



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



In the matter of:

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ISCR Case No. 24-01510

Applicant for Security Clearance

Appearances

For Government: Sakeena Farhath, Esq., Department Counsel

For Applicant: *Pro se*

01/23/2026

Decision

LAFAYE, Gatha, Administrative Judge:

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

Statement of the Case

Applicant submitted a security clearance application (SCA) on January 15, 2026. On February 21, 2025, the Department of Defense (DOD) issued a Statement of Reasons (SOR) alleging security concerns under Guideline H. Applicant received the SOR on March 18, 2025, answered it on April 17, 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 November 18, 2025.

The Government's written case was submitted on June 9, 2025. A complete copy of the file of relevant material (FORM) was provided to Applicant, who was given an opportunity to file objections and submit material to refute, extenuate, or mitigate the security concerns. Applicant received the FORM on June 25, 2025, and did not respond.

Evidence

Government Exhibit (GE) 1 and GE 2 consist of the SOR and Applicant's Answer, which are the pleadings in the case. GE 3 and GE 4 are admitted in evidence without objection. Applicant's personal letter, which was submitted with his Answer, is relabeled and referenced as Applicant Exhibit (AE) A in this decision.

Findings of Fact

In his Answer, Applicant admitted all allegations in the SOR (SOR ¶¶ 1.a through 1.h). His admissions are incorporated in my findings of fact. After careful review of the evidence, I make the following additional findings of fact.

Applicant is 29 years old. He received his high school diploma in June 2014 and attended an out-of-state college from 2014 to 2015. He returned to his home state in 2015 and worked full time as an automotive and marine technician for a private company. He returned to college in August 2018 and received his bachelor's degree in April 2023. He has never married and does not have children. (GE 3, 4)

From 2018 to 2019, Applicant worked part time as a self-employed automotive and marine technician while attending college and was unemployed from January 2020 through March 2021 due to the COVID-19 pandemic. He re-opened his shop in April 2021 and worked part time until December 2022, when he closed the shop to accept a new job opportunity. (GE 3, 4)

Applicant has worked as a senior data recording technician for a defense contractor since January 2023, and after working for 12 months, he completed his first SCA in January 2024. In Section 23, Illegal Use of Drugs or Drug Activity, he disclosed that he illegally used marijuana and other illegal drugs as detailed below:

- i. Used marijuana from April 2011 to January 2021 (SOR ¶ 1.a);
- ii. Used cocaine from March 2014 to October 2023 (SOR ¶ 1.b);
- iii. Purchased cocaine from March 2015 to October 2022 (SOR ¶ 1.c);
- iv. Used hallucinogenic LSD from July 2014 to October 2023 (SOR ¶ 1.d);
- v. Used hallucinogenic mushrooms from August 2015 to October 2023 (SOR ¶ 1.e);
- vi. Used the stimulant ecstasy from May 2014 to July 2021 (SOR ¶ 1.f); and
- vii. Sold (SOR ¶ 1.g) and improperly used (SOR ¶ 1.h) the prescribed medication Adderall from January 2020 to January 2022. (GE 3, 4)

Applicant said he used illegal drugs with friends at private residences, parties, and commercial bars because he was curious. He used marijuana with friends about twice a year in cigarette form. He would take a few "hits" of the cigarette, and said it made him feel anxious for a few hours. He stopped using marijuana in 2021 because he did not enjoy how it made him feel.

Applicant said he used cocaine, LSD, and ecstasy, each, about once a month with friends in a party-like environment. When cocaine was offered, he contributed between \$10 and \$20 on each occasion. He was legally prescribed Adderall to treat symptoms of attention deficit hyperactivity disorder (ADHD), and said he sold his excess tablets for \$10 each, to help a friend who was also prescribed Adderall but did not have medical insurance to offset the cost of prescription Adderall. (GE 3, 4)

Applicant disclosed and took full responsibility for using illegal drugs, including his last use, which occurred in October 2023. He said he attended a Halloween party and that illegal drugs were offered to him by an acquaintance, and he accepted. Applicant expressed deep regret for partaking in using illegal drugs, stating:

This was an isolated incident that I regret partaking in. Since then, I have not involved myself in any illegal drug use. Furthermore, I guarantee that I will continue to abstain from any use or misuse of any [illegal] substances going forward. (GE 4 at 12)

The SOR alleges security concerns under Guideline H (SOR ¶¶ 1.a – 1.h), described above, which Applicant admitted in his Answer. In his response to interrogatories, he listed several positive changes he has made to his life since that time.

In my personal life, I have disassociated contact with those I used to engage in prior illicit activity with. I recognize this was an unhealthy outlet, and did in no way benefit my health or my life. The time I previously spent involved in these activities has been allocated to other healthier outlets that I enjoy so much more. (GE 4 at 6)

Applicant said he joined a gym and became an avid weightlifter and runner, and that he has pursued his other enjoyable hobbies. In his spare time, he restores older cars, trucks, and boats. He has been in a steady relationship for over a year, and he has clear professional and personal goals. He values and enjoys his career as a professional engineer, and he is excited about his future. (*Id.*)

Applicant, in his personal statement, certified that he “no longer engage[s] in any use or misuse of controlled substances,” and expressly stated his “willingness to comply with all laws, rules, and regulations.” He offered the following additional comments:

[My] previous behavior does not represent my [current] character, or the way I conduct myself pertaining to both my professional and personal life. I am willing to submit to any directive put forth that would corroborate the above statements in the eyes of the [federal government], including but not limited to drug and substance abuse screening and testing. (AE A)

Applicant’s employer has a drug and alcohol abuse policy, which requires all company entities and employees worldwide to comply with applicable laws and regulations regarding the possession or use of alcohol, drugs, and other controlled

substances. The policy specifically prohibits the use, sale, purchase, transfer, possession, or presence in one's system of illegal drugs while on company premises:

It is never acceptable to be impaired by drugs or alcohol while on company property, while participating in company-sponsored events, or while conducting company business. (GE 4 at 30)

Though not alleged in the SOR, Applicant disclosed he was arrested in February 2019 and charged with driving while intoxicated (DWI). He took responsibility for the incident and openly shared details of his arrest. He ultimately pled guilty to a lesser traffic offense and satisfied all conditions required by the court. He paid fines and fees, completed 41 hours community service and an impaired driver course, and was screened for alcohol abuse. He was not diagnosed with alcohol abuse disorder. He voluntarily participated in a separate drug and alcohol screening test and provided results to the court. All drug screening test results were clean, and no drug or alcohol treatment was recommended. He has never had another alcohol-related incident, said he rarely consumes alcohol, and has abstained from consuming alcohol to intoxication since the DWI incident. (GE 3, 4)

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 several 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 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.

Applicant admitted he used and purchased illegal drugs and that he sold his prescription Adderall to a friend, during the periods alleged in the SOR; and his admissions are supported by other evidence in the record. 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) and 26(b) are established to mitigate drug involvement and substance misuse concerns here. Applicant's drug involvement and substance misuse occurred primarily during his formative and college years. He had a single drug involvement incident that occurred in October 2023, two months after he completed his bachelor's degree. Over two years have passed since that time, and prior to his illegal drug use in October 2023, Applicant had refrained from illegal drug use and involvement since January 2022.

Applicant's subsequent actions since October 2023 support his statement that he is committed to compliance with federal laws, rules, and regulations. He has disassociated himself from his drug-using friends and contacts, changed or avoided the environment where drugs were used, and established a pattern of abstinence for over two years. He also certified his deep commitment to continuing to abstain from any illegal drug involvement in the future. He changed his lifestyle and hobbies and now maintains a commitment to healthy living. He has a long-term girlfriend and a strong commitment to a successful professional career.

Applicant's statements and evidence are sufficient to overcome concerns and doubts about his judgment, reliability, and willingness to comply with laws, rules, and regulations. Drug involvement and substance misuse security concerns are mitigated.

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). I also considered Applicant's strong track record of success demonstrated by the way he overcame his DWI incident in 2019. He accepted full responsibility for the incident, and after satisfying all the court's substantial requirements, he voluntarily did more than he was required to do, to demonstrate his commitment to preventing his involvement in a DWI ever again.

Therefore, after weighing the disqualifying and mitigating conditions under Guideline H and evaluating all evidence in the whole-person context, I conclude Applicant mitigated 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:	FOR APPLICANT
Subparagraphs 1.a – 1.h:	For Applicant

Conclusion

It is clearly consistent with the national interest to grant Applicant eligibility for a security clearance. Eligibility for access to classified information is granted.

Gatha LaFaye
Administrative Judge