



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



In the matter of:)
)
) ISCR Case No. 24-00462
)
Applicant for Security Clearance)

Appearances

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

04/21/2026

Decision

MURPHY, Braden M., Administrative Judge:

The allegations in this case concern Applicant’s prior history of illegal drug use and his failure to disclose that drug use and its related impact on his employment when he later applied for federal employment and access to classified information. Applicant provided sufficient evidence to mitigate drug involvement and personal conduct security concerns. Applicant’s eligibility for access to classified information is granted.

Statement of the Case

Applicant submitted his most recent security clearance application (SCA) on February 4, 2023. On October 9, 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 Guideline E (personal conduct). The DCSA issued the SOR under Executive Order (Exec. Or.) 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 Security Executive Agent Directive (SEAD) 4, *National Security Adjudicative Guidelines* (AG), effective June 8, 2017.

Applicant answered the SOR on October 16, 2024, and requested a hearing before an administrative judge from the Defense Office of Hearings and Appeals (DOHA). The

case was assigned to me on July 10, 2025. On July 28, 2025, DOHA issued a notice scheduling the hearing for September 10, 2025, via video-teleconference through an online platform.

The hearing convened as scheduled. Department Counsel offered Government's Exhibits (GE) 1 through 6, which I admitted without objection. Applicant offered Applicant's Exhibits (AE) A through H, all of which were admitted without objection. Applicant and three other witnesses testified.

At the end of the hearing, I held the record open until September 18, 2025, to provide Applicant the opportunity to submit additional documents. On September 16, 2025, he submitted an e-mail (AE I) and a certificate of appreciation (AE J). Both were admitted into the record without objection. DOHA received the hearing transcript (Tr.) on September 18, 2023, the day the record initially closed.

This decision was delayed when all administrative judges were furloughed from October 1 through November 12, 2025, during a federal government shutdown due to a lapse in funding. The decision was further delayed due to my own caseload and schedule. As a result, I emailed the parties on March 30, 2026, to provide a brief status update and afford Applicant a brief opportunity to submit additional information. On April 1, 2026, he responded and said he had no further evidence to submit. As a result, the record remained closed. (Hearing Exhibit (HE) III)

Amendments to the SOR

During the hearing, Department Counsel moved to amend SOR ¶ 2.a by deleting everything except the main clause of the last sentence in the allegation. SOR ¶ 2.a therefore now reads as follows:

2.a. You were temporarily debarred from government employment in about January 2021 for illegal drug use.

Department Counsel also moved to withdraw SOR ¶ 2.b. The motions were granted without objection. (Tr. 79-83, 112-114, 121-122, 158-161; HE II)

Findings of Fact

Under Guideline H, Applicant admitted SOR ¶¶ 1.a and 1.b with explanations. Under Guideline E, he admitted SOR ¶ 2.a (as originally drafted) with an explanation. He admitted SOR ¶ 2.b (later withdrawn). He admitted SOR ¶¶ 2.d and 2.f without comment. He admitted ¶¶ 2.c and 2.e with explanations. I construe his explanation to SOR ¶ 2.e as a denial to the allegation of falsification.¹ He also provided a narrative statement with his

¹ In the text of Applicant's SOR Response, the numbering of the SOR subparagraphs of the allegations he answered on paper do not entirely match with the subparagraphs in the actual SOR. This was clarified at hearing. (*Compare* SOR Response *with* Tr. 12-13)

Answer. His admissions are incorporated into the findings of fact. Additional findings follow.

Applicant is 42 years old. He has been married twice. His first marriage (2003-2011) ended in divorce. He remarried in February 2022 but separated about eight months later. He has a daughter (now 17) from his first marriage. He graduated from high school in 2001 and has earned several professional certifications since then. He served on active duty in the Air Force (2001-2005) and in the Air Force Reserve (2006-2011). His Reserve service included activation to Operations Enduring Freedom and Iraqi Freedom in 2007. He was discharged honorably. He held a clearance in the Air Force. (GE 1; AE B, AE C; Tr. 86, 90-92, 101-102, 148)

From December 2009 until November 2016, Applicant worked as a firefighter and paramedic with the fire department of a large U.S. city, City 1, in State 1. He was either terminated from the job (as alleged) or resigned in lieu of termination (as he explained it) after he tested positive for marijuana on a drug test. (SOR ¶ 1.b) (GE 1, Tr. 87-88, 93, 102-103)

Applicant was then unemployed until September 2017 when he began working at a local fitness center. He worked there until January 2018, when he began working in security. (GE 1; Tr. 103-104)

In March 2018, Applicant prepared and submitted a Declaration for Federal Employment (DFE). (GE 5) In April 2018, he filled out an application for a position of public trust (SF-85P). (GE 4) That month, he began working as a firefighter on a U.S. Government contract in a location outside the continental United States (OCONUS Location 1).

In October 2018, Applicant was terminated for what he said was insubordination. However, he believes there were racial undertones to his differences with his fire chief there, and that he was terminated wrongfully. (GE 1 at 18; Tr. 104-105, 125-126, 129) This termination is not alleged and is not at issue here, and I draw no inferences about that matter. However, the answers he provided on the March 2018 DFE and the April 2018 SF-85P are relevant to the SOR allegations.

After a brief period of unemployment, Applicant submitted another DFE in December 2018 (GE 3) and a security clearance application (SCA) in January 2019 (GE 2) for a job as a firefighter on a U.S. naval base in State 1. He worked there for about two years, until January 2021. (GE 1 at 23-24; Tr. 105-106) In January 2021, he was notified that he was temporarily debarred from federal employment due to illegal drug use. (SOR ¶ 2.a) (GE 1 at 64-65)

During most of the next two years, Applicant worked a variety of jobs in physical fitness. (Tr. 107) In February 2023, he submitted his most recent SCA in connection with his current job as a firefighter at a fire station on a U.S. military installation in OCONUS Location 2. He has worked there since March 2023. He needs a clearance to have access

to classified areas of the installation in his role as a firefighter. (GE 1; Tr. 26-30, 150; AE A, AE J)

SOR ¶ 1.a alleges that Applicant used marijuana with varying frequency between 2006 and November 2016. He said, however, that he did not begin using marijuana until after he left the Reserve and after his first (probationary) year as a City 1 firefighter (2009-2010). He said he first used marijuana in 2011. He said he used marijuana about once a week, on weekends as a sleep aid and to reduce stress, until he tested positive for marijuana in the fall of 2016. (Tr. 93-98, 140)

On his September 2024 interrogatory response, Applicant listed the timeframe of his marijuana use as between 2011 and 2017. (GE 6 at 8; Tr. 128) The interrogatory also contains the summary of his September 2023 background interview, in which he said (as he did in his testimony) that he had not used marijuana since his positive drug test. (GE 6 at 4)

Applicant testified that in about 2011, he began using marijuana as a sleep aid. He said he had nightmares and PTSD-like symptoms from seeing disturbing things while deployed overseas as a firefighter in the Air Force when he was young. He said he never used marijuana on duty or on the job. He knows he paid a high price for using marijuana. He has learned to relax and deal with stress through meditation and martial arts, which he has practiced for about 10 years. (Tr. 86-87, 134; AE H)

Turning to Guideline E, SOR ¶ 2.e alleges that Applicant failed to disclose his prior drug use on the SF85P Questionnaire for public trust positions that he filled out in April 2018. That application asked for disclosure of any illegal drug use “in the last year,” from April 2017 to April 2018. (GE 4 at 13; Tr. 114-116, 139) It is not alleged that Applicant used marijuana after his November 2016 positive test, and he said his report in his interrogatory response that his last use was in 2017 was erroneous, as he meant 2016, since he did not use marijuana after losing his job with City 1. (Tr. 128, 138-140)

Applicant testified that he was not terminated by the City 1 fire department after he tested positive, but rather that he resigned his position. He acknowledged, however, that his fire chief told him he could either be fired or resign, and if he resigned, the department would not disclose the reason he left. (Tr. 87-88, 98) He said he was “conflicted” about whether to disclose the reason he left the job on his SCA and other paperwork, and he elected what he thought was a safer choice. (Tr. 88)

When he submitted his DFEs in March 2018 and December 2018 (GE 5, GE 3), Applicant did not disclose his 2016 departure from the City 1 fire department after he tested positive -- either that he was terminated or resigned before he could be fired. (SOR ¶¶ 2.f, 2.d) He also did not disclose the circumstances of that departure or any illegal drug use on his January 2019 SCA. (GE 2 at 20, 50) (SOR ¶ 2.c). He testified that he had made a mistake using drugs and wanted to erase it. He also believed he did not have to disclose how he left the City 1 firefighter job, because his chief had told him they would not disclose the reason he left if he resigned. (Tr. 118)

Sometime in 2020, Applicant had a background interview after submitting his January 2019 SCA for the job at the Navy base. This was his first background interview, since he did not have one after submitting his SF-85P application in April 2018 for the job at OCONUS location 1. (Tr. 119-120) He testified that he told the interviewer in 2020 about how he left the City 1 firefighter job in 2016 and acknowledged that he should have listed it on his SCA (GE 2). Applicant said that sometime later, he received a letter detailing the allegations against him from the Office of Personnel Management (OPM). He said he submitted a response but was later informed that he had been debarred from government employment, at which point he lost his job at the Navy base, in about January 2021. (Tr. 88-89, 108-109, 121-122)

Applicant said he had the paperwork regarding his debarment (such as a debarment letter) at home, but it is not part of the record here. Thus, there is no documentation of how long the temporary debarment lasted. However, Applicant said it was for two years, and he submitted his most recent SCA just over two years later, in February 2023. (GE 1; Tr. 109-111, 122-124)

When Applicant submitted his most recent SCA, he disclosed that he left the City 1 firefighter job in November 2016 by mutual agreement following an allegation of misconduct, his positive test for marijuana, and his later debarment. (GE 1 at 22, 60-61, 64-65; Tr. 111-114) (As a result of this disclosure, Department Counsel withdrew SOR ¶ 2.b.) He also confirmed these events in his subsequent background interview, in September 2023 (which he authenticated a year later, in his interrogatory response). (GE 6; Tr. 124-125)

Applicant acknowledged he made “terrible mistake[s],” both by using marijuana and by failing to disclose matters fully on his applications. He has been honest with his supervisors and is apologetic for his past transgressions. He wants to continue to help others and to teach them to avoid his mistakes. He is passionate about his job and about keeping fit. He spends his off hours working out at a gym and works to instill the values of physical fitness and a healthy lifestyle in his co-workers. (Tr. 89-90, 118, 126-127, 136-137 144-145; AE H)

Applicant said he has not used marijuana or any other illegal drug since before November 2016. When he worked at a gym in 2021-2023, he was around people who used marijuana, but he did not use any himself, since he was “on a different path at that point and it was easy for me to say no.” (Tr. 141) Marijuana is the only illegal drug he ever used. He does intend to use marijuana in the future. He does not take prescription drugs not prescribed to him. He acknowledged the federal “zero tolerance” policy regarding illegal drug use and said he is subject to both annual and random drug testing at work and has never again tested positive. He has also not consumed any alcohol in about four years. In a position of public safety and he and his fellow firefighters rely on each other for their lives. (Tr. 98-100, 131-136, 139-144, 161-163)

Three of Applicant's supervisors at the fire station where he works testified on his behalf. Chief L1, the station fire chief, has 28 years of experience either as a government contract firefighter and in the Air Force. He has held a clearance for many years. He has known Applicant since Applicant was hired two and a half years before the hearing. Applicant is well regarded and has been promoted twice and is now a crew chief. (Tr. 26-30, 44; AE A, AE I, AE J)

Chief L1 testified that Applicant is an excellent leader who is motivated to succeed and has a positive attitude that he instills in others. Chief L1 trusts Applicant to maintain unit morale, which can be difficult on long work shifts, and trusts him with his life as a firefighter. They socialize frequently and both strive to maintain a healthy lifestyle. Substance abuse among firefighters at the installation is not tolerated, and employees are subject to random drug testing. Chief L1 attested to Applicant's honesty and integrity and said he was forthcoming about his past conduct, though he acknowledged concern about Applicant's candor in filling out clearance applications. However, he believes in giving people second chances. (Tr. 31-50) Chief L1 also provided a strong letter of recommendation. (AE D)

Assistant Chief C has been a firefighter for over 10 years, including in the Air Force. He has been in this location for over three years. He holds a clearance. He offered similar testimony to Chief L1 and attested that Applicant is one of his most trusted and responsible firefighters. He socializes with Applicant and said he values his fitness and drinks rarely and responsibly. He learned of the SOR allegations recently, before the hearing. He has no concerns about Applicant's judgment, trustworthiness, and reliability based on their current interactions. (Tr. 50-61) He also provided a strong letter of recommendation. (AE E)

Assistant Chief L2 has been at this location for 13 years, after serving in the Air Force as a firefighter for 20 years (1990-2010). He retired as a technical sergeant (E-6). He said Applicant is an excellent and knowledgeable firefighter, particularly in medical (paramedic) training. Applicant is a natural leader who has the attention of others in the station when he speaks. Applicant is very trustworthy and reliable. (Tr. 63-72) Several other firefighters provided strong references (AE G) as did a former colleague (AE F).

Policies

It is well established that no one has a right to a security clearance. As the Supreme Court has held, "the clearly consistent standard indicates that security determinations should err, if they must, on the side of denials." *Department of Navy v. Egan*, 484 U.S. 518, 531 (1988).

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 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, these guidelines are applied 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." In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record. Likewise, I have not drawn inferences grounded on mere speculation or conjecture.

Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, an "applicant is responsible for presenting witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by applicant or proven by Department Counsel and 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.

Analysis

Guideline H: Drug Involvement

AG ¶ 24 details the security concern for drug involvement:

The illegal use of controlled substances, to include the misuse of prescription and non-prescription drugs, and the use of other substances that can 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.

I have considered the disqualifying conditions for drug involvement under AG ¶ 25 and the following are potentially applicable:

- (a) any substance misuse (see above definition); and
- (b) testing positive for an illegal drug.

Between 2011 and November 2016, when he was a City 1 firefighter, Applicant used marijuana as a sleep aid, on weekends and when he was off duty. He tested positive for marijuana on a job-related drug test. Once the results came to light, he took the opportunity to resign rather than be fired. AG ¶¶ 25(a) and 25(b) both apply. SOR ¶ 1.a also alleges that Applicant's drug use began in about 2006, but drug use before 2011 is not established.

The following mitigating conditions under AG ¶ 26 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 paid a heavy price for his marijuana use. He resigned his job as a City 1 firefighter after he tested positive in November 2016. And he was debarred from government employment for about two years, from early 2021 to early 2023, after he disclosed that marijuana use in a clearance background interview (after failing to disclose it on earlier applications and government forms, including his then-most recent SCA, submitted in January 2019).

I regard the reference to Applicant using marijuana as recently as 2017 (in GE 6, his interrogatory response) to be erroneous, as the same document has an interview summary in which he said he last used in November 2016, before he tested positive. Also, SOR ¶ 1.a alleges that his drug use ended in November 2016, not in 2017.

Applicant testified credibly that he has learned his lesson and changed his ways. He lives a healthy lifestyle and is dedicated to martial arts and fitness. He encourages his

fellow firefighters to live similarly. He does not drink. It is true that he used marijuana and tested positive, in a similar circumstance (as a firefighter, while subject to drug testing). But that was almost ten years ago. In addition, Applicant has matured and has shown a track record of maintaining a healthy lifestyle during that timeframe. There is no indication of subsequent illegal drug use or involvement, and there is no indication that it is part of his life any longer. AG ¶¶ 26(a) and 26(b) both apply, and drug involvement security concerns are mitigated.

Guideline E: Personal Conduct

AG ¶ 15 details the security concerns for personal conduct:

Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes.

I considered the following disqualifying conditions under AG ¶ 16:

(a) deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine national security eligibility or trustworthiness, or award fiduciary responsibilities; and

(d) credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information. This includes, but is not limited to, consideration of:

- (1) untrustworthy or unreliable behavior to include breach of client confidentiality, release of proprietary information, unauthorized release of sensitive corporate or government protected information;
- (2) any disruptive, violent, or other inappropriate behavior;
- (3) a pattern of dishonesty or rule violations; and
- (4) evidence of significant misuse of Government or other employer's time or resources; and

(e) personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress by a foreign intelligence entity or other individual or group. Such conduct

includes: (1) engaging in activities which, if known, could affect the person's personal, professional, or community standing; . . .

SOR ¶ 2.a, as amended, alleges that Applicant was temporarily debarred from government employment in about January 2021 for illegal drug use. Applicant does not dispute the allegation; indeed, he is the source of the evidence of the debarment. The impetus for the debarment was his disclosure during his 2020 background interview (for the clearance he needed to work on the Navy base) that he had used illegal drugs, tested positive, and lost his job as a City 1 firefighter. He said he was removed from the Navy job in January 2021 and was temporarily debarred from government employment for about two years. He reapplied for a clearance two years later, in February 2023, and it may be inferred that he was allowed to reapply since his two-year debarment period had ended.

Applicant's debarment from government employment was a consequence of his prior misconduct, rather than an act of misconduct itself. His underlying actions (using marijuana while a City 1 firefighter) are addressed under Guideline H, and therefore cannot be raised under AG ¶ 16(d), which by its wording is limited to information "that is not explicitly covered under any other guideline." I conclude that Applicant's debarment raises no other concerns related to questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations. Accordingly, none of the Guideline E disqualifying concerns apply to the conduct alleged in SOR ¶ 2.a.

The remaining Guideline E SOR allegations (SOR ¶¶ 2.c – 2.f) concern alleged falsifications of DFEs and SCAs in 2018 and 2019, on which Applicant is alleged to have deliberately failed to disclose either his drug use or the negative impact on his employment as a City 1 firefighter.

Applicant resigned rather than be fired from his City 1 employment after he tested positive in November 2016. He said his chief told him if he resigned, they would not disclose the reason he left. Even so, he had a duty to disclose how that employment ended on both of the DFEs he filled out, and he should not have relied on instructions from a former employer in deciding not to do so. AG ¶ 16(a) applies to SOR ¶¶ 2.d and 2.f.

SOR ¶ 2.e alleges that Applicant falsified an SF-85P in April 2018 when he answered "no" to a question calling for disclosure of any illegal drug use in the past year (April 2017-April 2018). The allegation states that in answering "no," he deliberately failed to disclose that he used marijuana from about December 2009 to about November 2016. Any marijuana use in November 2016 falls outside of the specified one-year period, making Applicant's "no" response true rather than false. In addition, to the extent that SOR ¶ 2.e is predicated on Applicant's reference to 2017 as his last use of marijuana, as he wrote in GE 6, his interrogatory response, I have credited his testimony that this reference was in error and found that he did not use marijuana after he tested positive in November 2016. Applicant had no subsequent marijuana use to disclose in answer to this question, so his answer of "no" was not false. SOR ¶ 2.e is found for Applicant.

This leaves SOR ¶ 2.c. Here, the SOR alleges two falsifications of answers to questions on Applicant’s January 2019 SCA regarding illegal drug use: 1) whether Applicant had illegally used any drugs in the last seven years (GE 2 at 50); and 2) whether Applicant had ever illegally used drugs while “employed as a law enforcement officer . . . or while in a position directly and immediately affecting the public safety” (GE 2 at 50). Applicant answered “no” to both questions.

For the “last seven years” question, Applicant appears to have relied on advice from his City 1 fire chief that he did not have to disclose the reason he left the job. But even if that were accepted as a credible explanation (which it is not – see discussion of SOR ¶¶ 2.d and 2.f above), that does not excuse Applicant’s failure to disclose the fact that he used drugs during the seven years leading up to January 2019. Applicant had a duty to accurately disclose his drug use and did not do so. AG ¶ 16(a) applies to SOR ¶ 2.c as relating to that question.

The second question in SOR ¶ 2.c is best analyzed with direct reference to the question Applicant was asked:

Employed as Law Enforcement

Have you EVER illegally used or otherwise been involved with a drug or controlled substance while employed as a law enforcement officer, prosecutor, or courtroom official; or while in a position directly and immediately affecting the public safety other than previously listed?

As he pointed out in his SOR response, Applicant did not consider himself to be “law enforcement.” This conclusion is not unreasonable and makes sense in light of the question. Similarly, Applicant did not interpret his position as one that fit within the “public safety” description. Whether this is a reasonable interpretation is a much closer question, but I find in favor of Applicant. I note that although the text of SOR ¶ 1.a states that a firefighter is a position of public safety, the same explanation is not provided in GE 2. I conclude that Applicant’s answer to the second SCA question referenced in SOR ¶ 2.c was not unreasonable and therefore not deliberately false.

AG ¶ 17 sets forth the following potentially applicable mitigating conditions under Guideline E:

(a) the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts; and

(c) the offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability,

trustworthiness, or good judgment.

The surviving falsification allegations (SOR ¶¶ 2.d, 2.f, and 2.c (in part)) concern DFEs from 2018 and an SCA from January 2019. Applicant credibly testified that he disclosed the omitted information (the drug use, the resulting positive drug test, and his departure from the City 1 firefighter job) during his 2020 background interview. As a result of that disclosure, he was quickly debarred from government employment for the next two years. Since he disclosed the matter in his 2020 interview before he was confronted, he is given mitigation credit under AG ¶ 17(a).

Further, once Applicant was permitted to reapply for a government position and a clearance, he was fully candid on his February 2023 SCA and during his September 2023 background interview about his drug and employment history. The passage of seven years since his 2019 omission, along with his approach of full candor in 2020 and 2023, supports a conclusion that his earlier lack of candor is unlikely to recur and does not cast doubt on his reliability, trustworthiness, or good judgment. AG ¶¶ 17(a) and 17(c) both apply.

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 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 Guidelines H and E in my whole-person analysis. I found Applicant to be a credible witness. He has not used marijuana since late 2016. He has changed his lifestyle and coping mechanisms. Being a firefighter is a stressful job, but he has found healthy and effective ways to address that concern through fitness and not through illegal drugs. His chiefs at the fire station where he works testified credibly that he is a trusted and valued leader. Overall, the record

evidence leaves me with no questions or doubts as to Applicant's eligibility and suitability for a security clearance.

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
Paragraph 2, Guideline E:	FOR APPLICANT
Subparagraph 2.a:	For Applicant
Subparagraph 2.b:	Withdrawn
Subparagraphs 2.c-2.f:	For Applicant

Conclusion

In light of all of the circumstances, it is clearly consistent with the interests of national security to grant Applicant a security clearance. Eligibility for access to classified information is granted.

Braden M. Murphy
Administrative Judge