



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



In the matter of:)	
)	
)	ISCR Case No. 24-02432
)	
Applicant for Security Clearance)	

Appearances

For Government: Tara R. Karoian, Esq., Department Counsel
For Applicant: *Pro se*

04/13/2026

Decision

LAFAYE, Gatha, Administrative Judge:

Applicant did not mitigate security concerns related to drug involvement and substance misuse, and criminal conduct. Eligibility for access to classified information is denied.

Statement of the Case

Applicant submitted a security clearance application (SCA) on June 10, 2024. On May 16, 2025, the Defense Counterintelligence and Security Agency (DCSA) issued a Statement of Reasons (SOR) alleging security concerns under Guidelines H (drug involvement and substance misuse) and J (criminal conduct). Applicant answered the SOR (Answer) on July 9, 2025, and elected to have his case decided on the written record in lieu of a hearing. The case was assigned to me on February 5, 2026.

The Government's written case was submitted on August 12, 2025. A complete copy of the file of relevant material (FORM) was provided to Applicant, who was given an opportunity to file objections and to submit material to refute, extenuate, or mitigate the security concerns. Applicant received the FORM on December 8, 2025, and submitted a response.

Evidence

Government Exhibit (GE) 1 includes the SOR and Applicant's Answer, which are the pleadings in the case. GE 2 through GE 5 are admitted in evidence without objection.

Applicant submitted documentary evidence with his Answer and with his response to the FORM, which are already part of the record. For ease of reference in the decision, these documents are labeled as Applicant Exhibit (AE) A and AE B, respectively.

Findings of Fact

In his Answer, Applicant admitted allegations in SOR ¶¶ 1.a through 1.f and 2.a, and he denied the allegation in SOR ¶ 1.g. His admissions are incorporated in my findings of fact. After careful review of the evidence, I make the following additional findings of fact.

Applicant, age 50, has worked as a full-time employee of a defense contractor since May 2006. He earned a high school diploma in 1994, enrolled in college in August 1997 and earned a bachelor's degree in December 2000. He married in 2012 and has two children, ages 9 and 11.

Applicant completed his first SCA in June 2024. In Section 23 of the SCA, he admitted to using marijuana from about 1990 to 2022 (SOR ¶ 1.c), hallucinogenic/psilocybin mushrooms from about 1997 to 2024 (SOR ¶ 1.b), and cocaine from about 2002 to 2024 (SOR ¶ 1.a). He also admitted to misusing the prescription drug Adderall, not prescribed to him, from about 2021 to 2023 (SOR ¶ 1.d). Regarding purchasing illegal drugs, he admitted to purchasing hallucinogenic/psilocybin mushrooms from about 2023 to 2024 (SOR ¶ 1.e) and cocaine in December 2023 (SOR ¶ 1.f). He denied ever using or misusing any of the above-listed drugs "while holding a sensitive position" from 2006 to 2024 (SOR ¶ 1.g). This is Applicant's first time applying for a security clearance, and he has worked for the same employer in the same senior-level sales position since 2006.

Applicant said he used marijuana daily from about 1990 to about 1999. He would smoke joints and take hits of marijuana cigarettes during this period. He said his marijuana use from 1999 until 2022 slowed substantially to a few times a year, and he would either smoke marijuana or consume marijuana edibles. He never purchased marijuana and said he stopped using it because marijuana made him feel paranoid, which he did not enjoy. He does not intend to use marijuana in the future. (GE 3, 4, AE B)

Applicant used hallucinogenic/psilocybin mushrooms from 1997 to about April 2024. He said he usually consumed hallucinogenic/psilocybin mushrooms in the form of edible chocolate bars, which made him feel euphoric. He stated the following about the nature of his use:

[I used] mushrooms in a controlled small dose, socially and medically, random and not frequently. [I] used primarily in a "micro dose" format with little to no hallucinogenic experience, less than 20 times in [total]. (GE 3)

In his SCA, Applicant expressed an intent to use hallucinogenic/psilocybin mushrooms in the future, stating, "I might consider using mushrooms again because they are not illegal in [state C] and most studies show very positive effects of use in a micro dose format." (GE 3, 4) However, after he viewed a television program that discussed the

dangers of illegal drug use, he changed his response and said he no longer intends to use hallucinogenic/psilocybin mushrooms in the future. (GE 4 at 7-8; AE B) He admitted he purchased hallucinogenic/psilocybin mushrooms in the form of edible chocolates from a friend. (GE 4)

Applicant said he has used cocaine in social settings about five times per year over the last 10 years. He said he consumed cocaine by “doing a line,” which made him feel “racy.” He claims he used cocaine because of peer pressure and to fit in when cocaine was offered at parties and social gatherings. He said he purchased a small bag of cocaine from a friend only once for personal use with his wife. He said his last use occurred in April 2024, and he has no intent to use cocaine in the future. (GE 4)

Applicant said he used the prescription drug Adderall, not prescribed to him, between late 2021 and early 2023. He said a friend offered him some of his prescription Adderall pills, and Applicant accepted without providing information about the circumstances or purpose of his use. He said consuming Adderall made him feel “super aware” and that he had no intent to misuse Adderall or any prescription drug in the future. (GE 4 at 7) Applicant still associated with friends who use illegal drugs in early 2025. He also said he lives in a resort community, and he occasionally attends local concerts in the community where drugs are obviously used, with “the smell of weed in the air.” (GE 4)

The SOR alleges security concerns under Guidelines H and J and is supported by Applicant’s admissions and statements in his SCA, the adopted background interview, and his response to interrogatories. (GE 3 – 5). The SOR allegations under Guideline H are described and discussed above. The SOR allegations in SOR ¶¶ 1.a – 1.f are cross alleged under Guideline J (SOR ¶ 2.a).

In December 2025, Applicant submitted documentary evidence to support his case in mitigation. He provided proof he completed a one-hour drug and alcohol awareness course in July 2025 and passed a written knowledge assessment associated with the course. (AE A) He also submitted a letter of character from his supervisor who has directly supervised his work and conduct since 2016, and a personal letter attesting to his commitment to refrain from illegal drug involvement and substance misuse in the future. (AE B)

Applicant’s supervisor attested to his “strong integrity, sound professional judgment, dependability and accountability, respect for company policies and regulatory compliance, and high-quality performance under pressure,” and considered him a “trusted and valued member of our organization.” He favorably endorsed Applicant’s application for security clearance eligibility. (AE B)

In his December 2025 personal letter, Applicant took full responsibility for his past illegal drug involvement and substance misuse and reiterated his commitment to abstaining from any such illegal drug involvement and substance misuse in the future. His last use and involvement with illegal drugs occurred in about April 2024. He signed his employer’s drug-free workplace policy, committed himself to a permanent drug-free

lifestyle, and said he “severed ties with individuals and environments connected to his past.” (AE B)

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);
- (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.

Applicant admitted he used, misused, and purchased the drugs alleged in SOR ¶¶ 1.a – 1.f and his admissions are supported by other evidence in the record. AG ¶¶ 25(a) and 25(c) apply to the allegations in SOR ¶¶ 1.a - 1.f. Applicant denied he used illegal drugs while holding a sensitive position between 2006 to April 2024. (SOR ¶ 1.g) He has worked in the same position for his employer since 2006, and this is his first time applying for a security clearance, which he completed in June 2024. There is insufficient evidence in the record to establish that Applicant worked in a sensitive position from 2006 to April 2024. AG ¶ 25(f) has not been established and the allegation in SOR ¶ 1.g is refuted.

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;

(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; and

(d) satisfactory completion of a prescribed drug treatment program, including, but not limited to, rehabilitation and aftercare requirements, without recurrence of abuse, and a favorable prognosis by a duly qualified medical professional.

AG ¶ 26(a) is not established. Applicant has a long history of using illegal drugs. His use of marijuana spanned 32 years until he stopped in August 2022, almost four years ago. He has used hallucinogenic/psilocybin mushrooms and cocaine for 27 and 22 years, respectively, until he stopped in April 2024, two years ago. He last purchased hallucinogenic mushrooms in April 2024, and a bag of cocaine in December 2023. The circumstances and context of his use of Adderall, a drug prescribed to his friend and that made him feel “super aware,” was not provided, and I am unable to assess the likelihood of recurrence.

AG ¶ 26(b) is established as to Applicant’s use of marijuana, but not as to his use of hallucinogenic/psilocybin mushrooms, cocaine, and his misuse of Adderall. Applicant acknowledged his history of illegal drug use and submitted evidence of recent actions he has taken to overcome this problem. He stopped using marijuana in late 2022, but he misused Adderall through early 2023 and he continued to use cocaine and hallucinogenic/psilocybin mushrooms until he stopped in early 2024. He signed a statement in December 2025 attesting to his commitment to abstain from illegal drug involvement and substance misuse in the future. He also signed his employer’s drug-free workplace policy and completed a drug awareness course.

Although Applicant indicated in early 2025 that he still associated with friends who use illegal drugs and noted that he resides in a resort community and occasionally attends local concerts where marijuana use is apparent, in late 2025, he said he “severed ties with individuals and environments connected to past use.” Taken together, these facts support a conclusion that Applicant has “established a pattern of abstinence” from using marijuana. However, he has not yet established a sufficient pattern of abstinence with respect to using hallucinogenic/psilocybin and cocaine. Only two years have elapsed since his last use and involvement with these two drugs. His Adderall use raises questions

and concerns about his judgement, reliability, and trustworthiness, which have not been mitigated by time.

AG ¶ 26(d) is not established. In July 2025, Applicant completed a one-hour drug and alcohol awareness course and passed a written knowledge assessment. The program was focused on education, not treatment, a distinction that appears to fall outside the scope of the requirements in AG ¶ 26(d). Applicant has not participated in a “prescribed drug treatment program, including, but not limited to, rehabilitation and aftercare requirements, without recurrence of abuse,” and no favorable prognosis has been made by a duly qualified medical professional, as required by AG ¶ 26(d).

After weighing Applicant’s long history of illegal drug involvement and substance misuse, spanning more than three decades, against his abstinence for two years (hallucinogenic/psilocybin mushrooms and cocaine) and almost four years (marijuana), I find that not enough time has passed to fully mitigate the illegal drug involvement and substance misuse security concerns as to hallucinogenic/psilocybin mushrooms and cocaine. His nearly four years of marijuana abstinence, lifestyle changes, and course completion are sufficient to mitigate his marijuana use and SOR ¶ 1.c is decided in his favor. I commend his current progress and encourage his continuance on the path towards success.

Applicant’s evidence is insufficient 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 remain unmitigated in this case.

Guideline J, Criminal Conduct

The security concern for criminal conduct is described in AG ¶ 30:

Criminal activity creates doubt about an Appellant’s judgment, reliability, and trustworthiness. By its very nature, it calls into question a person’s ability or willingness to comply with laws, rules and regulations.

Applicant’s admissions and the evidence in this case establish the following disqualifying conditions under AG ¶ 31.

(a) a pattern of minor offenses, any one of which on its own would be unlikely to affect a national security eligibility decision, but which in combination cast doubt on the individual's judgment, reliability, or trustworthiness; and

(b) evidence (including, but not limited to, a credible allegation, an admission, and matters of official record) of criminal conduct, regardless of whether the individual was formally charged, prosecuted, or convicted.

Conditions that could mitigate criminal conduct security concerns are provided under AG ¶ 32. The following are potentially applicable:

(a) so much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment; and

(d) there is evidence of successful rehabilitation; including, but not limited to, the passage of time without recurrence of criminal activity, restitution, compliance with the terms of parole or probation, job training or higher education, good employment record, or constructive community involvement.

AG ¶¶ 32(a) and 32(d) are not established. The analysis under Guideline H also applies here. Applicant's involvement with illegal drugs spanned more than 30 years, until he stopped in about April 2024, two years ago, which raises questions about his trustworthiness, reliability, and overall suitability for a security clearance. Not enough time has passed to mitigate the criminal conduct security concerns in this case.

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 Guidelines H and J in my whole-person analysis and applied the adjudicative factors in AG ¶ 2(d). I considered the character evidence attesting to Applicant's strong integrity, sound professional judgment, dependability and accountability. Because Applicant requested a determination based on the record without a hearing, I had no opportunity to evaluate his credibility and sincerity based on demeanor. See ISCR Case No. 01-12350 at 3-4 (App. Bd. Jul. 23, 2003). After weighing the disqualifying and mitigating conditions under these guidelines and evaluating all evidence in the whole-person context, I conclude Applicant failed to mitigate

security concerns under Guidelines H (drug involvement and substance misuse) and J (criminal conduct).

This decision should not be construed as a determination that Applicant cannot or will not attain the level of reform necessary to establish his eligibility for a security clearance in the future. With more time he may well be able to demonstrate persuasive evidence of his security clearance worthiness.

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
Subparagraph 1.c, 1.g:	For Applicant
Subparagraphs 1.d - 1.f:	Against Applicant
Paragraph 2, Guideline J:	AGAINST APPLICANT
Subparagraph 2.a:	Against Applicant (except for the language referencing SOR ¶ 1.c, which is found For Applicant)

Conclusion

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

Gatha LaFaye
Administrative Judge