



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



In the matter of:	)	
	)	
	)	ISCR Case No. 25-00025
	)	
Applicant for Security Clearance	)	

**Appearances**

For Government: Brittany C. White, Esq., Department Counsel  
For Applicant: *Pro se*

02/06/2026

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**Decision**

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HALE, Charles C., Administrative Judge:

Applicant did not mitigate security concerns raised under Guidelines H (drug involvement and substance misuse) and E (personal conduct). Eligibility for access to classified information is denied.

**Statement of the Case**

On March 21, 2025, the Department of Defense (DoD) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guidelines H and E. Applicant responded to the SOR on May 12, 2025, and requested a hearing before an administrative judge. The case was assigned to me on September 9, 2025.

The hearing was scheduled for October 8, 2025, and then rescheduled when all Administrative Judges were furloughed from October 1 through November 12, 2025, during a federal government shutdown due to a lapse in federal funding. The hearing was convened as scheduled on December 18, 2025. Government Exhibits (GE) 1 through 3 and Applicant Exhibits (AE) A through J were admitted in evidence without objection. Neither party requested to have the record held open. The Defense Office of Hearings and Appeals (DOHA) received the transcript (Tr.) on December 29, 2025.

## Findings of Fact

Applicant is a 29-year-old employee of a federal contractor working as a systems analyst. She has worked for her current employer since August 2022. Her employer had her complete a security clearance application (SCA) on May 20, 2024. She graduated high school in 2015 and earned her bachelor's degree in 2019. She was granted a security clearance in 2019. She is single and has no children. (GE 1, GE 3; Tr. 14, 18-19.)

In Applicant's Answer to the SOR, she admitted the Guideline H allegation that, in about January or February 2021, she used marijuana while holding a sensitive position, i.e., one in which she held a security clearance, stating:

I admit and take full responsibility for my decision to use marijuana while holding a security clearance with the U.S. government. This behavior was inconsistent with the standards of trust and reliability required of cleared personnel. This behavior is also outdated with my current practiced lifestyle. To provide full disclosure and honesty, I provided medical records that indicate a positive result for marijuana in my drug test from the admitted hospitalization record in 2a with my interrogatory response. With this document, I attached a new record of a fully negative 10 panel drug test to indicate my current non-use. I have no intent of using marijuana or any other federally illegal substances in the future.

Applicant reaffirmed her Answer in her testimony. (Tr. 14-17.) She first tried marijuana in high school. She described her marijuana use in college as infrequent. It occurred later in college when she was "socializing outside of classes." She estimated "maybe four or five times a year but could not tell you for sure." (Tr. 34-35.) She lived with roommates who used marijuana. They would offer it at night before they went out. (Tr. 35.) She acknowledged using edibles, which were given to her. She would visit marijuana dispensaries but primarily relied on her friends' marijuana cards. (Tr. 35-38.)

Applicant completed Government interrogatories in March 2025, and listed February 2021 as the last date she used marijuana. (GE 2 at 29.) Regarding the discrepancy between her SCA response of last marijuana use in 2012 and admission of use in 2021 she stated:

For the interrogatory I would like to clarify that I meant to say recall in the sense that I don't remember exactly when or where, but that I do admit to the positive cannabis test, and that I kept this in the interrogatory for whether I did or not from what I remember. And I think a lot of my wording had to do with reusing the question to fill in the blanks. But the intent was to just use the word like unable to recall was my focus at the time. But I understand that that is inaccurate reporting. (Tr. 50.)

When a DoD investigator confronted Applicant during her June 2024 security

clearance interview about her post 2012 marijuana use, the investigator summarized her response as follows:

Subject has no knowledge of and does not agree with this information. Subject stated she does not recall telling anyone at the hospital that she smokes marijuana. Subject was asked regardless though how she could have tested positive for a drug test in February 2021, which is while possessing a security clearance, and being employed on behalf of the United States Government.

Subject has no idea how that could happen. Subject was asked multiple times if she has in the last seven years ever consumed any marijuana, she stated no. Subject, after being asked multiple times stated I guess I did it if you, the investigator, are telling me that I did. This investigator advised subject she was required to confront her with the discrepant interrogatory information that is developed during the course of the investigation. (GE 2 at 10-11; Tr. 48-49.)

During her testimony she acknowledged this was an accurate report of her interview. She then admitted to an additional marijuana use in 2024. She had just moved in with a new roommate, and they smoked marijuana together, which she described as “we were more getting to know each other.” Her roommate worked for a marijuana company, and the roommate had gotten it from a dispensary. They are not roommates now but still associate. (Tr. 43-44, 48-49, 61-62.)

Applicant admitted in her Answer that she did not disclose her hospitalization for a mental-health condition, or her marijuana use on her 2024 SCA (SOR ¶¶ 2.a – 2.b). (GE 1 at 25-26, 27-28.) She explained:

I admit to falsifying my response to the question of whether I have ever been hospitalized for a mental health condition, and I regret my decision to withhold this information. I targeted the term “mental health condition” in the e-QIP questionnaire to defend that I was not technically hospitalized due to a diagnosed condition. To mitigate any doubts regarding my ability to hold a security clearance due to a mental health condition, I would like to offer that my medical records indicate no psychological diagnosis, medical prescription, or non-compliant behavior.

I admit to falsifying my response to the question of whether I have illegally used any drugs or controlled substances in the last 7 years. My previous use of marijuana was an isolated period in which I responded defensively throughout my investigation because my last recollection of using personally felt so long ago. I did not have any recollection of testing positive for marijuana during my 2021 hospitalization event and did not know that there was a record of it. (Answer.)

Applicant reaffirmed her Answer in her testimony. (Tr. 14-17.)

Applicant initially denied to the DoD investigator being hospitalized for mental-health condition, but without being confronted, changed her response. She told of being hospitalized because of her high level of anxiety and concerns about her eating. Her friend was contacted, and he brought her in. She told the investigator she left this matter off her SCA because the therapist was a male who did not understand her and had overreacted, and she did not agree with the therapist's actions. (GE 2 at 9; Tr. 20-21, 26-27.)

Applicant stated in her Answer:

I could have better demonstrated integrity and honesty throughout my investigation and realize where I lacked transparency. I acknowledge the provided statement of reasons for why I should not be granted a security clearance or that my secret clearance I currently hold should be revoked. However, I respectfully request that given my initial transparency of the hospitalization event, reflection upon my defensiveness regarding the interrogation of my history of marijuana use, and my confidence in continuing to uphold non-use of marijuana may be cause for reconsideration of my character.

Due to a loss in my direct family, I was asked to move back to [region] for support. After months of proving to my employer a high level of work ethic and reliability, I was granted a rare opportunity to continue my employment through remote status. This aide, alongside the opportunity to pursue a Top Security Clearance was provided by my employers to support the expansion of my career in [this field] in the [regional] metropolitan area. I deeply regret my lack of full transparency throughout my investigation and am willing to uphold the high standards of trust and reliability required of holding a top security clearance with the United States Government.

Applicant now deals with stress in life by writing "every thought onto a bunch of pieces of paper." She also does yoga as a form of exercise. She socializes with friends, and "talk[s] to them about whatever is going on." She noted she is "consistently under the care of receiving mental health support, so there is always that consistency there." (Tr. 72.) She did not submit a statement to abstain from all drug use, but her testimony reflected her understanding any future use of marijuana was prohibited. (Tr. 70.) The character letters submitted on her behalf speak of her professionalism, integrity, and reliability. (AE A; AE F.)

## **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 set out 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.

Applicant admitted she used marijuana while holding a sensitive position. The following under AG ¶ 25 are applicable in this case:

- (a) any substance misuse (see above definition);
- (b) testing positive for an illegal drug;
- (c) illegal possession of a controlled substance, including cultivation, processing, manufacture, purchase, sale, or distribution; or possession of drug paraphernalia; and
- (f) any illegal drug use while granted access to classified information or holding a sensitive position.

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.

The evidence establishes that Applicant held a sensitive position and used marijuana in 2021. In doing so, she not only knowingly violated Federal drug laws but also disregarded security clearance eligibility standards. This behavior raises substantial questions about Applicant's judgment, reliability, and willingness to comply with laws, rules, and regulations. See ISCR Case No. 20-02974 (App. Bd. Feb. 1, 2022). Her intent not to use illegal drugs in the future does not mitigate the scope of these security concerns. Nor does the passage time eliminate those concerns for an applicant who knowingly violated Federal drug laws and continued to use marijuana after completing an SCA and holding a sensitive position. None of the mitigating conditions are applicable.

### **Guideline E, Personal Conduct**

The security concern for personal conduct is set out in AG ¶ 15, as follows:

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 information. Of special interest is any failure to provide truthful and candid answers during the security clearance process or any other failure to cooperate with the security clearance process.

AG ¶ 16 describes conditions that could raise a security concern and may be disqualifying. The following disqualifying conditions are potentially applicable:

(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 security clearance eligibility or trustworthiness, or award fiduciary responsibilities.

SOR ¶¶ 2.a – 2.b. Applicant admitted, and the record supports, that she deliberately failed to disclose her mental-health hospitalization in February 2021 and her marijuana use on her 2024 SCA. AG ¶ 16(a) is applicable to these SOR allegations.

The following mitigating conditions under AG ¶ 17 are potentially applicable:

(a) the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts; and

(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.

Mitigating condition AG 17(a) is established for SOR ¶ 2.a. Applicant did divulge her mental-health hospitalization before being confronted by the DoD investigator.

Mitigating condition AG 17(a) is not established for SOR ¶ 2.b. Applicant did not divulge this matter until confronted by the DoD investigator. The Appeal Board has said an “applicant’s statements about [her] intent and state of mind when [she] executed [her] Security Clearance Application were relevant evidence, but they were not binding on the Administrative Judge.” ISCR Case No. 04-09488 at 2 (App. Bd. Nov. 29, 2006) (citation omitted).

Mitigating condition AG ¶ 17(c) is not established for SOR¶ 2b. While Applicant candidly testified about her most recent drug use in 2024, insufficient time has passed since her lies in 2024 to show this behavior is unlikely to recur and to remove the existing doubt concerning the Applicant's reliability, trustworthiness, and judgment.

### **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 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 considered the character letters submitted on her behalf. I considered her 2024 marijuana use in my whole-person analysis and not for additional misconduct. I have incorporated my comments under Guidelines H and E in my whole-person analysis. This decision should not be construed as a determination that Applicant cannot or will not attain the state of reform necessary for award of a security clearance in the future.

Overall, the record evidence leaves me with questions and doubts about Applicant’s eligibility and suitability for a security clearance. I conclude Applicant did not mitigate the security concerns under Guidelines H and E.

### **Formal Findings**

I make the following formal findings on the allegations in the SOR:

Paragraph 1: Guideline H: AGAINST APPLICANT

Subparagraph 1.a: Against Applicant

Paragraph 2: Guideline E: AGAINST APPLICANT

Subparagraph 2.a: For Applicant

Subparagraph 2.b: Against Applicant

### **Conclusion**

I conclude that it is not clearly consistent with the national security interests of the United States to grant Applicant eligibility for access to classified information. Clearance is denied.

Charles C. Hale  
Administrative Judge