but she

limits contact with him. (Tr. 35, 45-46, 97-98) She has disclosed all of her prior drug use. (Tr. 103)

Applicant concluded her initial direct testimony by offering an apology. She acknowledged her mistakes and lapses in judgment in omitting the full extent of her drug use on her first SCA. She is committed to being honest in the future and is incredibly regretful about her past decisions. (Tr. 67-69, 106)

During closing argument, Applicant requested to resume the stand to offer clarifying testimony on certain points. This was allowed without objection. She stated that she had been hired by defense contractor 2 to work on a certain project, and then was asked to apply for a top-secret clearance. She wanted to stress that she could have turned it down, and therefore would not have had to fill out a new SCA and thus, to report all of her drug use, but she chose to do so knowing that she wanted to disclose everything. (Tr. 156-158)

Several character witnesses testified on Applicant's behalf. Mr. B is her supervisor at defense contractor 2 and is responsible for her professional development. He has had a clearance for many years. He is aware of the SOR allegations. He said she has professional ability to set goals and work with others as a team member. He has trust in Applicant based on her ability to listen, reflect, and apply what she has learned. (Tr. 109-113)

Ms. L1 has been friends with Applicant since 2019. They interact frequently although Ms. L1 now lives in another state. She regards Applicant as trustworthy, reliable, and responsible. She is aware of the SOR allegations, and believes Applicant is remorseful about her past lack of candor. (Tr. 116-123) Ms. L1 also provided a strong recommendation letter. (AE P)

Ms. L2 has been the facility security officer (FSO) at Applicant's current job location since July 2020. She has known Applicant since September 2020 both professionally and personally. She regards Applicant as "incredibly reliable." She trusts Applicant to open, close, and manage the security facility and back her up when needed, as the *de facto* deputy or assistant FSO. Applicant takes her job very seriously. Ms. L2 has trained Applicant extensively for that role, one on one, including for all possible eventualities on site, including foreseeable emergencies. Applicant has been involved with closing the facility many times. Ms. L2 is aware of the SOR allegations and believes Applicant is remorseful. Applicant "shows a maturity and capability beyond her years." She puts herself in position for future advancement, is "incredibly capable and is an absolute asset" to the company. (Tr. 125-134) Ms. L2 also provided a strong recommendation letter. (AE L)

Mr. S met Applicant in college in 2017. They are personal friends and are in touch monthly. He feels Applicant is one of the most reliable and trustworthy people he knows. She is hardworking and responsible, and he trusts her with confidences. He is aware of the SOR allegations. (Tr. 136-140)

Numerous other professional and personal references provided strong recommendation letters attesting to Applicant's judgment, trustworthiness, and reliability, as well as her hard work, and value to the company as an innovative thinker and team player with a strong moral compass. (AE K, AE M - AE O, AE Q - AE T) Applicant has also been recognized with awards at work for her excellence and leadership. (AE H)

Policies

It is well established that no one has a right to a security clearance. As the Supreme Court has held, "the clearly consistent standard indicates that security determinations should err, if they must, on the side of denials." *Department of Navy v. Egan*, 484 U.S. 518, 531 (1988).

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines. In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are used in evaluating an applicant's eligibility for access to classified information.

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with the factors listed in the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(a), the entire process is a conscientious scrutiny of a number of variables known as the "whole-person concept." The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision.

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that "[a]ny doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security." In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record. Likewise, I have not drawn inferences grounded on mere speculation or conjecture.

Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, an "applicant is responsible for presenting witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by applicant or proven by Department Counsel and has the ultimate burden of persuasion to obtain a favorable security decision."

A person who seeks access to classified information enters into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it

grants access to classified information. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation of potential, rather than actual, risk of compromise of classified information.

Analysis

Guideline H: Drug Involvement

AG ¶ 24 details the security concern for drug involvement:

The illegal use of controlled substances, to include the misuse of prescription drugs, and the use of other substances that can cause physical or mental impairment or are used in a manner inconsistent with their intended use 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.

I have considered the disqualifying conditions for drug involvement under AG ¶ 25 and the following are potentially applicable:

- (a) any substance misuse (see above definition);
- (f) any illegal drug use while granted access to classified information or holding a sensitive position.

Applicant used marijuana in high school and college, and while working at bars and restaurants, between 2012 and 2014, and then less frequently, until 2017. After that, she did not use marijuana again until one time in March 2022 at a friend's wedding to combat nausea. That last instance was after she had submitted GE 2, in June 2020, after she had worked with a clearance in a classified environment in a civilian job with the Air Force and while she had been granted eligibility for access to classified information and was in a sensitive position with defense contractor 2.

Applicant also used cocaine on two occasions, in 2014 and 2018, in college. Between 2018 and March 2021, she engaged in the illegal use of a controlled substance by misusing prescription diet pills during three "cycles" of use during that timeframe, in that she knew she was using prescription diet pills that were not prescribed to her. The last cycle of use, in January 2021, occurred while she had been in a sensitive position with the Air Force and had been granted access to classified information. AG ¶ 25(a) applies to the marijuana use, the cocaine use, and the illegal misuse of the

prescription diet pills. AG ¶ 25(c) applies to the January 2021 prescription diet pill misuse and the March 2022 marijuana use at the wedding.

The following mitigating conditions under AG ¶ 26 are potentially applicable:

(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; and

(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 is grounds for revocation of national security eligibility.

Applicant's multiple uses of marijuana and her two-time use of cocaine mostly came between 2014 and 2017 or 2018, when she was younger and less mature, was in college or working in bars and restaurants and had yet to start her engineering career as a cleared professional. She used three cycles of someone else's prescription diet pills between 2018 and January 2021 while trying to lose weight. She made one subsequent mistake in March 2022, when she used marijuana in a misguided attempt to alleviate nausea. She has not engaged in illegal drug use since then, and she has not been tempted to do so. She married her boyfriend in 2021, and they do not socialize with anyone who uses illegal drugs. She no longer works in bars and restaurants where illegal drugs might be more accessible. She has a more mature attitude and a healthier lifestyle. She consistently and credibly attested that she has no intention to use illegal drugs in the future. Mitigation is somewhat undercut by her admitted falsification about the full extent of her drug use on her June 2020 SCA (discussed under Guideline E, below). However, I found that her remorse for her prior conduct (under both guidelines) was credible, and with limited exception, her illegal drug use is not recent. She has changed her career, married, and has disassociated her from the people she used illegal drugs with in the past. AG ¶¶ 26(a) and 26(b)(1), (2), and (3) all apply, and drug involvement security concerns are mitigated.

Guideline E: Personal Conduct

AG ¶ 15 details the security concerns for personal conduct:

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 or candid answers during national security eligibility 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;

I considered the following disqualifying conditions under AG ¶ 16:

(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;

(c) credible adverse information in several adjudicative issue areas that is not sufficient for an adverse determination under any other single guideline, but which, when considered as a whole, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information;

(e) personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress by a foreign intelligence entity or other individual or group. Such conduct includes: (1) engaging in activities which, if known, could affect the person's personal, professional, or community standing; and

(g) association with persons involved in criminal activity.

Applicant's illegal drug use, analyzed above under Guideline H, is cross alleged as a personal conduct security concern under Guideline E. (SOR ¶ 1.a). It might have been alleged under Guideline J (criminal conduct) as well, but it was not. AG ¶ 16(c) applies. AG ¶ 16(e)(1) also applies to her drug use, not only as to the conduct itself, but as to the fact that she concealed its full extent on her June 2020 SCA, precisely because she was embarrassed about it and feared it would cost her professional standing (her job). AG ¶ 16(g) applies, since Applicant associated with persons involved in criminal activity when she used the marijuana, the cocaine, and the prescription diet pills.

Applicant disclosed her marijuana use on her June 2020 SCA, but deliberately did not disclose either her two instances of cocaine use or her misuse of prescription diet pills, both of which had occurred during the previous seven years. She had a duty to disclose them in answer to the “seven-year” illegal drug use question on her June 2020 SCA, and deliberately did not do so. Though it is understandable that she was embarrassed about reporting the full extent of her conduct and fearful about the impact on her career, that does not excuse her lack of candor. AG ¶ 16(a) applies to SOR ¶¶ 2.b and 2.c.

AG ¶ 17 sets forth the following potentially applicable mitigating conditions under Guideline E:

- (a) the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;
- (c) the offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;
- (e) the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress; and
- (g) association with persons involved in criminal activities was unwitting, has ceased, or occurs under circumstances that do not cast doubt upon the individual's reliability, trustworthiness, judgment, or willingness to comply with rules and regulations.

With respect to Applicant’s illegal drug use itself, that conduct is mitigated under Guideline E under the same rationale as it is mitigated under Guideline H above. AG ¶ 17(e) also applies, since Applicant has now fully disclosed her prior drug use and is no longer vulnerable to coercion, exploitation, or duress because of it. She also no longer associates with the people with whom she used marijuana or cocaine, nor the person from whom she procured the diet pills. AG ¶ 17(g) also applies.

Applicant also disclosed the full extent of her illegal drug use on her April 2022 SCA, including with updated and more recent timeframes, and she discussed her conduct fully during her background interview a month later. She was not interviewed after her 2020 SCA due to the COVID pandemic. While there might well have been opportunities to come clean earlier than she did, this is not clearly established. Applicant was also genuinely remorseful about her past conduct, and she owned up to her previous lack of candor without reservation. I found her explanations and her expressions of remorse credible. She has also matured, and now has a better understanding of the importance of full candor in the security

clearance process and in a cleared environment.

Applicant's full candor was not exactly "prompt," nor is falsification of a security clearance application (particularly about illegal drug use) ever to be considered a "minor" offense. However, AG ¶¶ 17(a) and 17(c) otherwise apply. Applicant acted in good faith in disclosing the full extent of her illegal drug involvement on her 2022 SCA, and I believe she can be trusted to be fully candid in the future as well.

Whole-Person Concept

Under the whole-person concept, the 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. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(d):

(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.

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. I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case. I have incorporated my comments under Guidelines H and E in my whole-person analysis. I credit Applicant's maturity, her acceptance of responsibility for her past actions, her credible expressions of remorse, and her interest in continuing the career she clearly has worked so hard to earn. Overall, the record evidence leaves me without questions or doubts as to Applicant's continued eligibility for access to classified information.²

Formal Findings

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

² In the Answer to the SOR, Applicant's counsel requests consideration, if appropriate, of a waiver under certain conditions, such as "additional security measures" under Appendix C of SEAD 4. (Answer at 1, 13). Since I have granted Applicant's eligibility for access to classified information without conditions, consideration of waiver applicability is not necessary.

Paragraph 1, Guideline H: FOR APPLICANT

Subparagraphs 1.a-1.c: For Applicant

Paragraph 2, Guideline E: FOR APPLICANT

Subparagraphs 2.a-2.c: For Applicant

Conclusion

In light of all of the circumstances, it is clearly consistent with the interests of national security to grant Applicant a security clearance. Eligibility for access to classified information is granted.

Braden M. Murphy
Administrative Judge