



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



In the matter of:)
)
) ISCR Case No. 25-00613
)
Applicant for Security Clearance)

Appearances

For Government: Lauren A. Shure, Esq., Department Counsel
For Applicant: *Pro se*

03/30/2026

Decision

BORGSTROM, Eric H., Administrative Judge:

Applicant mitigated the security concerns arising from his illegal drug use. Eligibility for access to classified information is granted.

Statement of the Case

On June 27, 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 Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) implemented on June 8, 2017.

In his October 1, 2025 response to the SOR (Answer), Applicant admitted, with explanations, both allegations. He attached a statement of intent to abstain from all drug involvement and the results of a hair-follicle drug screening conducted in September 2025. He requested a hearing before a Defense Office of Hearings and Appeals (DOHA) administrative judge. (Answer)

On November 20, 2025, the Government was ready to proceed to a hearing. I was assigned this case on January 16, 2026. On February 4, 2026, a notice was issued scheduling the hearing for February 26, 2026, by video teleconference. The hearing proceeded as scheduled. The Government proffered two evidentiary exhibits, which I admitted as Government Exhibits (GE) 1 and 2, without objection. Applicant testified and submitted 10 exhibits, which I admitted as Applicant Exhibits (AE) A through J, without objection. At Applicant's request, I left the record open until March 6, 2026, to provide him an opportunity to supplement the evidentiary record. On March 4, 2026, Applicant emailed a character-reference letter. I admitted the email and the attached letter as AE K and L, respectively, without objection. DOHA received the hearing transcript (Tr.) on March 5, 2026. The record closed on March 6, 2026.

Findings of Fact

Applicant is 25 years old. He graduated from high school in May 2020 and earned his bachelor's degree in December 2024. He has never married, and he does not have any children. His clearance application is sponsored by a federal contractor (F), and his full-time paid employment with this contractor is contingent on a favorable clearance determination. (GE 1-2; Tr. 21-24)

On September 16, 2024, Applicant completed and certified an Electronic Questionnaire for Investigations Processing (e-QIP). Under Section 23 – Illegal Use of Drugs or Drug Activity, he reported that he had used cocaine “a couple of times a year, less than 5 times used overall” between September 2021 and April 2024. He reported that he had purchased cocaine once in November 2022. He also admitted that he had used marijuana “rarely” between December 2017 and May 2024. He reported that he had purchased marijuana between two and four times between November 2019 and March 2022. He denied any intent to use either drug in the future. (GE 1)

On October 21, 2024, Applicant was interviewed by an authorized investigator on behalf of the Office of Personnel Management (OPM). During the interview, he confirmed his cocaine purchase and use as reported in his e-QIP. He admitted that he had used marijuana on about a monthly basis between December 2017 and October 2024. He clarified that his two reported purchases of marijuana were purchases of a vape pen from convenience stores in a state where only individuals with a state-issued medical marijuana card may purchase marijuana from state-licensed dispensaries. During the interview, he denied any intent to use any illegal drugs in the future. (GE 2)

In his May 21, 2025 response to DOHA interrogatories, Applicant confirmed the accuracy of the summary of the October 2024 OPM interview. He admitted his illegal drug use consistent with his previous disclosures. He reported using cocaine approximately four or five times between September 2021 and April 2024. He also reported using tetrahydrocannabinol (THC) by vape pen approximately 80 times between December 2017 and October 2024 and using “cannabis,” which is referred to as the “plant,” approximately 95 to 120 times between December 2017 and October 2024. He denied any intent to use either drug in the future. He acknowledged his awareness that marijuana

was illegal under federal law. As to changed circumstances, he noted that he had ended a romantic relationship, graduated college, disassociated from his friends from college who used illegal drugs, and moved back to his parents' home since his last use of illegal drugs. (GE 2)

At the DOHA hearing, Applicant confirmed that he used cocaine once in September 2021, twice in 2022, and once in April 2024. He purchased cocaine once in 2022. His purchase and use of cocaine was all connected with his attendance at college fraternity parties, which he no longer attends. (Tr. 24-27)

At the hearing, Applicant also confirmed his prior disclosures about his marijuana use. He explained that the "THC vape pen" he referenced in his response to DOHA interrogatories was a vape cartridge containing a THC-variant legally purchased at a convenience store in about 2022. He otherwise has not purchased any marijuana or THC products. He acknowledged his lapse in judgment in using marijuana in October 2024. At the time, he was still attending college and living with roommates. He has had no other lapses since April 2024. His October 2024 marijuana use occurred with his then-girlfriend, with whom he separated in January 2025. He moved out of the college environment and back with his parents in May 2025, and he remains at that residence. None of his family members or current friends uses marijuana, and he has made it "very clear" to his friends that he has no interest in marijuana. He no longer maintains close contact with the individuals with whom he had used illegal drugs while in college. He has never misused prescription drugs. (AE G; Tr. 28-33, 36-40, 47, 49, 53)

At the hearing, Applicant reaffirmed his statement of intent to abstain from all illegal drug involvement. Both in his testimony and in a written statement, he acknowledged his October 2024 marijuana use shortly after he had stated intent to abstain from illegal drugs in his September 2024 e-QIP. He emphasized his changed circumstances since October 2024 – his relocation away from the college environment, having broken up with his girlfriend, living with his family, his active professional life, and his volunteerism. (AE G; Tr. 36-40)

Applicant's employment history is complicated by overlapping and concurrent paid and unpaid employment. For about six years, when not attending college, he has worked full time at a retail fireworks store, currently as an assistant manager. He earns approximately \$2,200 in monthly take-home pay from this employment. He also has two unpaid internships. Since January 2024, he has served as an intern for F. Initially, he worked about 15 hours a week for six months. Since mid-2024, he has spent about one hour a week maintaining his professional relationship with F, for whom he seeks full-time employment. In the second unpaid internship, he works approximately 10 hours a week for an organization compiling sports statistics. In late 2025, he started his own software-development business, which he formally registered with the state in January 2026. He has entered into at least three contracts to date and earned at least \$1,000 from his business. (AE D, AE H; Tr. 22-23, 34, 41-44)

In September 2025 and February 2026, Applicant participated in hair-follicle drug screenings, and he tested negative for marijuana, cocaine, amphetamines, methamphetamines, opiates, and phencyclidine (PCP) on both occasions. On February 19, 2026, Applicant renewed his signed statement of intent to abstain from all drug involvement. (AE A, AE J; Tr. 36)

Whole Person

Applicant submitted six character-reference letters in support of his clearance eligibility. None of these references is fully aware of Applicant's use of marijuana and cocaine. His current supervisor, at a retail fireworks store, attested to Applicant's growth from a warehouse worker to an assistant manager overseeing over a million dollars in sales. The nature of the retail store requires Applicant to adhere to strict safety protocols, and he oversees over 50 employees. (AE E)

Applicant's supervisor and a co-worker from F, where he has interned since January 2024, praised Applicant's professionalism, integrity, judgment, dedication, and growth. In October 2024, Applicant volunteered at a recruiting event on behalf of F. A supervisor at the second unpaid internship attested to his technical skills and work performance and noted that he volunteered "for tasks outside his core duties." (AE B, AE E)

Applicant's pastor noted that he has been engaged in church since moving home in May 2025, and he has volunteered on multiple occasions at the church's food bank. A former co-worker, at a summer camp, praised his reliability and poise. (AE E, AE K)

From November 2025 to February 2026, Applicant volunteered 10 hours a week as a youth basketball coach. This position required several hours of training and a background investigation. (AE C; Tr. 23, 44)

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

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.

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

Applicant admitted purchasing and using marijuana and cocaine, as detailed *supra*. AG ¶¶ 25(a) and 25(c) apply.

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.

Applicant's use of cocaine was limited, and his most recent use was nearly two years ago. His marijuana use occurred more frequently, and the most security significant conduct was his marijuana use in October 2024. At the time, he had already submitted his e-QIP and had sought employment with F, a federal contractor. He was aware that marijuana use was prohibited under federal law, and he had expressed his intent not to use marijuana in the future on his e-QIP.

Notwithstanding Applicant's admitted lapse in judgment, I have also considered his significant and tangible changed circumstances since his last marijuana use. He has broken up with his girlfriend, relocated from the college environment, largely disassociated from his college friends, moved in with his parents, and juggles two internships, full-time employment, and his own software-development business. He also volunteers 10 hours a week coaching youth basketball and is engaged with his church. I found Applicant's testimony to be candid and credible throughout, and his acknowledgement of his lapse in judgment reflected maturity and insight. He has abstained from any drug involvement for over 15 months, and he has made it clear to his friends that he has no interest in illegal drugs. He voluntarily participated in two hair-follicle

drug screenings to affirm his abstinence from illegal drugs, and he renewed his signed statement of intent to abstain from illegal drugs in the future. AG ¶¶ 26(a) and 26(b) apply. Given the tangible and significant evidence of Applicant's changed circumstances and rehabilitation, I conclude that he has mitigated the drug involvement and substance misuse security 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.

As discussed above, Applicant candidly and credibly disclosed his illegal drug involvement on his e-QIP, during his OPM interview, and during his testimony. His character references praise his technical skills, professionalism, integrity, and judgment. His current supervisor noted his growth from warehouse worker to trusted assistant manager, adhering to strict safety protocols. The record evidence established changed circumstances and a pattern of abstinence such that Applicant's illegal drug involvement is unlikely to recur. He mitigated the drug involvement and substance misuse security concerns. Eligibility for access to classified information is granted.

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.b.:	For Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, I conclude that it is clearly consistent with the interests of national security to grant Applicant's eligibility for a security clearance. Eligibility for access to classified information is granted.

Eric H. Borgstrom
Administrative Judge