



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



In the matter of:)	
)	
)	ISCR Case No. 25-00166
)	
Applicant for Security Clearance)	

Appearances

For Government: Cassie Ford, Esq., Department Counsel
For Applicant: *Pro se*

04/09/2026

Decision

HALE, Charles C., Administrative Judge:

Applicant did not mitigate the security concerns under Guideline H (drug involvement and substance misuse). Eligibility for access to classified information is denied.

Statement of the Case

On July 29, 2025, the Department of War (DoW) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline H. Applicant responded to the SOR on October 10, 2025, and requested a hearing before an administrative judge. The case was assigned to me on February 2, 2026.

The hearing was convened on March 12, 2026. Government Exhibits (GE) 1-2 and Applicant's Exhibits (AE) A-C were admitted in evidence without objection. The record was held open until April 2, 2026, and Applicant timely submitted, without objection, AE D and AE E. DOHA received the transcript (Tr.) on March 27, 2026.

Findings of Fact

Applicant admitted two allegations in his Answer with explanations. SOR ¶ 1.a alleged that from about May of 2023 to until at least January of 2025, he used marijuana with varying frequency. He admitted he used marijuana on a "recreational, off-duty basis"

between May of 2023 and September of 2025 but did not use marijuana while at work, on company property, or while having access to classified information. He also stated he did not use it during his internship periods (May–July 2024 and May–July 2025) with a DoW contractor. SOR ¶ 1.b alleged that from about July of 2023 to about January of 2025, he purchased marijuana with varying frequency. He admitted he purchased small personal-use quantities of marijuana between May of 2023 and September of 2025 and that after September of 2025, he had permanently ceased all involvement, disposed of all paraphernalia, and disassociated from environments where marijuana was present. He denied SOR ¶ 1.c, alleging that he intended to continue to use marijuana in the future, stating in his Answer:

I do not intend to use marijuana or THC products in the future. I now understand that federal adjudicative standards apply regardless of state law or whether I am currently on an internship. I have adopted permanent abstinence effective September 2025, signed a Statement of Intent to Abstain, and I'm willing to submit to testing as requested. (Answer.)

Applicant is a 21-year-old college student at top-ranked university in the United States. He is earning a degree in computer science, and his academic record reflects he is an excellent student. He earned an internship with a DoW contractor in the summers of 2024 and 2025. His technical mentor during the internship described him as professional and reliable, who had impressed her as a motivated and capable young professional with “the character and work ethic necessary to succeed in environments that require responsibility and trust.” (Tr. 19-20; GE 1, GE 2; AE C, AE D.)

Applicant testified that in October of 2022, at age 17, he tore his meniscus playing soccer. He reinjured the knee in February of 2023 and in May of 2023, he received a medical recommendation for the purchase of THC from a doctor. He sought out the doctor, who was not his primary physician, to obtain the marijuana card. The medical marijuana card was obtained while he was living on the West Coast. He renewed the marijuana card one time. He moved away from the West Coast to attend the university where he is presently enrolled, and he has not purchased marijuana while attending the university. The last medical marijuana card was issued on July 2, 2024, and expired on July 1, 2025. (Tr. 20-21, 34, 36-37; GE 2 at 17.)

Applicant stated he knew marijuana was illegal federally when it was prescribed to him. (Tr. 21.) He stated he stopped using it while at the university because he had “no method to grab it, and I have never purchased illegally.” (Tr. 22; GE 2.) He explained:

So when I come back to school, I don't consume any marijuana. And when I go home, I typically start my internship, and I put January 2024 because I was home for winter break. I have, I had a valid medical card, and so I was able to purchase. But when I went back in the summer of 2024, I was going to start my employment with [a DoW contractor] and I was aware that while I was employed with [a DoW contractor], I wasn't allowed to consume marijuana per their rules, so I ceased all use. (Tr. 22.)

Applicant stated he never used marijuana while he was actively working for [a DoW contractor]. (Tr. 23.) He explained:

I was under the presumption that while I'm actively employed with [DoW contractor], you can't use any marijuana. While I wasn't employed, because of internships I'm only employed during the summer, it was up to my discretion. However, since then, since my Statement of Reasons, I've been aware of the fact that I'm not allowed to use THC at all because it's illegal under, under federal rules. And so, I have since stopped since September 2025, using all marijuana. (Tr. 23.)

Applicant was interviewed by an investigator in October of 2024 for his security clearance and he acknowledged the interview focused on his drug use. (Tr. 24; GE 2 at 11.) He thought the discussion "was typical flagging." He stated he wanted to be honest throughout the entire process and had reported his use. He stated he did not understand the scope of the problem. His plan for continued use of marijuana was based on the presumption that while he was not employed by [a DoW contractor], he could use marijuana. (Tr. 24.) He continued using marijuana after the interview and after receiving and responding to March of 2025 Government interrogatories about his drug use. (GE 2 at 16.) His last use was in August of 2025. (Tr. 26.) He explained his thinking about all of questions regarding his marijuana use stating:

I once again, just thought it was diving deeper into my past about it. And, I assumed that I was just flagged. But at no point did I, was I under the assumption that I, I cannot use marijuana at all times. I just, I was always under the assumption that so long as I'm not employed by [a DoW contractor], I was fine. But obviously that ended up being the incorrect assumption, and I have since corrected my actions. (Tr. 25.)

Applicant acknowledged his medical marijuana use turned to social use as the years went on. He consumed marijuana by smoking it or ingesting it in edible form. He denied any social use while attending the university. (Tr. 37-38.) He does plan to return to the West Coast, but his friends are aware of his goals, and he expects them to respect them and not offer him anything. (Tr. 38-39.) He has surrounded himself with goal-driven people. His girlfriend does not smoke marijuana. With his soccer playing days gone, he has volunteered to coach youth soccer. (Tr. 20-22, 39-40.) He offered his statement of intent to abstain from marijuana and the results of an at-home marijuana screening test, taken on February 24, 2026, to demonstrate continued abstinence and to support his testimony. (AE A, AE B.)

In response to why Applicant believed his behavior happened so long ago that he could be trusted with a security clearance, he stated:

I believe that happened a long time ago in the summer, and since then I haven't used anything. I have been very dedicated to my academics, and I

am no longer influenced by the things that, what, influenced me before. And I'm also very like to oblig[ated to comply with] the law, and I don't like to do anything wrong. And so, the moment I found out that it [was] illegal and I can't do this, I stopped. . . . I don't want to go against company rules. I don't want to get in trouble. I want to respect the policies that they put forward and so I ceased all use. And if I would have known from the very beginning clearly that I can't use marijuana at all throughout this entire process, I would have done the same exact thing. This all came, most, it all came from a misunderstanding and if I could go back, I wish I could tell myself don't use. You can't use it [at] all. But I was under a different assumption. But since September 2025, I now have the correct assumption, and I ceased all use.

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’s admissions in his SCA, Answer, and testimony are sufficient to raise the following disqualifying conditions under this guideline: AG ¶ 25:

- (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
- (g) expressed intent to continue drug involvement and substance misuse, or failure to clearly and convincingly commit to discontinue such misuse.

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.

Applicant's behavior is recent and was not infrequent. Applicant knowingly continued to use marijuana despite repeated questioning during the security clearance application process. While the record reflects the Applicant is a talented student studying at a leading university, he acknowledged he knew marijuana was illegal at the federal level. He knew he was applying for a federal government clearance and yet continued to use marijuana despite repeated questioning. There has not been a sufficient track record establishing real abstinence. Applicant's behavior raises substantial questions about his trustworthiness, judgment, reliability, and willingness to comply with laws, rules, and regulations. See ISCR Case No. 20-02974 (App. Bd. Feb. 1, 2022). Applicant's willingness to sign a statement of intent not to use illegal drugs in the future does not mitigate the scope of these security concerns raised by his actions during the security clearance application process, but it does mitigate his intent to continue to use marijuana in the future. Applicant has failed to fully establish AG ¶ 26 conditions that could mitigate the security concerns raised by SOR ¶¶ 1.a and 1.b.

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 his statement of intent to abstain and his negative marijuana test. 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 in my whole-person analysis.

I found Applicant's statements to be candid, sincere, and credible. This decision should not be construed as a determination that Applicant cannot or will not attain the state of true reform and rehabilitation necessary to be eligible for a security clearance. The determination of an individual's eligibility and suitability for a security clearance is not a once in a lifetime occurrence, but is based on applying the factors, both disqualifying and mitigating, to the evidence presented. Under Applicant's current circumstances, a clearance is not warranted. I found Applicant's technical advisor's comments to accurately describe my own observations during the hearing. Applicant impressed me as well as a motivated and capable young professional, and I believe he has the character and work ethic necessary to succeed in environments that require responsibility and trust. **With continued abstinence from involvement with illegal drugs, Applicant may be able to demonstrate persuasive evidence of his security worthiness.**

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 Guideline H (drug involvement and substance misuse).

Formal Findings

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

Paragraph 1, Guideline H:	AGAINST APPLICANT
Subparagraphs 1.a-b:	Against Applicant
Subparagraph 1.c:	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.

Charles C. Hale
Administrative Judge