



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



In the matter of:)
)
) ISCR Case No. 25-00462
)
Applicant for Security Clearance)

Appearances

For Government: Sakeena Farhath, Esq., Department Counsel
For Applicant: *Pro se*

04/30/2026

Decision

Dorsey, Benjamin R., Administrative Judge:

Applicant did not mitigate the drug involvement and substance misuse, criminal conduct, or financial considerations security concerns. The personal conduct security concerns were not established. Eligibility for access to classified information is denied.

Statement of the Case

On September 24, 2025, the Department of War (DOW) issued a Statement of Reasons to Applicant detailing security concerns under Guideline H (drug involvement and substance misuse), Guideline J (criminal conduct), Guideline F (financial considerations), and Guideline E (personal conduct). On October 20, 2025, Applicant responded to the Statement of Reasons (Answer) and requested a decision from an administrative judge with the Defense Office of Hearings and Appeals (DOHA) based on the written record in lieu of a hearing.

The Government's written case was submitted on January 29, 2026. A complete copy of the file of relevant material (FORM) was provided to Applicant, who was given 30 days to file objections and submit material to refute, extenuate, or mitigate the security concerns. Pursuant to ¶ E.3.1.13 of DoD Directive 5220.6, the FORM included an

Amendment to the Statement of Reasons (collectively the Statement of Reasons and the Amendment to the Statement of Reasons will be referred to as the "SOR"). Applicant received the FORM on February 9, 2026, and provided a response that she dated March 5, 2026 (FORM Response). The case was assigned to me on April 21, 2026. The Government exhibits included in the FORM (Items 1-8) and the FORM Response are admitted in evidence without objection.

Findings of Fact

Applicant is a 24-year-old prospective employee of a government contractor. She has worked for a ride-share service since May 2024. She earned a high school diploma in 2020. She has never married and has no children. She served on active duty in the Army from June 2020 until July 2023, when she received a general discharge under honorable conditions after testing positive for marijuana (tetrahydrocannabinol or THC) in November 2021 and being charged with larceny and wrongful appropriation pursuant to the Uniform Code of Military Justice (UCMJ) in April 2023. (Items 2-8; FORM Response)

In the SOR, the Government alleged the following under Guideline H: Applicant used marijuana with varying frequency from about December 2021 until about May 2025 (SOR ¶ 1.a); and in November 2021, she tested positive for marijuana on a urinalysis test administered by the Army (SOR ¶ 1.b). Under Guideline J, the Government alleged the UCMJ larceny and wrongful appropriation charge, her underlying conduct, and the resultant general discharge under honorable conditions (SOR ¶ 2.a). It cross-alleged her aforementioned marijuana use (SOR ¶ 2.b). Under Guideline F, the Government alleged that, in about May 2023, Applicant had a bank account with Bank P closed and was barred from future business with Bank P after she transferred funds from a joint account held by her mother and her stepfather into her mother's sole account without either of their permission, and later transferred that money into her own account (SOR ¶ 3.a). Under Guideline E, it cross-alleged the Guideline F conduct (SOR ¶ 4.a). (Items 1-8; FORM Response)

Applicant used marijuana with varying frequency from about November 2021 until about May 2025. She acknowledged that she has known marijuana is illegal pursuant to federal law since July 2020, before she began using it. In about November 2021, on a trip to celebrate her birthday and completing basic training, she twice used marijuana with friends. After returning to her duty station from her trip, she took an Army-issued urinalysis. In February 2022, her command notified her that she tested positive for marijuana. (Items 2-5; FORM Response)

As of her November 2024 security interview with an authorized investigator, the contents of which she authenticated, she had last used marijuana in September 2024. She used it to reduce her anxiety and help her sleep. She claimed that she only used it four times and that she did not intend to use marijuana again. However, when she responded to DOHA interrogatories in May 2025, she acknowledged that she used marijuana again earlier that month. She also acknowledged purchasing marijuana in May 2025, and that she associated with two individuals who are involved with illegal drugs. In her May 2025 interrogatory responses, in her Answer, and in her FORM Response, she

claimed that she has no intent to use marijuana in the future. She claimed that she has found better ways to cope with stress than using marijuana, such as exercise, but she made the same claim in her May 2024 security clearance application (SCA). She provided a copy of a urinalysis test on which she tested negative for several illegal substances, including marijuana, on October 16, 2025. (Items 2-5; FORM Response)

In April 2023, Applicant stole three boxes of perfume and a backpack from the base exchange at an Army base in State T. The value of the items she stole was about \$300. She was caught, arrested, and charged with larceny and wrongful appropriation under Article 121 of the UCMJ. The stolen items were returned, and she lost her base exchange privileges. As a result of this arrest and her testing positive for marijuana in 2021, she was administratively separated by the Army and given a general discharge under honorable conditions. Applicant stole the items because she did not have enough money to purchase them and wanted to give something nice to her mother, who was terminally ill. (Items 2-8; FORM Response)

In about May 2023, Applicant made three bank withdrawals totaling about \$45,000 from a joint bank account with Bank P that was owned by her mother and stepfather. She first relayed the events surrounding this incident in her May 2025 and August 2025 responses to DOHA interrogatories. Applicant initially transferred this money into an account owned solely by her mother but then transferred it again into a bank account with Bank P over which she had sole ownership. She did not have the appropriate authorization from either her mother or her stepfather to make these withdrawals from their account. Her stepfather alerted Bank P about these unauthorized withdrawals and Bank P investigated. As a result of its investigation, Bank P closed Applicant's account with it and stated it would no longer do business with her.

Applicant acknowledged that she was wrong to make these withdrawals, accepted responsibility for her wrongdoing, and claimed that the stress of her mother's terminal illness contributed to her poor decisions. She also claimed that she made these withdrawals to comply with her mother's dying wish that Applicant and her sisters were taken care of, because no one else would. She acknowledged that her stepfather did not press criminal charges against her because he forgave her. She claimed that, as a result of misinformation provided by family members, she thought her mother had given full power of attorney (POA) to her grandmother. However, her stepfather told her that the POA only covered medical decisions and not financial decisions. She acknowledged that she did not investigate the nature or existence of the POA before making the withdrawals; instead, she relied on her grandmother's advice.

In the Answer, for the first time, Applicant claimed that she did not know that the account from which she withdrew the \$45,000 was a joint account until Bank P contacted her after she made the withdrawal. Applicant claimed that she had since viewed the POA and determined that it was a full POA that covered both medical and financial decisions. She did not provide any documentary evidence of this POA. She claimed that she is now more careful about confirming legal and financial details before acting, and that she has worked to strengthen her financial literacy by following a written budget, purchasing a home, and making sure all her financial obligations are timely paid.

Applicant noted her youth and the trauma of her mother's illness and passing as a contributing factor to her poor decision making. She claimed that she has matured and learned from her mistakes. She provided documentary evidence that she engaged in mental-health counseling through Veterans Affairs (VA) between January 2025 and March 2026. She has attended and passed courses at an online college since March 2025. There is no evidence that she has undergone financial counseling from a legitimate and credible source. (Items 2-5; FORM Response)

Applicant provided a character-reference letter from a former non-commissioned officer who served in the same battalion in which Applicant served. He wrote that he has known her since about June 2021 and that she showed professionalism, motivation, and maturity. He finds her to be reliable, trustworthy, and resilient. He wrote that she shows the level of integrity and reliability expected of those granted access to sensitive information. He indicated that he was aware of her positive urinalysis test and her larceny charge that resulted in her separation from the Army. However, he wrote that her positive urinalysis test resulted from Applicant using a lotion that contained a trace amount of marijuana, which is inconsistent with the information that she provided concerning her marijuana use prior to testing positive. (Item 2; FORM Response)

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.

On October 25, 2014, the Director of National Intelligence (the Security Executive Agent (SecEA)) issued DNI Memorandum ES 2014-00674, “*Adherence to Federal Laws Prohibiting Marijuana Use*,” which states:

[C]hanges to state laws and the laws of the District of Columbia pertaining to marijuana use do not alter the existing National Security Adjudicative Guidelines An individual’s disregard of federal law pertaining to the use, sale, or manufacture of marijuana remains adjudicatively relevant in national security determinations. As always, adjudicative authorities are

expected to evaluate claimed or developed use of, or involvement with, marijuana using the current adjudicative criteria. The adjudicative authority must determine if the use of, or involvement with, marijuana raises questions about the individual's judgment, reliability, trustworthiness, and willingness to comply with law, rules, and regulations, including federal laws, when making eligibility decisions of persons proposed for, or occupying, sensitive national security positions.

On December 21, 2021, the SecEA promulgated clarifying guidance concerning marijuana-related issues in security clearance adjudications (*Security Executive Agent Clarifying Guidance Concerning Marijuana for Agencies Conducting Adjudications of Persons Proposed for Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position*). It states in pertinent part:

[Federal] agencies are instructed that prior recreational marijuana use by an individual may be relevant to adjudications but not determinative. The SecEA has provided direction in [the adjudicative guidelines] to agencies that requires them to use a "whole-person concept." This requires adjudicators to carefully weigh a number of variables in an individual's life to determine whether that individual's behavior raises a security concern, if at all, and whether that concern has been mitigated such that the individual may now receive a favorable adjudicative determination. Relevant mitigations include, but are not limited to, frequency of use and whether the individual can demonstrate that future use is unlikely to recur, including by signing an attestation or other such appropriate mitigation. Additionally, in light of the long-standing federal law and policy prohibiting illegal drug use while occupying a sensitive position or holding a security clearance, agencies are encouraged to advise prospective national security workforce employees that they should refrain from any future marijuana use upon initiation of the national security vetting process, which commences once the individual signs the certification contained in the Standard Form 86 (SF-86), Questionnaire for National Security Positions.

The guideline notes several conditions that could raise security concerns under AG ¶ 25. The following are potentially applicable in this case:

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

Applicant used marijuana, an illegal drug under federal law, with varying frequency from about December 2021 until about May 2025. She tested positive for marijuana on a urinalysis test administered by the Army in November 2021. AG ¶¶ 25(a) and 25(b) are established.

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.

None of the mitigating conditions are fully applicable. While it has been almost one year since Applicant last used marijuana, she used it for a far longer period. She continued to use marijuana after she claimed she no longer would do so, including in the time between the SI and answering DOHA interrogatories. Her latest use in May 2025 occurred months after events that she referenced as indicative of her personal growth and maturation, such as undergoing mental health counseling and taking college courses. She knew that marijuana use was illegal pursuant to federal law the entire time she was involved with it. She continued to use marijuana after it contributed to her discharge from the Army. She still associates with individuals who are involved with illegal drugs, and she did not provide a signed statement of intent to abstain from all drug involvement and substance misuse. These considerations mean that she failed to provide sufficient evidence that her marijuana involvement is unlikely to recur or that she provided sufficient evidence that she has established a pattern of abstinence. AG ¶¶ 26(a) and 26(b) do not apply.

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 is potentially applicable:

(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 engaged in criminal conduct in April 2023 when she stole items from an Army base exchange. She also engaged in criminal conduct when she used (and therefore possessed) marijuana with varying frequency between December 2021 and May 2025. The evidence is sufficient to raise the above disqualifying condition, thereby shifting the burden to Applicant to provide evidence in mitigation.

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.

Given Applicant's admitted understanding of the criminal nature of marijuana involvement, along with her failure to abide by her commitment to cease using it, I find the year that has passed since Applicant last engaged in criminal behavior is insufficient to show that her criminal behavior is unlikely to recur or that there is evidence of successful rehabilitation. Moreover, her last marijuana use occurred after she began her higher education, which is one of the factors that can be considered to show successful rehabilitation. I also note her other criminal conduct, such as larceny and possible bank fraud. While this conduct occurred about three years ago, both are arguably more serious in nature.

Guideline F, Financial Considerations

The security concern for financial considerations is set out in AG ¶ 18:

Failure to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Financial distress can also be caused or exacerbated by, and thus can be a possible indicator of, other issues of personnel security concern such as excessive gambling, mental health conditions, substance misuse, or alcohol abuse or dependence. An

individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds.

The guideline notes several conditions that could raise security concerns under AG ¶ 19. The following is potentially applicable in this case:

(d) deceptive or illegal financial practices such as embezzlement, employee theft, check fraud, expense account fraud, mortgage fraud, filing deceptive loan statements and other intentional financial breaches of trust.

In May 2023, Applicant transferred \$45,000 from a joint bank account without authorization from either account owner and ultimately transferred this money into her own bank account. After learning of these transfers, Bank P closed her account and stopped doing business with her. This conduct constitutes a deceptive and fraudulent financial practice. The evidence is sufficient to raise the above disqualifying condition.

Conditions that could mitigate the financial considerations security concerns are provided under AG ¶ 20. The following are potentially applicable:

(a) the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment; and

(b) the conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, a death, divorce or separation, clear victimization by predatory lending practices, or identity theft), and the individual acted responsibly under the circumstances.

This specific behavior occurred about three years ago and while Applicant was under stress from her mother's terminal illness. At first blush, it may seem to be an isolated and infrequent occurrence. However, I note that she made three separate withdrawals from her mother and stepfather's bank account, so there were three occasions when she engaged in this behavior. Just a month earlier, she stole about \$300 worth of merchandise from a base exchange. I also note that, despite her claim that she accepts responsibility for her actions and admits she was wrong, her explanation of the context of this incident is inconsistent and tended to shift toward a scenario that makes her seem less culpable. For example, despite being afforded two opportunities to provide information about this incident while answering DOHA interrogatories in May and August 2025, in October 2025, for the first time, she claimed that she did not know the account from which she withdrew the money was a joint account. She did not provide an explanation as to why she transferred money from what she believed to be an individual account (presumably her mother's) into another of her mother's individual accounts.

Applicant's justifications for making the withdrawals also shifted from the more culpable reason that she had to take care of herself and her sisters because no one else would, to the more innocuous reason that she misunderstood the nature of the POA.

Regardless of the scope of the POA, there is no evidence suggesting that she held power of attorney, as opposed to her grandmother. Additionally, it does not follow that Bank P would close her account and cease doing business with her if it determined that these more innocuous circumstances were true. For these reasons, I find that Applicant did not provide sufficient evidence that her behavior is unlikely to recur and that it does not cast doubt on her current reliability, trustworthiness, and good judgment. AG ¶ 20(a) does not apply.

While Applicant arguably made the withdrawals totaling \$45,000 from her mother and stepfather's joint bank account because of her mother's terminal illness, the conditions that resulted in the withdrawals were not largely beyond her control. Instead, her actions were intentional and premeditated, as evidenced by the fact that she repeated them and that she was looking out for herself and her sisters. Therefore, her withdrawals were entirely within her control. Moreover, if, for the sake of argument, the conditions that led to the withdrawals were considered beyond her control, she did not act responsibly under the circumstances. She did not consult the actual POA before she acted and she did not seek to remedy the inappropriate transactions until Bank P did so. AG ¶ 20(b) does not apply.

Guideline E, Personal Conduct

The security concern for personal conduct is set out in AG ¶ 15:

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.

The guideline notes several conditions that could raise security concerns under AG ¶ 16. The following is potentially applicable in this case:

(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.

Under Guideline E, the Government cross-alleged the information relating to Applicant's May 2023 bank withdrawals of \$45,000 from a joint bank account over which she had no ownership interest. This conduct is adverse information explicitly covered by Guideline F, and it is sufficient for an adverse determination under that Guideline. Guideline E is not established.

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, J, F, and E in my whole-person analysis. I have also considered her military service, including the nature of her discharge, her character reference, her continued education, and her home purchase.

Overall, the record evidence leaves me with questions and doubts about Applicant's eligibility and suitability for a security clearance. I conclude she did not mitigate the drug involvement and substance misuse, the criminal conduct, or the financial considerations security concerns. The personal conduct security concerns were not established.

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
Paragraph 2, Guideline J:	AGAINST APPLICANT
Subparagraphs 2.a-2.b:	Against Applicant
Paragraph 3, Guideline F:	AGAINST APPLICANT
Subparagraph 3.a:	Against Applicant
Paragraph 4, Guideline E:	FOR APPLICANT
Subparagraph 4.a:	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.

Benjamin R. Dorsey
Administrative Judge