



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



In the matter of:)
)
) ISCR Case No. 25-01179
)
Applicant for Security Clearance)

Appearances

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

05/18/2026

Decision

FOREMAN, LeRoy F., Administrative Judge:

This case involves security concerns raised under Guidelines H (Drug Involvement and Substance Misuse) and E (Personal Conduct). Clearance is denied.

Statement of the Case

Applicant submitted a security clearance application (SCA) on July 30, 2024. On October 20, 2025, the Defense Counterintelligence and Security Agency (DCSA) sent him a Statement of Reasons (SOR) alleging security concerns under Guidelines H and E. The DCSA acted under Executive Order (Exec. Or.) 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) promulgated in Security Executive Agent Directive 4, *National Security Adjudicative Guidelines* (December 10, 2016), which became effective on June 8, 2017.

Applicant answered the SOR on November 21, 2025, and requested a hearing before an administrative judge. Department Counsel was ready to proceed on December 23, 2025. The case was assigned to me on March 6, 2026. On March 17, 2026, the Defense Office of Hearings and Appeals (DOHA) notified Applicant that the hearing was scheduled to be conducted by video teleconference on April 15, 2026. I convened the hearing as scheduled. Government Exhibits (GX) 1 through 4 were admitted in evidence without objection. Applicant testified, presented the testimony of three witnesses, and submitted Applicant's Exhibit (AX) A, which was admitted without objection. I kept the record open for one day to enable Applicant to submit an additional document. He timely submitted AX B, which was admitted without objection. DOHA received the transcript on April 22, 2026.

Findings of Fact

In Applicant's answer to the SOR, he admitted all the allegations in the SOR, except for the allegations in SOR ¶¶ 1.d and 1.e, alleging that his purchase and use of amphetamines continued until May 2024. He admitted that he purchased and used amphetamines from about May 2013 to April 2024. His admissions are incorporated in my findings of fact.

Applicant is a 29-year-old employee of a federal contractor. He has worked for his current employer since June 2022 and was recently promoted from senior analyst to consultant. (Tr. 19) He received a security clearance in October 2022. He married in December 2024. His wife is employed by a defense contractor and holds a security clearance. At the time of the hearing, he and his wife were awaiting the birth of their first child. (Tr. 16). He received a bachelor's degree in May 2019 and a master's degree in business administration in August 2025. He also received several professional certifications in June 2024, July 2024, October 2024, and September 2025. (SOR Answer, Exhibit B)

Under Guideline H, the SOR alleges that Applicant purchased and used marijuana in April 2024 (SOR ¶ 1.a) and that his purchase and use occurred while he was employed in a sensitive position (SOR ¶ 1.b), and that he used marijuana on various occasions from about July 2011 to about July 2012 (SOR ¶ 1.c). It further alleges that he used and purchased amphetamines on various occasions from about May 2013 until about May 2024 (SOR ¶ 1.d) and that he purchased and used amphetamines in May 2024 while employed in a sensitive position (SOR ¶ 1.e). Finally, it alleges that he purchased and used hallucinogenic mushrooms on various occasions from about May 2014 to about March 2024 (SOR ¶ 1.f) and that he purchased and used hallucinogenic mushrooms in March 2024 while employed in a sensitive position (SOR ¶ 1.g) Under Guideline E, the SOR alleges that Applicant falsified material facts in his July 2024 SCA by answering "no" to the question whether he had illegally used any drugs or controlled substances during the last seven years.

In Applicant's response to the SOR, he acknowledged his illegal drug involvement and explained that his use of illegal substances was infrequent and occurred in social or recreational contexts. He stated that he has not used any illegal drug or misused any controlled substance since April 2024. He declared his intent to refrain from any illegal drug involvement in the future, and he acknowledged that any future drug involvement will result in the denial or revocation of any security clearance.

Applicant testified that he began using marijuana infrequently in high school. In January 2008, he learned through high school educational programs that use of marijuana was illegal under federal law. (GX 3 at 17) From September 2011 to September 2012, he received outpatient treatment for drug use and general behavioral counseling. (Tr. 20) He purchased and used amphetamines from May 2013 to May 2024. (Tr. 22) He purchased and used hallucinogenic mushrooms from May 2014 to March 2024. (GX 3 at 16) He continued to use marijuana occasionally until April 2024. (Tr. 26) His use of marijuana, amphetamines, and mushrooms continued after he had received a security clearance. (Tr. 28)

In Applicant's response to the SOR, he submitted a statement of intent to abstain from illegal drug use. At the hearing, he submitted the results of a drug screening test panel, conducted on April 11, 2026, which reflected negative results for amphetamines, benzodiazepines, cocaine, marijuana, opiates, and oxycodone. (AX A) He testified that he no longer associates with anyone who uses marijuana or any other illegal drugs. (Tr. 35)

When Applicant submitted an SCA in October 2022, he answered "no" to the question whether he had illegally used any drugs or controlled substances within the last seven years. (GX 1 at 51) When he submitted another SCA in July 2024, seeking to continue his security clearance, he again answered "no" to the question about illegal use of drugs or controlled substances. (GX 2 at 53) When he was interviewed by a security investigator in October 2024, he stated that the last time he used marijuana was "over the past year," and that he had decided to not use marijuana again. (GX 3 at 5) In a follow-up interview in December 2024, he told the investigator that he did not disclose his recent marijuana use (in April 2024) in his July 2024 SCA because he forgot about it. (GX 3 at 9).

Applicant's father-in-law, a retired Army lieutenant colonel, testified that he trusts Applicant unequivocally and considers him "salt of the earth." He testified that Applicant approached him and expressed concern about inaccuracies in his SCA. The record does not reflect what specific inaccuracies Applicant disclosed. His father-in-law testified that he told Applicant, "You cannot let this go forward. You need to talk to the investigating officer." He told Applicant that correction of the SCA was "absolutely imperative." (Tr. 49-50)

At the hearing, Applicant testified that when he was contacted by the investigator to schedule an interview, "I didn't let him say anything. I just, I probably said, Hey, I need to disclose additional things that I did not include in my eQIP." He testified that he then told the investigator about his drug involvement before having any indication that the investigator knew about his recent drug use and without being confronted with any evidence of it. (Tr. 36-37) In his answer to the SOR, he stated, "When I later reviewed the investigator's summary and realized that the disclosures were not captured, I immediately provided written clarification to correct the record."

However, there is no written clarification in the record. To the contrary, when Applicant responded to DOHA interrogatories on September 5, 2025, asking him to verify the accuracy of the interview summary, he did not dispute the portion of the summary stating that he told the investigator that he forgot about his use of marijuana. He also did not point out that he contacted the investigator before the interview and admitted his drug involvement before being questioned or confronted with any evidence of it. (GX 3) He was not questioned about his verification of the interview at the hearing.

Applicant's wife was aware of Applicant's drug involvement before they married, and she was also involved with drugs during the same time. When they married, she did not need to discourage Applicant to stop his drug involvement. Instead, it was "just kind of a gradual, natural progression" by both as their lives became more serious. Initially, she did not know that Applicant had failed to disclose his drug involvement in his SCA, but when she discovered it, she encouraged him to correct it, and she believed that "he was already on that page." (Tr. 44-47)

Applicant's manager for the past three years describes him as dependable, honest, trustworthy, and an exceptional team player. He states that Applicant has consistently demonstrated integrity, professionalism, and dedication to both his colleagues and his clients. He has "the utmost confidence in [Applicant's] character and stand[s] behind his honesty, integrity, reliability, trustworthiness, discretion, and loyalty to the United States." (SOR Response, Letter 1)

A co-worker who was Applicant's mentor states that he has "demonstrated an unwavering commitment to honesty and integrity." She attests to his honesty, reliability, trustworthiness, discretion, and loyalty. She believes that he can be relied upon without reservation. (SOR Response, Letter 2)

Applicant's father-in-law, who testified at the hearing, submitted a statement attesting to his "exceptional character," and stated that he consistently demonstrates the highest standards of integrity, loyalty, and trustworthiness. (SOR Response, Letter 3) His father-in-law was aware that Applicant had failed to disclose his marijuana use in his July 2024 SCA, but there is no indication that he was aware of Applicant had falsified an earlier SCA in October 2022. There also is no evidence that Applicant's father-in-law was aware

that Applicant followed up on his advice to disclose his marijuana use by falsely telling the investigator that he did not disclose it in his SCA because he forgot about it.

A professional colleague and friend, who has known Applicant for four years, has interacted with him in both professional and social contexts. He is impressed with Applicant's kindness, thoughtfulness, integrity, loyalty, and trustworthiness. (SOR Response, Letter 4)

Policies

"[N]o one has a 'right' to a security clearance." *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). As Commander in Chief, the President has the authority to "control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information." *Id.* at 527. The President has authorized the Secretary of Defense or his designee to grant applicants eligibility for access to classified information "only upon a finding that it is clearly consistent with the national interest to do so." Exec. Or. 10865 § 2.

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the adjudicative guidelines. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, an administrative judge applies these guidelines in conjunction with an evaluation of the whole person. An administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. An administrative judge must consider all available and reliable information about the person, past and present, favorable and unfavorable.

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. Decisions include, by necessity, consideration of the possible risk that the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of classified information.

Clearance decisions must be made "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." Exec. Or. 10865 § 7. Thus, a decision to deny a security clearance is merely an indication the applicant has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance.

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The Government has the burden of

establishing controverted facts alleged in the SOR. See *Egan* at 531. Substantial evidence is “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of all the contrary evidence in the same record.” See ISCR Case No. 17-04166 at 3 (App. Bd. Mar. 21, 2019). It is “less than the weight of the evidence, and the possibility of drawing two inconsistent conclusions from the evidence does not prevent [a Judge’s] finding from being supported by substantial evidence.” *Consolo v. Federal Maritime Comm’n*, 383 U.S. 607, 620 (1966). “Substantial evidence” is “more than a scintilla but less than a preponderance.” See *v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994). The guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant’s security suitability. ISCR Case No. 15-01253 at 3 (App. Bd. Apr. 20, 2016).

Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. An applicant has the burden of proving a mitigating condition, and the burden of disproving it never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

An applicant “has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance.” ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). “[S]ecurity clearance determinations should err, if they must, on the side of denials.” *Egan* at 531.

Analysis

Guideline H, Drug Involvement and Substance Misuse

The concern under this guideline 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 and the evidence submitted at the hearing establish the following disqualifying conditions under this guideline:

AG ¶ 25(a): any substance misuse (see above definition);

AG ¶ 25(c): illegal possession of a controlled substance, including cultivation, processing, manufacture, purchase, sale, or distribution; or possession of drug paraphernalia; and

AG ¶ 25(f): any illegal drug use while granted access to classified information or holding a sensitive position.

The following mitigating conditions are potentially applicable:

AG ¶ 26(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

AG ¶ 26(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.

AG ¶ 26(a) is established. Applicant's drug involvement was frequent and did not happen under circumstances making it unlikely to recur. However, whether it was "so long ago" requires closer analysis. The first prong of AG ¶ 26(a) (happened so long ago) focuses on whether the drug involvement was recent. There are no bright line rules for determining when conduct is recent. The determination must be based on a careful evaluation of the totality of the evidence. If the evidence shows a significant period of time has passed without any evidence of misconduct, then an administrative judge must determine whether that period of time demonstrates changed circumstances or conduct sufficient to warrant a finding of reform or rehabilitation. ISCR Case No. 02-24452 at 6 (App. Bd. Aug. 4, 2004). Two years is a significant period of time. During this period, Applicant married a federal employee who holds a security clearance, and, as of the date of the hearing, he was about to become a father. After he stopped using marijuana, he

earned a master's degree and several professional certifications, and he has earned the respect and support of his employer.

AG ¶ 26(b) is established. Applicant testified that he stopped his drug involvement in April 2024. His wife testified that they stopped their drug involvement as “just kind of a gradual, natural progression” as their lives became more serious. There is no evidence that Applicant has used any illegal drugs after April 2024. He provided a signed statement of intent to abstain from drug involvement and acknowledged that future involvement is ground for revocation of national security eligibility.

Guideline E, Personal Conduct

The security concern under this guideline 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. . . .

Applicant's admitted falsification of his July 2024 SCA establishes the disqualifying condition in AG 16(a):

[D]eliberate 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.

The following mitigating conditions are potentially applicable:

AG ¶ 17(a): the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts; and

AG ¶ 17(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;

AG ¶ 17(a) is not established. The summary of Applicant's security interview in December 2024 reflects that Applicant eventually disclosed his marijuana use, but he

falsely told the investigator that he did not disclose it in his SCA because he forgot about it. Applicant stated in his response to the SOR and in his testimony at the hearing that he tried to correct his false statement in the SCA before the interview with the security investigator began, but that his attempted correction was omitted from the summary. He testified that he immediately corrected the interview summary in writing. However, he submitted no evidence of a written correction, and he did not make any corrections when the interview summary was submitted to him for review in December 2025.

I am not convinced that Appellant's testimony about his efforts to correct his July 2024 SCA and the summary of his security interview in May 2025 is credible. He has a track record of falsification. He falsified his October 2022 SCA by not disclosing his drug use. He falsified his July 2024 SCA by not disclosing his drug use. He made a significant false statement during his security interview in May 2025 by claiming that he forgot about his drug use when he submitted his SCA. He claimed in his response to the SOR that he corrected the summary of the security interview in writing, but he provided no evidence of a written correction. He had an opportunity to correct the interview summary in response to interrogatories in September 2025, but he did not do so. Instead, he responded to the interrogatory by stating that the interview summary was correct.

Applicant's falsification of his October 2022 SCA and his false answer during the May 2025 security interview are not alleged in the SOR and may not be an independent basis for revoking his security clearance. However, they may be considered for the limited purpose of determining Applicant's credibility; to decide whether a particular provision of the Adjudicative Guidelines is applicable; or to provide evidence for whole person analysis ISCR Case No. 03-20327 at 4 (App. Bd. Oct. 26, 2006). I have considered the unalleged falsifications for these limited purposes.

AG ¶ 17(c) is not established. Falsification of a security clearance application "strikes at the heart of the security clearance process." ISCR Case No. 09-01652 (App. Bd. Aug. 8, 2011.) The mitigation of the underlying conduct has little bearing on the security significance of the falsification, particularly where there are multiple falsifications. ISCR Case No. 08-11944 at 3 (App. Bd. Aug 15, 2011).

Whole-Person Analysis

Under AG ¶ 2(c), the ultimate determination of whether to grant a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept. An administrative judge must evaluate an applicant's security eligibility by considering the totality of the applicant's conduct and all the relevant circumstances. An administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(d):

(1) the nature, extent, and seriousness of the conduct; (2) the circumstances surrounding the conduct, to include knowledgeable participation; (3) the frequency and recency of the conduct; (4) the individual's age and maturity at the time of the conduct; (5) the extent to which participation is voluntary; (6) the presence or absence of rehabilitation and other permanent behavioral changes; (7) the motivation for the conduct; (8) the potential for pressure, coercion, exploitation, or duress; and (9) the likelihood of continuation or recurrence.

I have incorporated my comments under Guidelines H and E in my whole-person analysis and applied the adjudicative factors in AG ¶ 2(d). I have considered that Applicant's father-in-law, a retired Army officer, considers him the "salt of the earth." I have considered the statements of his current manager, his former mentor, and a professional friend who also is a retired Army officer, who all attest to his honesty and integrity. Unfortunately, the mitigating value of their opinions is undermined by his track record of falsification. After weighing the disqualifying and mitigating conditions under Guidelines H and E and evaluating all the evidence in the context of the whole person, I conclude Applicant has mitigated the security concerns raised by his drug involvement, but he has not mitigated the security concerns raised by his personal conduct.

Formal Findings

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

Paragraph 1, Guideline H (Drug Involvement and Substance Misuse):	FOR APPLICANT
Subparagraphs 1.a-1.g:	For Applicant
Paragraph 2, Guideline E (Personal Conduct):	AGAINST APPLICANT
Subparagraph 2.a:	Against Applicant

Conclusion

I conclude that it is not clearly consistent with the national security interests of the United States to continue Applicant's eligibility for access to classified information. Clearance is denied.

LeRoy F. Foreman
Administrative Judge