



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



In the matter of: )  
)  
) ISCR Case No. 24-01712  
)  
)  
Applicant for Security Clearance )

**Appearances**

For Government:  
Tara R. Karoian, Esq, Department Counsel

For Applicant:  
*Pro se*

03/16/2026

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**Decision**

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CEFOLA, Richard A. Administrative Judge:

Applicant has not mitigated the security concerns raised under the Drug Involvement and Substance Misuse adjudicative guideline or the Criminal Conduct adjudicative guideline. National security eligibility for access to classified information is denied.

**Statement of the Case**

Applicant submitted a Questionnaire for National Security Positions on April 28, 2023 (Questionnaire). On October 17, 2024, 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) and Guideline J (Criminal Conduct). The action was taken under Executive Order 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) effective within DoD after June 8, 2017.

On November 14, 2024, Applicant responded to the SOR in writing (Answer) and requested that the case be decided on the written record in lieu of a hearing. In his Answer, Applicant admitted to all allegations. On April 1, 2025, Department Counsel submitted the Government's written case in a File of Relevant Material (FORM). A complete copy of the FORM, consisting of Government Exhibits (GE) 1 to 4 and the Government's arguments in support of the SOR, was received by the Applicant on April 10, 2025. He was afforded an opportunity to file objections and submit material to refute, extenuate, or mitigate the security concerns, but he did not respond within the period specified. The case was assigned to me on March 10, 2026, and GE 1 to 4 were admitted without objection.

### **Findings of Fact**

Applicant is 41 years old and has worked for a DoD contractor as a software security engineer since May 2023. Applicant, who has never married, has no children, and has lived with his girlfriend since February 2020. He enlisted in the Army Reserve in June 2003, was honorably discharged in June 2011, and received a master's degree in 2014. Applicant submitted the Questionnaire in connection with his employment. (GE 3 at 5, 12, 19, 21-22; GE 4 at 1)

#### **SOR Paragraph 1, Guideline H (Drug Involvement and Substance Misuse)**

The Government alleged that Applicant is ineligible for a security clearance because he used a number of controlled substances over two decades including tetrahydrocannabinol (THC), cocaine, psilocybin mushrooms, lysergic acid diethylamide (LSD), methylenedioxymethamphetamine (MDMA), and ketamine. Based upon the evidence presented in the administrative record, I find the following facts regarding the history and status of Applicant's drug use:

**1.a. THC use from September 1998 to April 2023.** In his Answer, Applicant admitted to the allegation as drafted. He both legally and illegally purchased and used marijuana from approximately September 1998 through April 2023 – the same month he completed his Questionnaire and a month before beginning his position with the DoD contractor. His use in high school and college was frequent, both for enjoyment and due to peer pressure. As of 2020, he switched to THC edibles for use as a sleep aid. (Answer; GE 3 at 40-41, 43; GE 4 at 1-2)

**1.b. THC purchase from September 1998 to February 2020.** In his Answer, Applicant admitted to the allegation as drafted. As discussed above, he both legally and illegally purchased marijuana from approximately September 1998 through at least February 2020. (Answer, GE 3 at 40-41, 43; GE 4 at 2)

**1.c. Intent to continue THC use in the future.** In his Answer, Applicant admitted to the allegation as drafted. He continues to socialize with marijuana users and in his Questionnaire, noted an intent to continue using THC as a sleep aid inasmuch as it is legally available for recreational use in his state. During his interview a few months later, he qualified that he would only consider using THC again if it became legal federally. (Answer, GE 3 at 40-41; GE 4 at 2)

**1.d. Cocaine use from January 2014 to January 2023.** In his Answer, Applicant admitted to the allegation as drafted. Applicant used cocaine with friends 10-15 times during this time span to help him stay up and party. The drug gave him more energy and made him more talkative and confrontational. His last use was a few months before filling out the Questionnaire. He no longer associates with that friend group and noted there was little likelihood he would use cocaine again. He clarified that he had no intent to use the drug again while he is getting his clearance and working. (Answer; GE 3 at 42; GE 4 at 3)

**1.e. Cocaine purchase from August 2013 to January 2023.** In his Answer, Applicant admitted to the allegation as drafted. Applicant purchased cocaine “a few times” to use with friends to help him stay up late and socialize. (Answer; GE 3 at 44; GE 4 at 3)

**1.f. Mushroom use from July 2000 to December 2022.** In his Answer, Applicant admitted to the allegation as drafted. Applicant used mushrooms 10-15 times during this time span with friends in college, at home, and on vacation. The drug gave him weird feelings and body effects while he was “tripping.” He no longer associates with that friend group and does not intend to keep using mushrooms because he does not “feel like (he) can handle the effects at this point in (his) life.” (Answer; GE 3 at 41; GE 4 at 2)

**1.g. Mushroom purchase from July 2000 to December 2022.** In his Answer, Applicant admitted to the allegation as drafted. Applicant purchased mushrooms a few times over the timespan because he “wanted to experiment with psychedelics.” (Answer; GE 3 at 44; GE 4 at 2)

**1.h. LSD use from 2012 to 2018.** In his Answer, Applicant admitted to the allegation as drafted. Applicant used LSD with friends “a few times” during this time span to enhance his experience at music events. The drug made him more energetic, gregarious, and outgoing. He no longer associates with that friend group and does not intend to use the drug again unless it is legalized. (Answer; GE 3 at 41; GE 4 at 3)

**1.i. LSD purchase from 2002 to 2018.** In his Answer, Applicant admitted to the allegation as drafted. Applicant purchased LSD “a few times” during this time span because he “wanted to experiment with psychedelics.” (Answer; GE 3 at 44; GE 4 at 3)

**1.j. MDMA use from September 2013 to September 2018.** In his Answer, Applicant admitted to the allegation as drafted. Applicant used MDMA (ecstasy) 15-20 times during this time span with friends at music events. The drug made him feel friendlier, outgoing, and euphoric. He no longer associates with that friend group and does not intend to use the drug again recreationally but would consider using it for MDMA therapy. (Answer; GE 3 at 41-42; GE 4 at 3)

**1.k. MDMA purchase from 2014 to 2018.** In his Answer, Applicant admitted to the allegation as drafted. Applicant purchased MDMA over this timespan “to take at raves and concerts” because “it makes you feel euphoric.” (Answer; GE 3 at 45; GE 4 at 3)

**1.l. Ketamine use from January 2014 to January 2018.** In his Answer, Applicant admitted to the allegation as drafted. Applicant obtained ketamine from friends approximately five times during this time span for use at music events. The drug made him feel drunk. He no longer associates with that friend group and does not intend to use the drug again as he does not like how it makes him feel. (Answer; GE 3 at 42-43; GE 4 at 4)

## **SOR Paragraph 2, Guideline J (Criminal Conduct)**

The Government alleged that Applicant is ineligible for a security clearance because he has engaged in criminal conduct that calls into question his ability or willingness to comply with laws, rules, and regulations. I find the following facts regarding this allegation:

**2.a. Cross-allegations with paragraph 1 (less ¶ 1.c).** See discussion *supra*.

### **Whole Person and Mitigating Evidence**

Applicant submitted no comments or explanations in his Answer as whole person evidence in mitigation of the security concerns alleged in the SOR. The comments and explanations Applicant included in both his Questionnaire and interview, however, were reviewed in their entirety.

### **Policies**

When evaluating an applicant’s suitability for national security eligibility, the administrative judge must consider the adjudicative guidelines. In addition to brief introductory explanations for each guideline, the adjudicative guidelines (AG) list potentially disqualifying conditions and mitigating conditions, which are to be used in evaluating an applicant’s national security eligibility.

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with the factors listed in AG ¶ 2 describing the adjudicative process. The administrative judge’s overarching adjudicative goal is a fair, impartial, and commonsense decision.

The entire process is a conscientious scrutiny of applicable guidelines in the context 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, “Any doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security.” In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record. I have not drawn inferences based on mere speculation or conjecture. Directive ¶ E3.1.14, requires the Government to 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, and has the ultimate burden of persuasion as to obtaining a favorable clearance 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 national security eligibility. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to protect or safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified or sensitive information.

Finally, as emphasized in Section 7 of Executive Order 10865, “Any determination under this order adverse to an applicant shall be a determination in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See *also* Executive Order 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information.)

## **Analysis**

### **SOR Paragraph 1, Guideline H (Drug Involvement and Substance Misuse)**

The security concerns relating to the guideline for drug involvement and substance misuse are set out in AG ¶ 24, which reads as follows:

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.

The facts of this case establish the following potentially disqualifying condition set forth in 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 abuse, or failure to clearly and convincingly commit to discontinue such misuse.

Applicant acknowledges illegal purchase and/or use six different controlled substances during the time span alleged in the SOR and has intimated he will continue to use THC as a sleep aid. Therefore AG ¶¶ 25(a), (c), and (g) apply. The burden then shifts to Applicant to mitigate security concerns under Guideline H.

The guideline includes the following two conditions in AG ¶ 26 that can mitigate security concerns arising from Applicant’s drug use:

- (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 the 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.

There is no evidence that Applicant has used ketamine, MDMA, or LSD since 2018. This behavior happened over seven years ago and the use during the alleged timeframe was sporadic – not continuous. Applicant no longer associates with the friend group he used these drugs with and has stated he has no intent to use these drugs again in the future. The last mushroom use was somewhat more recent (2022), but for the same reasons, that behavior likewise appears unlikely to recur and does not cast doubt on Applicant’s current reliability, trustworthiness, or good judgment. AG ¶¶ 26(a) and (b) apply to SOR ¶¶ 1.f. – 1.i.

The same cannot be said for Applicant’s more recent THC and cocaine use – both of which occurred during the same timeframe as his application for employment with the DoD contractor and with his completion of the Questionnaire. Moreover, Applicant’s assurance that there was “little likelihood” he would again use cocaine lacks the fortitude of the statement of abstinence contemplated by AG ¶ 26(b)(3). This is also true for Applicant’s conflicting statements about THC use, suggesting he will continue to use the drug as a sleep aid while also claiming he has no plans to use it again. The circumstances of Applicant’s cocaine and THC use do not suggest that it is unlikely to recur and cast doubt on his current reliability, trustworthiness, and good judgment. AG ¶¶ 26(a) and (b) do not apply to SOR ¶¶ 1.a. – 1.e and those components of paragraph 1 are found against Applicant.

## **SOR Paragraph 2, Guideline J (Criminal Conduct)**

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

Criminal activity creates doubt about an Applicant’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.

AG ¶ 31 describes conditions that could raise a security concern and may be disqualifying. The following are potentially applicable:

(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.

Applicant has acknowledged purchasing and using controlled substances on numerous occasions over an extensive period of time. AG ¶¶ 31 (a) and (b) are applicable; therefore, the burden shifts to Applicant to mitigate security concerns under Guideline J.

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.

Applicant's criminal acquisition and usage of controlled substances spans from 1998 to at least 2023. During this 25-year span, he violated federal and state laws up to at least the time he applied for employment with the DoD contractor and filled out the Questionnaire. The evidentiary record is devoid of any indicia of regret or remorse by the Applicant for this criminal conduct and continues to cast doubt on his reliability, trustworthiness, and good judgment. AG ¶¶ 32 (a) and (d) are inapplicable. Paragraph 2 is found against Applicant.

### **Whole-Person Concept**

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for national security eligibility 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 national security 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 above whole-person factors and the potentially disqualifying and mitigating conditions in light of all pertinent facts and circumstances surrounding this case. I have given the appropriate weight to Applicant's various statements of intent to abstain in his responses to questions by a DoD interviewer, as well as other comments Applicant provided, both to the interviewer and in his Questionnaire. I have also considered his military service. Ultimately, however, the drug involvement and criminal conduct evinced by the record evidence leave me with questions and doubts as to Applicant's suitability for national security eligibility and a security clearance.

### **Formal Findings**

Formal findings for or against Applicant on the allegations set forth in the SOR, as required by ¶ E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1, Guideline H:	AGAINST APPLICANT
Subparagraphs 1.a – 1.e:	Against Applicant
Subparagraphs 1.f. – 1.l:	For Applicant
Paragraph 2, Guideline J:	AGAINST APPLICANT
Subparagraph 2.a:	Against Applicant

### **Conclusion**

In light of all of the circumstances presented by the record in this case, it is not clearly consistent with the national interest to grant Applicant national security eligibility. Eligibility for access to classified information is denied.

RICHARD A. CEFOLA  
Administrative Judge