



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



In the matter of:	)	
	)	
	)	ISCR Case No. 24-01844
	)	
Applicant for Security Clearance	)	

**Appearances**

For Government: George A. Hawkins, Esq., Department Counsel  
For Applicant: *Pro se*

07/29/2025

**Decision**

LAFAYE, Gatha, Administrative Judge:

Applicant failed to provide sufficient evidence to mitigate security concerns raised under Guideline H (drug involvement and substance misuse). Eligibility for access to classified information is denied.

**Statement of the Case**

Applicant submitted a security clearance application (SCA) on November 3, 2023. On December 11, 2024, the Department of Defense (DOD) issued a Statement of Reasons (SOR) alleging security concerns under Guideline H. Applicant answered the SOR on January 20, 2025 (Answer) and elected to have his case decided on the written record in lieu of a hearing. The case was assigned to me on June 6, 2025.

Department Counsel submitted the Government’s written case on January 30, 2025, with Government Exhibits (GE) 1 through GE 4. A copy of the file of relevant material (FORM) was sent to Applicant, who was given an opportunity to file objections and submit evidence to refute, extenuate, or mitigate the Government’s case. Applicant received the FORM on February 28, 2025, and submitted a response, which I labeled as Applicant’s Exhibit (AE) A and admitted in evidence without objection. GE 1 and GE 2

(the SOR and Answer, respectively) already part of the administrative record and need not be admitted. GE 3 and GE 4 are admitted in evidence without objection.

### **Findings of Fact**

In his Answer to the SOR, Applicant admitted all allegations, SOR ¶¶ 1.a – 1.k. His admissions are incorporated in my findings of fact. After thorough review of the evidence, I make the following additional finding of facts.

Applicant is 31 years old. He enrolled in a small college from September 2012 through June 2014 but did not complete a degree. He enrolled in a major university from September 2014 and completed his bachelor's and master's degrees in June 2018, and April 2020, respectively. He has never married and has no children. (GE 3, 4)

Applicant has worked as a lead technologist for a defense contractor since October 2023. His position requires a security clearance, and he completed his first SCA in November 2023. In Section 23 of the SCA, he admitted to using, purchasing, selling, and in some instances, cultivating various federally illegal drugs generally between 2014 and 2023, discussed more fully below. Applicant also disclosed he was diagnosed with bipolar mood disorder in 2022 after he experienced a manic episode about two years earlier. He is actively participating in treatment for the condition and remains under the care of his treating psychiatrist, Dr. K. He voluntarily sought mental health counseling and treatment with Dr. K in December 2021 and has remained under her care since then. He confirmed in his statement to investigators that he did not seek Dr. K's assistance for his illegal drug use. Guideline I (psychological conditions) is not alleged as a security concern in the SOR. (GE 3 at 38-45, GE 4 at 12; AE A)

Applicant is aware the drugs he used, purchased, cultivated, and sold are illegal under federal law. He said he first used marijuana in 2014 while at home alone after purchasing it on the dark web using bitcoin. He consumed marijuana in vape or cigarette form, while alone and also with friends in social settings. He continued his involvement with marijuana by purchasing it from dispensaries in State 1 (S1), which allows the recreational use of marijuana. He said he felt euphoric after using marijuana but denied being dependent upon it. He stopped because he lost interest, was in therapy, and desired a sober lifestyle. He last used marijuana in June 2023 and denied having a future intent to use marijuana. (GE 3, 4)

Applicant said he began using hallucinogenic psilocybin mushrooms in July 2015 because he was curious. He purchased mushrooms from the same supplier on the dark web using bitcoin, and he used the mushrooms while home alone from July to December 2015. He claimed he stopped using mushrooms in December 2015 and resumed his use in 2019. In 2019, he said he used mushrooms twice, had a negative experience, and he stopped his use. He said using mushrooms made him feel euphoric, but he was not dependent upon the drug. Like with marijuana, he stopped because he lost interest, was in therapy, and desired a sober lifestyle. He denied having a future intent to use it. (GE 3, 4)

Applicant cultivated hallucinogenic mushrooms between 2018 and 2020 in his parents' home and in his college dorm room because he did not have a supplier, and he also wanted to sell the drug to earn extra money. The crop yielded about 212 grams of mushrooms. In 2020, Applicant said he sold 180 grams of mushrooms for \$1,000, and gave away the remainder. He claimed he used the money to pay for the material he purchased to cultivate the crop, and had a remaining profit. He denied having an intent to cultivate or sell mushrooms in the future. (GE 3, 4; AE A)

Applicant said he used 1-propanoyl-lysergic acid diethylamide (1P-LSD) six or seven times in 2019 as an experiment after purchasing it from a chemical research website for about \$100. He claimed 1P-LSD is not considered LSD, but that it has the same effects. He used 1P-LSD in the form of blotting papers, which had about 100 micrograms of 1P-LSD in it. He said he consumed between one and eight blotting papers each time, and that using 1P-LSD made him feel euphoric but that he was not dependent upon it. He stopped using 1P-LSD in 2019 for the same reasons discussed above, and he denied having an intent to use 1P-LSD in the future. (GE 3, 4; AE A)

Applicant said he started using dimethyltryptamine (DMT) in 2019 as an experiment. He used science to procure, or cultivate DMT in his home. He extracted DMT from a plant (mimosa hostilis) that he purchased and used for this purpose. After extraction, he used DMT by inhaling it. He said he used DMT with friends at his apartment five or six times in a single month in 2019, and then used it three times between March and April 2023. Though owning the plant itself was not illegal, Applicant acknowledged his awareness that extracting and using DMT is federally illegal. Applicant said he stopped using DMT in April 2023 for the same reasons discussed above. He denied having a future intent to use DMT. (GE 3, 4; AE A)

Applicant disclosed he purchased 30 Xanax pills in November 2020 from an individual who was prescribed the drug. He has a friend who uses Xanax for recreational purposes, and he wanted to do him a favor. Applicant paid \$4 per pill or \$120. He sold half the pills to his friend for the same price he paid, and kept the other half to sell in the future. In February 2021, the same friend wanted the 15 remaining Xanax pills. Applicant still associates with a few friends who use drugs. (GE 3, 4)

The SOR alleges under Guideline H that Applicant used, purchased, sold, and/or cultivated multiple illegal drugs during the periods described above (SOR ¶¶ 1.a through 1.k). Applicant admitted all allegations with explanations. He submitted voluminous medical record documents, from about 2021 through early 2025, that detailed his ongoing therapy and treatment for bipolar mood disorder.

### **Policies**

This case is adjudicated under Executive Order (EO) 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 adjudicative guidelines (AG), which became effective on June 8, 2017.

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 to be 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, administrative judges apply the guidelines 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(c), 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."

Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, the applicant is responsible for presenting "witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by the applicant or proven by Department Counsel." The applicant 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.

Section 7 of EO 10865 provides that adverse decisions shall be "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." See *also* EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

## **Analysis**

### **Guideline H, Drug Involvement and Substance Misuse**

The security concern for drug involvement and substance misuse is described in 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.

AG ¶ 25 describes conditions that could raise a security concern and may be disqualifying. Those that are potentially applicable are:

- (a) any substance misuse (see above definition); and
- (c) illegal possession of a controlled substance, including cultivation, processing, manufacture, purchase, sale, or distribution; or possession of drug paraphernalia; and

Applicant admitted he used, purchased, sold, and cultivated various illegal and mind-altering drugs during the periods between 2014 and 2023, as alleged, and his admissions are further supported by other evidence in the record. Applicant's use of 1P-LSD qualifies as an "other" substance that caused a physical or mental impairment. He said 1P-LSD has the same effects as LSD. AG ¶¶ 25(a) and 25(c) apply.

AG ¶ 26 provides conditions that could mitigate security concerns. The following 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 or misuse is grounds for revocation of national security eligibility.

AG ¶ 26(a) is not fully established. Though the majority of Applicant's drug involvement and substance misuse occurred during his college years, 2014 through 2020,

some of his drug activities were more serious and concerning than the typical college student behavior. Some drug activities and behaviors extended well beyond college. Applicant used and purchased psilocybin mushrooms and 1P-LSD between 2015 and 2019, alleged in SOR ¶¶ 1.c, 1.d, 1.g, and 1.h. These allegations are mitigated by time, and AG ¶ 26(a) applies.

However, AG ¶ 26(a) does not apply to mitigate allegations in SOR ¶¶ 1.a and 1.b. Applicant's initial purchase of marijuana occurred on the dark web with bitcoin in 2014. He used marijuana from July 2014 up until June 2023, only about two years ago. He cultivated and sold psilocybin mushrooms from 2018 through 2020. He did not have a supplier, so he purchased the material to cultivate hallucinogenic mushrooms from a seller on the dark web. He grew the hallucinogenic mushrooms in his dorm room and in his parents' home. The crop yielded about 212 grams of hallucinogenic mushrooms and he sold most of it to a friend for profit. He also cultivated and used DMT from about 2019 through 2023. He used science to extract DMT from a plant he purchased, and then used DMT on several occasions with friends in his apartment. Applicant's purchase and selling of the prescription drug Xanax in 2020 and 2021 also reflected poor judgment and raised questions about his reliability and trustworthiness. AG ¶ 26(a) does not apply to mitigate any of the concerns alleged in SOR ¶¶ 1.e, 1.f, 1.i, 1.j, and 1.k.

AG ¶ 26(b) is not fully established. Applicant is currently undergoing therapy for bipolar mood disorder, and as a result, he has taken positive steps to abstain from his involvement with illegal drugs. He is credited with being on the right track, but not enough time has passed to establish a clear pattern of abstinence. He admitted he has not fully disassociated himself from his drug-using friends or contacts, and there is insufficient evidence to show he changed or avoided the environment where drugs were used. Applicant is unable to mitigate drug involvement and substance misuse security concerns through his evidence.

Applicant's drug involvement reflects poor judgment and raises questions about his reliability and trustworthiness. His statements and evidence are insufficient to overcome concerns and doubts about his current judgment, reliability, and willingness to comply with laws, rules, and regulations.

### **Whole-Person Concept**

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. An 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.

I have incorporated my comments under Guideline H in my whole-person analysis and applied the adjudicative factors in AG ¶ 2(d). Because this case is decided on the written record, I had no opportunity to question Applicant about any of the security concerns in the case, nor did I have an opportunity to observe his demeanor and thereby assess his credibility.

Therefore, after weighing the disqualifying and mitigating conditions under Guideline H and evaluating all evidence in the whole-person context, I conclude Applicant failed to mitigate the security concerns raised in this case.

### **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:

Paragraph 1, Guideline H:	AGAINST APPLICANT
Subparagraphs 1.a - 1.b:	Against Applicant
Subparagraphs 1.c - 1.d:	For Applicant
Subparagraphs 1.e - 1.f:	Against Applicant
Subparagraphs 1.g - 1.h:	For Applicant
Subparagraphs 1.i – 1.k:	Against Applicant

### **Conclusion**

It is not clearly consistent with the national interest to grant Applicant's eligibility for a security clearance. Eligibility for access to classified information is denied.

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Gatha LaFaye  
Administrative Judge