



DEPARTMENT OF WAR  
DEFENSE OFFICE OF HEARINGS AND APPEALS



In the matter of: )  
)  
) ISCR Case No. 25-00416  
)  
Applicant for Security Clearance )

**Appearances**

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

05/12/2026

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**Decision**

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HARVEY, Mark, Administrative Judge:

Security concerns arising under Guidelines H (drug involvement and substance misuse) and J (criminal conduct) are not mitigated. Eligibility for access to classified information is denied.

**Statement of the Case**

Applicant submitted an Electronic Questionnaires for Investigations Processing (e-QIP) or security clearance application (SCA) on April 30, 2021. (Government Exhibit (GE 1)) On May 7, 2025, the Defense Counterintelligence and Security Agency (DCSA) issued a Statement of Reasons (SOR) alleging security concerns under Guidelines H and J. (Hearing Exhibit (HE) 1) 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.

On May 9, 2025, Applicant answered the SOR and requested a hearing before an administrative judge. (HE 2) On July 31, 2025, Department Counsel was ready to proceed, and on December 19, 2025, the case was assigned to me.

On January 21, 2026, the Defense Office of Hearings and Appeals (DOHA) notified Applicant that his hearing was scheduled to be conducted by video teleconference on March 11, 2026. (HE 3) The hearing was convened as scheduled.

Department Counsel offered 11 exhibits; Applicant requested, and I approved consideration of the documents he submitted with his SOR response; he did not provide any additional exhibits for his hearing; and all proffered exhibits were admitted into evidence without objection. (Tr. 12-13, 16-19; GE 1-GE 11; HE 2) Department Counsel requested that I take administrative notice of Air Force Manual 44-197, *Military Drug Demand Reduction Program* (Sept. 5, 2023); there was no objection; and I granted the request. (Tr. 18) On March 27, 2026, DOHA received the transcript of the hearing. On April 13, 2026, Applicant provided one post-hearing exhibit, which was admitted without objection. (Applicant Exhibit (AE) A) On April 14, 2026, the record closed. (Tr. 51, 55)

### **Statement of Facts**

In Applicant's answer to the SOR, he admitted the allegations in SOR ¶ 1.b, and he denied the allegations in SOR ¶¶ 1.a, 1.c, and 2.a. (HE 2) His admissions are accepted as findings of fact. He also provided extenuating and mitigating information. (HE 2)

Applicant is a 27-year-old firefighter and driver/operator, who has been employed by a Department of War (DoW) contractor since May of 2025. (Tr. 7-8) In 2017, he graduated from high school, and he completed four semesters of college. (Tr. 7) He has not received a degree. (Tr. 7) He served in the Air Force from 2021 to 2025. (Tr. 8) He was separated from the Air Force with a general discharge under honorable conditions as an airman first class (E-3) in February of 2025. (Tr. 8, 36)

### **Drug Involvement, Substance Misuse, and Criminal Conduct**

The SOR alleges under the drug involvement and substance misuse guideline that: in August 2024, Applicant used cocaine, methylenedioxyamphetamine (MDA), and methylenedioxymethamphetamine (MDMA) (SOR ¶ 1.a); in August 2024, he failed a urinalysis test, testing positive for cocaine, MDA, and MDMA (SOR ¶ 1.b); and he used cocaine, MDA, and MDMA, in August 2024, while holding a sensitive position, i.e., one in which he held a security clearance (SOR ¶ 1.c). The SOR cross alleges under the criminal guideline the conduct in SOR ¶ 1.a, *supra*.

At first Applicant said he worked as a disc jockey (DJ) at a wedding party on August 12, 2024. (Tr. 23-25; GE 10) Later, he said he worked as a DJ at a wedding party on a Saturday night, which was less than 48 hours before he provided a urine sample for drug testing. (Tr. 23-25) He said he "drank at least two bottles of champagne" and drank "shots with the wedding people, the bride and the groom." (Tr. 24) He also went to a bar or club after the wedding party where he consumed additional alcohol. (Tr. 25, 32-33) He drove

home from the club at about 3:00 AM on Sunday morning; however, he denied that he was intoxicated when he was driving home. (Tr. 32) Later on Sunday, he attended a sports event. (Tr. 28)

On August 26, 2024, the first Monday after the wedding party, Applicant provided a urine sample to his Air Force unit for drug testing. (Tr. 25-27; GE 4; GE 5) His urine sample tested positive for cocaine, MDA, and MDMA. (Tr. 38-39; GE 4) He admitted the urinalysis test results, and he acknowledged the nanogram levels were substantially higher than the cutoffs for testing positive. (Tr. 40; GE 4) For example, the cocaine result was 35,259 nanograms (ng)/milliliter(ml) and the DOW cutoff is 100 ng/ml. (GE 4)

Applicant consistently denied that he knowingly used these three illegal substances. (Tr. 21-22, 37) He believed that someone must have spiked one of the shots he consumed at the wedding party. (Tr. 29) He did not observe anyone putting anything into his drinks. (Tr. 30-31) He suggested some of the persons attending the party were behaving in an odd manner, and they may have been using drugs. (Tr. 30) He denied that he felt anything at the time he ingested these illegal drugs. (Tr. 40) He said he had a hard time sleeping the night before he provided a urine sample for drug testing. (Tr. 22; GE 7)

On October 7, 2024, Applicant's squadron commander imposed nonjudicial punishment (NJP) under Article 15, Uniform Code of Military Justice (UCMJ) on Applicant for wrongful use of cocaine, MDA, and MDMA in violation of Article 112a, UCMJ. His defense counsel provided a memorandum, which presented the innocent ingestion defense to the squadron commander. (Tr. 47-48) His squadron commander imposed a reduction from senior airman (E-4) to airman first class (E-3), forfeitures of pay (suspended), and a reprimand. (Tr. 36, 47; GE 6) Department Counsel asked whether the Air Force accepted his defense of accidental ingestion, and Applicant replied:

Yes. I want to say -- I'll -- I want to say yes, but then I also want to say no, because technically they did take it into consideration, hence why I have the general under honorable. And the reason the Air Force did what they did is because of zero tolerance for any type of drug use. And also, at the time, my ADC counsel also told me since the commander is also new, character statements only go so far. So yeah, we were already prepared for a lot of things to go down. That's why we went in the direction we went. (Tr. 37)

The reprimand his command imposed at the NJP proceeding said:

You are hereby reprimanded! You have brought discredit upon yourself and the United States Air Force by wrongfully using cocaine, MDA (3,4-Methylenedioxyamphetamine), and MDMA (3,4-Methylenedioxymethamphetamine). Your actions reflect poorly on your judgment and decision-making. Not only did you fail yourself, but you also failed to uphold the core values of our Air Force. Your misconduct reflects negatively on your military character and this type of behavior will not be tolerated in this unit. Take this time to reflect on the consequences of your

actions. Further misconduct of any sort may result in more severe disciplinary actions. (GE 6)

Applicant appealed his NJP, and his appeal was denied. (GE 6)

Applicant did not have access to classified information or sensitive information in August of 2024; however, he did hold a security clearance at that time. (Tr. 40-42)

Applicant has never been arrested for driving under the influence (DUI) of alcohol or illegal drugs. (Tr. 35) He had other drug tests; however, none of them were positive for illegal substances. (Tr. 35) He did not use any illegal drugs after leaving active duty. (Tr. 42-43) His only positive drug test for illegal substances was in August 2024. (Tr. 44)

Applicant attended a one-day Air Force drug counseling class, which lasted about 45 minutes. (Tr. 48-49) He submitted a post-hearing statement in which he concisely summarized his arguments for mitigation:

First, I accept responsibility for the fact that I placed myself in an environment where this could happen. Even though I did not knowingly ingest any illegal substance, I understand now that holding a security clearance requires a higher level of caution, including off duty. At the time of this incident, I did not fully appreciate that risk in the way I do now. I now understand that a clearance is not only about handling classified information, but also about personal judgment, reliability, and avoiding unnecessary vulnerability. That lesson has stayed with me.

Second, I respectfully maintain that I did not knowingly or intentionally use cocaine, MDMA, or MDA. I acknowledge the urinalysis result. I do not dispute that the substances were present. What I dispute is intentional use. The incident occurred while I was working multiple public events as a DJ in a crowded and uncontrolled setting. Drinks and shots were handed to me while I was actively working. Some were not under my continuous control. I had no reason at the time to believe they had been tampered with. I did not knowingly seek out or consume any controlled substance.

Third, I acknowledge that I made an error in one of my written responses when I referenced the wrong date. That mistake was mine, and I apologize for it. It was not an attempt to mislead the Court. My confusion came from trying to reconstruct a busy weekend involving multiple events surrounding the weekend of the urinalysis. I respectfully ask that the Court view that as a proofreading mistake rather than an effort to be deceptive. Throughout this process, I have tried to be forthright about what I know, what I do not know, and what I may have mistakenly written. I would also add that, after the administrative process concluded in the Air Force, I believed this matter had been fully addressed. I was surprised when it followed me into my current position. While I understand the importance of this review, it has been difficult to revisit the same incident repeatedly. Even so, I have

remained fully cooperative and committed to addressing every concern directly. My goal is to move forward, continue serving my country as a contractor, and support the mission with the same integrity and dedication I have always aimed to demonstrate. I understand the concerns raised regarding the absence of direct proof of how the substances entered my system. I respectfully submit that while I cannot identify the exact mechanism, the circumstances of the environment, the absence of prior or subsequent incidents, and my conduct before and after the event support that this was not intentional use. More importantly, my actions since then demonstrate that any vulnerability that may have existed has been fully addressed and corrected.

Fourth, the evidence supports that this was an isolated event, not a pattern. I had no prior positive urinalysis in service and no subsequent positive results. I provided evidence of later negative testing, and I also testified that a follow-up urinalysis did not result in further allegations. There is no evidence of repeated misconduct or ongoing drug use.

Fifth, this incident did not occur in connection with my official duties, my clearance, or any misuse of my position. I was not acting in a military capacity, did not discuss classified matters, and did not place sensitive information at risk. The event occurred in an off-duty civilian setting while I was performing as a DJ.

Sixth, I have taken meaningful corrective action. Since this incident, I have changed how I operate in public settings. I now control my drinks, avoid accepting uncontrolled beverages, restrict access to my work area, increase physical separation from crowds, and take additional precautions to avoid any similar vulnerability. I have also sought counseling and reflected seriously on the judgment issues raised by this case. These are permanent changes.

Seventh, I respectfully ask the Court to consider the whole-person evidence. My character statements were submitted by individuals who know me and were aware of this situation, yet still expressed trust in my integrity and reliability. My service record prior to this incident reflects that same pattern.

Finally, I understand that my administrative discharge is part of the record. I accept that outcome. However, I respectfully ask the Court to evaluate whether I present a risk going forward. I submit that I do not. This was a single, isolated incident. I have demonstrated accountability, growth, and behavioral change. (AE A)

## **Character Evidence**

In September of 2024, three Air Force staff sergeants and a retired master sergeant who were Applicant's Air Force coworkers positively described his participation in community affairs and contributions to mission accomplishment. (HE 2 at 3) One staff sergeant said:

[Applicant] is an effective and although not the most vocal, dedicated informal leader within the fire department. His dedication is shown in the quality and quantity of training that he provides to fellow driver operators and firefighters, always stepping forward to answer questions and to provide one on one training to those who need a more hands-on approach. He is an absolute asset to not only the fire department but the Air Force with his knowledge and leadership. These qualities are contagious and continue to foster an environment of learning and performance to the benefit of everyone on the installation, providing a good example for fellow Airmen to follow. (HE 2 at 3)

Another Air Force staff sergeant said, "He consistently performs his duties with excellence, while also boosting the morale of the shift. [Applicant] is a valuable asset to both the Air Force and the squadron, setting a strong example for younger airmen and taking immense pride in his work." (HE 2 at 4)

### **Policies**

The U.S. Supreme Court has recognized the substantial discretion of the Executive Branch in regulating access to information pertaining to national security emphasizing, "no 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 War 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, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended.

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, these guidelines are applied 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, reliable information about the person, past and present, favorable and unfavorable.

The Government reposes a high degree of trust and confidence in people 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 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 “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See Exec. Or. 10865 § 7. Thus, this decision should not be construed to suggest that it is based, in whole or in part, on any express or implied determination about applicant’s allegiance, loyalty, or patriotism. Denial of a security clearance is merely an indication the applicant has not met the strict guidelines the President, Secretary of War, and Director of National Intelligence 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*, 484 U.S. at 531. “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. See ISCR Case No. 95-0611 at 2 (App. Bd. May 2, 1996).

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 ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his [or her] security clearance.” ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). The burden of disproving a mitigating condition never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005). “[S]ecurity clearance determinations should err, if they must, on the side of denials.” *Egan*, 484 U.S. at 531; see AG ¶ 2(b).

## **Analysis**

### **Drug Involvement and Substance Misuse**

AG ¶ 24 provides the security concern arising from drug involvement and substance misuse stating:

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.

AG ¶ 30 provides the security concern arising from criminal conduct stating, “Criminal activity creates doubt about a person'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 ¶ 25 provides conditions that could raise a drug involvement and substance misuse security concern and may be disqualifying in this case:

- (a) any substance misuse (see above definition);
- (b) testing positive for an illegal drug;
- (c) illegal possession of a controlled substance, including cultivation, processing, manufacture, purchase, sale, or distribution; or possession of drug paraphernalia; and
- (f) any illegal drug use while granted access to classified information or holding a sensitive position.

AG ¶ 31 lists one condition that could raise a criminal conduct security concern and may be disqualifying in this case, “(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.”

The Appeal Board recently discussed burdens of proof in a case involving a claim of innocent ingestion of tetrahydrocannabinol (THC). ISCR Case No. 22-01176 at 2-3 (App. Bd. Mar. 14, 2024). The Appeal Board said:

[W]e held that the applicant bears the burden of establishing innocent consumption in positive drug test cases. An applicant's positive test for an illegal drug is sufficient to establish various Guideline H disqualifying conditions.<sup>1</sup> Once a positive drug test is proven, an applicant has the burden to rebut, explain, extenuate, or mitigate the security concerns arising from that positive test. Directive ¶ E3.1.15. When an applicant claims the positive drug test was the result of innocent use or consumption, the key issue will likely be whether he or she presented sufficient evidence to prove that claim and thereby refute the pertinent SOR allegations. Such a determination may hinge on an assessment of the applicant's credibility.

On August 26, 2024, Applicant provide a urine sample for drug testing, which was positive for cocaine, MDA, and MDMA. He raised a defense of innocent ingestion of these substances during his NJP proceeding and during the security clearance process. I do not believe his claim that he innocently ingested cocaine, MDA, and MDMA. He did not meet his burden of establishing the innocent ingestion of these illegal substances. The record establishes AG ¶¶ 25(a), 25(b), 25(c), 25(f), and 31(b). He acknowledged that he had

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<sup>1</sup> For example, AG ¶¶ 25(a), “any substance misuse;” 25(b), “testing positive for an illegal drug,” and possibly others depending on the circumstances.

access to classified information on August 26, 2024. A person holding a security clearance is in a “sensitive position” as contemplated in the Directive. ISCR Case No. 22-01661 at 3-4 (App. Bd. Sept. 21, 2023). Additional discussion of the disqualifying conditions is in the mitigation section, *infra*.

AG ¶ 26 lists four conditions that could mitigate drug involvement and substance misuse security concerns:

(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;

(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;

(c) abuse of prescription drugs was after a severe or prolonged illness during which these drugs were prescribed, and abuse has since ended; and

(d) satisfactory completion of a prescribed drug treatment program, including, but not limited to, rehabilitation and aftercare requirements, without recurrence of abuse, and a favorable prognosis by a duly qualified medical professional.

AG ¶ 32 lists conditions that could mitigate criminal conduct security concerns:

(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;

(b) the individual was pressured or coerced into committing the act and those pressures are no longer present in the person’s life;

(c) no reliable evidence to support that the individual committed the offense; 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.

In ISCR Case No. 10-04641 at 4 (App. Bd. Sept. 24, 2013), the DOHA Appeal Board concisely explained Applicant's responsibility for proving the applicability of mitigating conditions as follows:

Once a concern arises regarding an Applicant's security clearance eligibility, there is a strong presumption against the grant or maintenance of a security clearance. See *Dorfmont v. Brown*, 913 F. 2d 1399, 1401 (9th Cir. 1990), *cert. denied*, 499 U.S. 905 (1991). After the Government presents evidence raising security concerns, the burden shifts to the applicant to rebut or mitigate those concerns. See Directive ¶ E3.1.15. The standard applicable in security clearance decisions is that articulated in *Egan, supra*. "Any doubt concerning personnel being considered for access to classified information will be resolved in favor of the national security." Directive, Enclosure 2, [App. A] ¶ 2(b).

Possession of Schedules I, II, and III controlled substances is a federal criminal offense (Schedule III substances may be possessed with a lawful prescription). Schedules I, II, III, IV, and V, as referred to in the Controlled Substances Act, are contained in 21 U.S.C. § 812(c). See 21 U.S.C. § 812(c); Drug Enforcement Administration (DEA) listing at <https://www.dea.gov/drug-information/drug-scheduling> (information link on bottom of web page). Cocaine is a Schedule II controlled substance. MDA and MDMA, also known as ecstasy, are Schedule I controlled substances. In addition, Applicant's knowing possession and use of these substances while he was in the Air Force violates Article 112a, UCMJ.

Drugs listed as Schedule I Controlled Substances, have "no 'currently accepted medical use in treatment.' 21 U.S.C. § 812(a)(1)(B)." ISCR Case No. 24-01307 at 3 (App. Bd. July 17, 2025). See DEA website, *supra*. "Schedule II drugs, substances, or chemicals are defined as drugs with a high potential for abuse, with use potentially leading to severe psychological or physical dependence. These drugs are also considered dangerous." *Id.*

Applicant knowingly possessed and used cocaine, MDA, and MDMA on or about August 26, 2024, while holding a security clearance and occupying a sensitive position. In ISCR Case No. 22-01661 at 4 (App. Bd. Sept. 21, 2023), the Appeal Board clarified the "holding a sensitive position sensitive position" language in AG ¶ 25(f) as follows:

For purposes of national security eligibility determinations, the Directive defines "sensitive position" as:

Any position within or in support of an agency in which the occupant could bring about, by virtue of the nature of the position, a material adverse effect on the national security regardless of whether the occupant has access to classified information, and regardless of whether the occupant is an employee, military service member, or contractor.

SEAD 4, ¶ D.8. This broad language is designed to be inclusive and encompass a wide range of positions, including those that require eligibility for access to classified information (i.e., a security clearance). See also 5 C.F.R. § 1400.

Applicant denied that he knowingly used these illegal substances, and his false denials of culpability show a lack of credibility and rehabilitation. His false statements in connection with his knowing use of these illegal substances are not considered for disqualification purposes.

Applicant presented some mitigating information. There is no evidence of abuse of illegal substances before or after August of 2024. He expressed his intention not to use illegal drugs in the future. He presented evidence of his good duty performance.

None of the mitigating conditions fully apply. Applicant's false claim of innocent ingestion is damaging to his credibility and shows lack of rehabilitation. His relatively recent use of cocaine, MDA, and MDMA while occupying a sensitive position shows poor judgment. I am not convinced Applicant's possession and use of cocaine, MDA, and MDMA "happened under such circumstances that it is unlikely to recur [and] does not cast doubt on his current reliability, trustworthiness, [and] good judgment." A concern remains that he will use illegal drugs in the future. More time without illegal drug use is necessary to fully mitigate Guidelines H and J security concerns.

### **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 the 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), "[t]he 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. My comments under Guidelines H and J are incorporated in my whole-person analysis. Some of the factors in AG ¶ 2(d) were addressed under those guidelines but some warrant additional comment.

Applicant is a 27-year-old firefighter and driver/operator, who has been employed by a DoW contractor since May of 2025. In 2017, he graduated from high school, and he

completed four semesters of college. He served in the Air Force from 2021 to 2025. He was separated from the Air Force with a general discharge under honorable conditions as an airman first class in February of 2025. In September of 2024, three staff sergeants and a retired master sergeant positively described his participation in community affairs and contributions to mission accomplishment.

The disqualifying and mitigating information is discussed in the analysis section, *supra*. The reasons for denying Applicant's security clearance are more persuasive than the reasons for granting his security clearance.

It is well settled that once a concern arises regarding an applicant's security clearance eligibility, there is a strong presumption against granting a security clearance. See *Dorfmont*, 913 F. 2d at 1401. "[A] favorable clearance decision means that the record discloses no basis for doubt about an applicant's eligibility for access to classified information." ISCR Case No. 18-02085 at 7 (App. Bd. Jan. 3, 2020) (citing ISCR Case No. 12-00270 at 3 (App. Bd. Jan. 17, 2014)).

Applicant did not provide a candid and credible description of his involvement with cocaine, MDA, and MDMA. His failure to take full responsibility for his abuse of these illegal drugs shows a lack of rehabilitation.

I have carefully applied the law, as set forth in *Egan*, Exec. Or. 10865, the Directive, the AGs, and the Appeal Board's jurisprudence, to the facts and circumstances in the context of the whole person. Drug involvement, substance misuse, and criminal conduct security concerns are not mitigated.

### **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, and 1.c:	Against Applicant
Paragraph 2, Guideline J:	AGAINST APPLICANT
Subparagraph 2.a:	Against Applicant

### **Conclusion**

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

Mark Harvey  
Administrative Judge