



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



In the matter of:)	
)	
)	ISCR Case No. 25-00054
)	
Applicant for Security Clearance)	

Appearances

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

01/21/2026

Decision

BORGSTROM, Eric H., Administrative Judge:

Applicant did not mitigate the security concerns arising from his drug involvement and substance misuse. Eligibility for access to classified information is denied.

Statement of the Case

On April 25, 2025, the Defense Counterintelligence and Security Agency (DCSA) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline H (drug involvement and substance misuse). The DCSA acted under Executive Order (EO) 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 the adjudicative guidelines (AG) implemented by the DOD on June 8, 2017.

In Applicant's June 4, 2025 response to the SOR (Answer), he admitted all of the allegations. He did not attach any documentary evidence. He requested a hearing before a Defense Office of Hearings and Appeals (DOHA) administrative judge. (Answer)

On June 25, 2025, the Government was ready to proceed to a hearing. I was assigned this case on September 2, 2025. On September 16, 2025, a notice was issued scheduling the hearing for October 7, 2025. The hearing was canceled, 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, and the case was delayed.

On November 18, 2025, a notice was issued scheduling the hearing for December 8, 2025, by video teleconference. The hearing proceeded as scheduled. The Government proffered two exhibits, which I admitted into evidence as Government Exhibits (GE) 1 and 2, without objection. Applicant and two witnesses testified. Applicant submitted two exhibits, which I admitted into evidence as Applicant Exhibits (AE) A and B, without objection. At Applicant's request, I left the record open until January 12, 2026, to provide him an opportunity to supplement the evidentiary record. DOHA received the hearing transcript (Tr.) on December 19, 2025. On January 8, 2026, Applicant submitted two additional documents, which I admitted into evidence as AE C and D, without objection. By email dated January 8, 2026, he indicated that he was awaiting an additional document for the record. On January 14, 2026, he confirmed that he had no further submissions for the record. The record closed on January 14, 2026.

Findings of Fact

Applicant is 23 years old. He graduated from high school in May 2020 and earned a bachelor's degree in May 2025. He has never married, and he does not have any children. From June to August 2023, he was employed as a business development intern by a DOD contractor. He withdrew from college in August 2023 and re-enrolled in about August 2024. Since July 2025, he has been employed full time as a business development associate by the same DOD contractor. This is his first application for access to classified information. (GE 1-2; Tr. 44-45, 72)

On July 15, 2023, Applicant certified and submitted an Electronic Questionnaire for Investigations Processing (e-QIP). Under Section 23 – Illegal Use of Drugs or drug Activity, he reported the following illegal drug use and misuse of prescription medications:

- Marijuana – from August 2018 to July 2023;
- Cocaine – “very rarely” between March 2021 and March 2023;
- Psilocybin mushrooms – “extremely rarely” between April 2022 and March 2023;
- Focalin (a prescription medication) – once in April 2023; and
- Adderall (a prescription medication) – multiple times between September 2022 and June 2023. (GE 1)

Under Section 23, Applicant also reported that he did not intend to use marijuana in the future and that he “wish[ed] to stop for [his] clearance.” He admitted that he had illegally purchased marijuana between August 2018 and June 2023, had illegally purchased cocaine between March 2021 and April 2023, and had illegally purchased psilocybin mushrooms between April 2022 and March 2023. (GE 1; Tr. 45)

On September 5, 2024, Applicant was interviewed by an authorized investigator on behalf of the Office of Personnel Management (OPM). During the interview, he explained that he took a break from college from fall 2023 to spring 2024 to address some mental-health issues. He admitted that he last used marijuana in August 2024 and that he had used marijuana daily to that point. He purchased marijuana from state-licensed dispensaries. During the interview, Applicant admitted that he used cocaine as often as five times or more a month between March 2021 and March 2023; however, the frequency of his cocaine use was uneven. He also confirmed his illegal purchase of cocaine on multiple occasions. During the interview, Applicant confirmed his illegal use of psilocybin mushrooms between April 2022 and January 2024. He estimated that he used mushrooms once every four months during this period. He purchased mushrooms and was provided mushrooms by others. He admitted misusing Focalin and Adderall by snorting these prescription medications and not for their prescribed purposes. He also admitted using Xanax without a prescription in fall 2023. He stated his intent not to use illegal drugs or misuse prescription medications in the future. (GE 2)

In Applicant’s March 6, 2025 response to DOHA-issued interrogatories, he adopted the summary of his OPM interview detailed above. He provided updated and more complete information about his illegal drug use and his misuse of prescription drugs, as follows:

- Marijuana – August 2018 to August 28, 2024 – daily use;
- Cocaine – Early February 2021 to March 2023 – one to three times a month on average;
- Psilocybin mushrooms – March 2022 to January 2024 – five times total;
- Focalin – March 2023 – misused once or twice
- Adderall – September 2022 to June 2023 – misused approximately one to three times a month on average; and
- Xanax – November 2023 – misused once.

He expressed his intent not to use illegal drugs nor misuse prescription drugs in the future. He provided the following information about his illegal purchase of illegal drugs and prescription drugs:

- Marijuana – August 2018 to August 2013 – purchased monthly to weekly;
- Cocaine – November 2022 to March 2023 – purchased one to three times a month typically;
- Psilocybin mushrooms – March 2022 to January 2024 – purchased approximately five times; and
- Xanax – November 2023 – purchased once.

He expressed his intent to abstain from illegally purchasing any illegal drugs or prescription medications. He admitted that he was aware, as of June 2023, that marijuana use was prohibited under federal drug laws. (GE 2; Tr. 46)

Prior to the hearing, Applicant provided a signed September 30, 2025 statement of intent to abstain from all illegal drug involvement and any misuse of prescription medications. He provided a second statement in which he accepted “full responsibility” for his past missteps. He acknowledged that he had been influenced at times by stress and mental-health challenges and had demonstrated lapses in judgment. He confirmed that he had abstained from marijuana use as of August 28, 2024, and he had discontinued his associations with drug-using friends and associates. (AE A, AE B)

Marijuana. At the hearing, Applicant candidly and credibly confirmed his illegal drug use and substance misuse as previously disclosed. He admitted that his marijuana use had occurred during his internship and nearly daily from August 2018 to until August 28, 2024 (SOR ¶ 1.a.). He used marijuana less frequently shortly after he completed his e-QIP, but, by August 2023, he resumed using marijuana “multiple times daily.” He estimated that he spent approximately \$150 to \$200 a month on marijuana (SOR ¶ 1.a.). (Tr. 46-51, 78-79)

At the hearing, Applicant acknowledged that he had been aware that federal drug laws prohibited marijuana use at the time he completed his July 2023 e-QIP. In fact, at the time he had first informally interviewed for the internship (about spring 2023), he was advised to stop using illegal drugs due to the nature of the employment. He explained that, despite expressing an intent not to use marijuana in the future in his e-QIP, he resumed his marijuana use because he experienced doubts about his chosen field: “I was still using and I didn’t know if I really wanted to stop, but I kind of had thought I wasn’t really going to go through with having a government clearance, because I didn’t know if this was even what I was going to do [as a career].” (Tr. 46-51)

Cocaine. At the hearing, Applicant admitted that he used cocaine from March 2021 to December 2023 (SOR ¶ 1.b.). He purchased cocaine from an acquaintance an estimated one to three times a month (SOR ¶ 1.c.). He also sometimes was given cocaine by friends. He testified that he had, at times, resold some of the cocaine he purchased to his friends. (Tr. 51-53, 61, 81)

Psilocybin mushrooms. Applicant testified that he had purchased used psilocybin mushrooms approximately five times between April 2022 and January 2024, including twice after he completed his e-QIP (SOR ¶ 2.d.). In his e-QIP, he had reported his intent not to use mushrooms in the future because he did not enjoy it. (GE 1; Tr. 54-55)

Misuse of prescription medications. Applicant had valid prescriptions for Focalin and Adderall. In April 2023, he misused Focalin when he snorted it for recreational use (SOR ¶ 1.e.). He attributed this misuse to peer pressure. On several occasions, Applicant misused Adderall when he snorted it for recreational use (SOR ¶ 1.f.). His most recent misuse was in late 2023, after he had completed his e-QIP. He also admitted that he had sold some of his prescribed Adderall on a couple occasions. He most recently illegally sold Adderall in the summer of 2024. In November 2023, after he completed his e-QIP, he illegally purchased and used Xanax (SOR ¶ 1.g.). Although not alleged in the SOR, Applicant admitted that he used a prescription muscle relaxant once in fall of 2023. He testified that he misused these prescription medications after he completed his e-QIP because he was unsure about his career path. (GE 1; Tr. 55-61)

Applicant testified that he withdrew from school in August 2023 due to stress and uncertainty about his career field. He worked on campus and continued to use illegal drugs and to misuse prescription drugs. With the support of his parents, he consulted a psychiatrist in late 2023 or early 2024 and began some psychiatric medications. From April 2024 to June 2025, he had weekly counseling sessions with a therapist, who advised him to abstain from illegal drug use. After he re-enrolled in August 2024, he disassociated himself from his fraternity and related social gatherings, which had been past drug-using environments. He lived in a single apartment on campus. (Tr. 62-63, 70, 74-75)

Applicant has never participated in a drug screening, a substance use assessment, or treatment. He has never attended any Alcoholics or Narcotics Anonymous or other sobriety-support groups. He testified that his current supervisors and his co-workers are aware of his past marijuana use but perhaps not the extent of his drug involvement. He had been advised to stop using drugs during his internship interview, yet he continued to use illegal drugs throughout his internship. (Tr. 62, 72-75, 77)

Applicant is currently in a romantic relationship with a partner who has never used illegal drugs. He does not knowingly socialize with individuals who use illegal drugs. (Tr. 77-79)

Whole Person

Applicant's partner and mother testified in support of his clearance eligibility. Applicant and his partner have had weekly contact since November 2023. She is aware of his past drug use, and she herself has never used illegal drugs. Given her work as a victims' advocate for federal, state, and local governments, she previously held a public trust position. In the past, she was aware of Applicant's illegal drug use outside her

presence. Applicant has openly discussed his sobriety and his mental-health counseling with his partner. She has not noticed any signs that he is currently involved with illegal drugs. (Tr. 22-29)

Applicant's mother was aware of his illegal drug use; however, she did not explicitly discuss the extent of her awareness of the different drugs and spans of use. She corroborated Applicant's consultations with a psychiatrist and therapist and his recent emphasis on school and career. She praised him as "very inquisitive, intelligent, curious, smart, good-hearted, faithful, and honest." (Tr. 34-42)

Applicant proffered a 2025 performance evaluation and a character-reference letter from his supervisor. In the performance evaluation, the rater noted:

[Applicant] demonstrated exceptional reliability and professionalism throughout CY2025. His punctuality was exemplary, consistently arriving on time and providing advance notice with legitimate reasons for any rare delays. This level of dependability set a strong standard for team accountability.

The rater praised Applicant as proactive, detail-oriented, and outstanding. Applicant's supervisor noted his "exceptional growth and capability" in the past six months. He has exceeded expectations and has directly impacted the employer's business development efforts. (AE C, AE D)

Policies

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(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."

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

Director of National Intelligence (DNI) Memorandum ES 2014-00674, “Adherence to Federal Laws Prohibiting Marijuana Use,” October 25, 2014, states:

[C]hanges to state laws and the laws of the District of Columbia pertaining to marijuana use do not alter the existing National Security Adjudicative Guidelines. . . . An individual’s disregard of federal law pertaining to the use, sale, or manufacture of marijuana remains adjudicatively relevant in national security determinations. As always, adjudicative authorities are expected to evaluate claimed or developed use of, or involvement with,

marijuana using the current adjudicative criteria. The adjudicative authority must determine if the use of, or involvement with, marijuana raises questions about the individual's judgment, reliability, trustworthiness, and willingness to comply with law, rules, and regulations, including federal laws, when making eligibility decisions of persons proposed for, or occupying, sensitive national security positions.

In 2021, the Security Executive Agent (SecEA) promulgated clarifying guidance concerning marijuana-related issues in security clearance adjudications. It states in pertinent part:

[Federal] agencies are instructed that prior recreational marijuana use by an individual may be relevant to adjudications but not determinative. The SecEA has provided direction in [the adjudicative guidelines] to agencies that requires them to use a "whole-person concept." This requires adjudicators to carefully weigh a number of variables in an individual's life to determine whether that individual's behavior raises a security concern, if at all, and whether that concern has been mitigated such that the individual may now receive a favorable adjudicative determination. Relevant mitigations include, but are not limited to, frequency of use and whether the individual can demonstrate that future use is unlikely to recur, including by signing an attestation or other such appropriate mitigation. Additionally, in light of the long-standing federal law and policy prohibiting illegal drug use while occupying a sensitive position or holding a security clearance, agencies are encouraged to advise prospective national security workforce employees that they should refrain from any future marijuana use upon initiation of the national security vetting process, which commences once the individual signs the certification contained in the Standard Form 86 (SF-86), Questionnaire for National Security Positions.¹

The guideline notes several conditions that could raise security concerns under AG ¶ 25. The following are potentially applicable:

- (a) any substance misuse; and

- (c) illegal possession of a controlled substance, including cultivation, processing, manufacture, purchase, sale, or distribution; or possession of drug paraphernalia.

Applicant admitted his illegal use of marijuana, cocaine, and psilocybin mushrooms and his misuse of Focalin, Adderall, and Xanax. He admitted his illegal possession and purchase of marijuana, cocaine, psilocybin mushrooms, and Xanax. AG ¶¶ 25(a) and 25(c).

¹ *Security Executive Agent Clarifying Guidance Concerning Marijuana for Agencies Conducting Adjudications of Persons Proposed for Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position*, dated December 21, 2021 (SecEA Clarifying Guidance), at p. 2.

Applicant's resale of cocaine, his sale of Adderall, and his misuse of a prescription muscle relaxant were not alleged in the SOR and will not be considered as disqualifying conduct; however, this drug involvement may be considered in the mitigation analysis.

Conditions that could mitigate the drug involvement security concerns are provided under AG ¶ 26. 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.

Three critical elements differentiate and exacerbate Applicant's drug involvement. First, while marijuana use is not uncommon while an individual attends college, Applicant's daily use of marijuana, his repeated use of cocaine and mushrooms, and his repeated misuse of prescription drugs, are aggravating circumstances. Illegal drug use and the misuse of prescription drugs played a significant role for several years in Applicant's life. Applicant's drug involvement was further exacerbated by his degree of involvement. He resold cocaine he had purchased to his friends. He sold his prescribed Adderall on multiple occasions.

Second, Applicant's drug involvement persisted after he was advised by his internship interviewer and supervisor to cease, after he had completed his e-QIP, and throughout his internship with a DOD contractor. He admitted that he was aware that marijuana possession was illegal under federal law no later than July 2023. After completing his e-QIP, Applicant used marijuana "multiple times daily" from August 2023 to late August 2024. He used cocaine in December 2023 and used psilocybin mushrooms twice. He sold his Adderall until the summer of 2024. The DOHA Appeal Board has "long held that applicants who use marijuana after having been placed on notice of the security significance of such conduct may be lacking in the judgment and reliability expected of those with access to classified information." ISCR Case No. 20-01772 at 3 (App. Bd. Sept. 14, 2021).

Third, Applicant's drug involvement continued despite his representations in his e-QIP that he did not intend to use marijuana, cocaine, or psilocybin mushrooms, or to be involved in the purchase of these illegal drugs in the future. Likewise, he had expressed his intent to abstain from the misuse of prescription medications.

I found Applicant's testimony to be candid, sincere, and credible. He cooperated throughout the background security investigation. He has provided a signed statement of intent to abstain from illegal drugs and the misuse of prescription medications in the future. He has taken significant, positive steps in support of sobriety, with the support of his parents, partner, and medical professionals. He has disassociated himself from his past drug-using associates and environments. He has thrived in his employment with the DOD contractor. Notwithstanding this favorable evidence in mitigation, Applicant has not yet established a pattern of abstinence sufficient to overcome the breadth and depth of his drug involvement from August 2018 to August 2024. He did not mitigate drug involvement and substance use concerns.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for access to classified information 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 Guideline H and the factors in AG ¶ 2(d) in this whole-person analysis.

Applicant's mother, partner, and supervisor attested to Applicant's remarkable changes in the past year and his growth in his current employment. He credibly testified about his abstinence from illegal drugs and the misuse of prescription drugs since late August 2024. I found Applicant's testimony to be sincere and reflecting a mature insight throughout. This decision should not be construed as a determination that Applicant cannot qualify for a security clearance in the future. With an established pattern of

