



**DEFENSE LEGAL SERVICES AGENCY
DEFENSE OFFICE OF HEARINGS AND APPEALS**



In the matter of:

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ISCR Case No. 25-00055

Applicant for Security Clearance

Appearances

For Government:

Carroll J. Connelley, Esq., Department Counsel

For Applicant:

Pro se

07/02/2026

Decision

NAGEL, Jeff A., Administrative Judge:

Applicant did not mitigate the security concerns under Guideline F (Financial Considerations) and Guideline H (Drug Involvement and Substance Abuse). Eligibility for access to classified information is denied.

Statement of the Case

Applicant submitted a Questionnaire for National Security Positions on May 22, 2024 (Questionnaire). On July 2, 2025, the Defense Counterintelligence and Security Agency (DCSA) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline F (Financial Considerations) and Guideline H (Drug Involvement and Substance Misuse). The action was taken under Executive Order 10865, *Safeguarding Classified Information Within Industry* (February 20, 1960), as amended; Department of Defense (DoD) Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) effective within DoD after June 8, 2017.

On October 27, 2025, Applicant responded to the SOR in writing (Answer) and requested that this case be decided on the written record in lieu of a hearing. In his Answer, he admitted to the drug use and tax allegations in the SOR. On December 30, 2025, Department Counsel submitted the Government's written case in a File of Relevant Material (FORM). A complete copy of the FORM, consisting of Government's Exhibits (GE) 1 to 3, and the Government's arguments in support of the SOR, was received by the Applicant on January 12, 2026. He was afforded an opportunity to file objections and submit material to refute, extenuate, or mitigate the security concerns, but did not respond within the specified 30-day period. The case was assigned to me on June 29, 2026, and all exhibits were admitted without objection.

Findings of Fact

Applicant is 35 years old and has worked for a DoD contractor since 2024 in the position "Junior Linux Admin." He completed his first application for a security clearance in connection with this employment. Applicant is single, has been residing with a cohabitant since 2018, and has no children. He received an associate's degree in 2017. (GE 1 at 5, 10-11, 20, 39)

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

The Government alleged that Applicant is ineligible for a security clearance because he used six different illegal drugs, with varying frequency, from about July 2007 through September 2023. The following facts pertain:

1.a. Marijuana use from about July 2007 – April 2018: Applicant admitted the allegation as drafted in the SOR. In his Questionnaire, Applicant described approximately 20 recreational uses of marijuana during this time frame, with the majority being in high school. He stopped using the drug both because he did not really like it and because he does not wish to jeopardize his security clearance. He no longer socializes with anyone using illegal drugs. (Answer; GE 1 at 34; GE 2 at 9, 20)

1.b. Cocaine use from about September 2010 – May 2019: Applicant admitted the allegation as drafted in the SOR. In his Questionnaire, Applicant described approximately 14 recreational uses of cocaine during this time frame, with all but one use being from 2011 – 2017. He stopped using the drug because he never really enjoyed it and does not wish to jeopardize his security clearance. He no longer socializes with anyone using illegal drugs. (Answer; GE 1 at 35; GE 2 at 9, 20)

1.c. Lysergic Acid Diethylamide (LSD) use from about February 2011 – May 2022: Applicant admitted the allegation as drafted in the SOR. In his Questionnaire, Applicant described approximately five to seven uses of both LSD and psilocybin mushrooms during this time frame because he "was young and immature and curious." Applicant is highly unlikely to use these drugs again and desires to remain in compliance with clearance rules. He no longer socializes with anyone using illegal drugs. (Answer; GE 1 at 33; GE 2 at 8, 20)

1.d. Psilocybin mushroom use from about February 2011 – May 2022: See SOR ¶ 1.c. discussion above.

1.e. Use of another individual's Adderall prescription in April 2023: Applicant admitted the allegation as drafted in the SOR. In his Questionnaire, Applicant described a situation in April 2023 when he ran out of his lawfully prescribed Adderall. He tried to refill the prescription at several pharmacies but was advised there was a nationwide shortage. He asked a friend, who was also prescribed Adderall, if he could use some of his medication. His friend obliged and Applicant took the medication for several days. Soon afterwards, following a urinalysis during a regularly scheduled physical examination with his physician, Applicant tested positive for amphetamine salts. Applicant then learned his friend had been using other drugs as an Adderall substitute but did not so advise Applicant. Applicant disposed of the substitute medication and never used it again. (Answer; GE 1 at 32-33; GE 2 at 8, 15, 20)

1.f. Use of ketamine in September 2023: Applicant admitted the allegation as drafted in the SOR. In his Questionnaire, Applicant described using the drug one time at a concert in September 2023. He did not enjoy the experience and has no intention of using the drug again. He no longer socializes with anyone using illegal drugs. (Answer; GE 1 at 34-35; GE 2 at 9, 20)

SOR Paragraph 2 (Guideline F: Financial Considerations)

The Government alleged that Applicant is ineligible for a security clearance because he has delinquent and unresolved tax issues. I find the following facts regarding the history and status of the tax issues:

2.a. Federal tax returns (2021 – 2022): Applicant admitted the allegation as drafted in the SOR. In his Questionnaire, Applicant explained difficulties he had encountered filing the returns via online software that he was working to resolve “as soon as possible.” Two months later, he discussed the matter further with a defense investigator and averred that he had paid his 2021 tax debts when he filed his 2024 return. He also claimed he had “made arrangements to resolve” the 2022 filing issue when paying his 2023 taxes.

With his responses to interrogatories submitted April 18, 2025, Applicant provided a copy of an IRS Account Transcript for tax period 2021 reflecting that no tax return had been filed as of May 5, 2025, but no monies were owed. On May 21, 2025, Applicant advised Department Counsel via email that he had a “tentative appointment” with a tax preparation service to file his 2021 tax return, but no further communications followed. Additionally, Applicant provided an IRS Account Transcript for tax period 2022 which reflected a filing date of June 2, 2025, and an account balance (amount owed) of \$156.31. Applicant also submitted a screen shot from his IRS online account reflecting a payment of \$200 on May 23, 2025, for tax year 2022. (Answer; GE 1 at 39-40; GE 2 at 11, 31, 34, 107, 111-113)

2.b. State tax returns (2021 – 2022): See SOR ¶ 2.a. discussion above. For tax year 2022, Applicant provided correspondence from a tax preparation service indicating his state tax return had been filed and he was due a refund of \$23. Applicant did not provide any information regarding tax year 2021 for his state filing requirements.

Whole Person and Mitigating Evidence

Applicant submitted no comments or explanations in his Answer as whole person evidence in mitigation of the security concerns alleged in the SOR. The comments and explanations Applicant included in his Questionnaire, discussions with the defense investigator, and responses to interrogatories, however, were reviewed in their entirety.

Policies

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

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with the factors listed in AG ¶ 2 describing the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. The entire process is a conscientious scrutiny of applicable guidelines in the context of a number of variables known as the whole-person concept. The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision.

The protection of national security is of paramount consideration. AG ¶ 2(b) requires, "Any doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security." In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record. I have not drawn inferences based on mere speculation or conjecture.

Directive ¶ E3.1.14, requires the Government to present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, "The applicant is responsible for presenting witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by the applicant or proven by Department Counsel, and has the ultimate burden of persuasion as to obtaining a favorable clearance decision."

A person who seeks access to classified information enters into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it grants national

security eligibility. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to protect or safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified or sensitive information.

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

Analysis

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

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

The illegal use of controlled substances, to include the misuse of prescription and non-prescription drugs, and the use of other substances that cause physical or mental impairment or are used in a manner inconsistent with their intended purpose can raise questions about an individual's reliability and trustworthiness, both because such behavior may lead to physical or psychological impairment and because it raises questions about a person's ability or willingness to comply with laws, rules, and regulations. *Controlled substance* means any “controlled substance” as defined in 21 U.S.C. 802. *Substance misuse* is the generic term adopted in this guideline to describe any of the behaviors listed above.

The facts of this case establish the following potentially disqualifying conditions set forth in AG ¶ 25:

(a) any substance misuse (see above definition); and

(c) illegal possession of a controlled substance, including cultivation, processing, manufacture, purchase, sale, or distribution; or possession of drug paraphernalia.

Applicant admits using various illegal drugs from July 2007 – September 2023. The burden then shifts to Applicant to mitigate security concerns under Guideline H.

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

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

(b) the individual acknowledges his or her drug involvement and substance misuse, provides evidence of actions taken to overcome the problem, and has established a pattern of abstinence, including, but not limited to:

(1) disassociation from drug-using associates and contacts;

(2) changing or avoiding the environment where drugs were used; and

(3) providing a signed statement of intent to abstain from all drug involvement and substance misuse, acknowledging that any future involvement or misuse is grounds for revocation of national security eligibility.

Each of Applicant's many decisions to illegally use drugs, reviewed individually, could potentially be mitigated by circumstances and time. But when reviewed in total, there are still issues of concern. He stopped using marijuana, for example, in 2018, but continued cocaine use – after he ostensibly stopped in 2017. He then stopped using cocaine in 2019 but continued taking LSD and hallucinogenic mushrooms. He stopped taking hallucinogenic drugs in 2022 but next took ketamine in 2023. And while his use of amphetamine in 2023 was apparently inadvertent, it was directly tied to his decision to illegally use another individual's prescription medication. Thus, while it has been nearly three years since his most recent illegal use of drugs, the decision-making surrounding of all of his drug involvement continues to cast doubt on his current reliability, trustworthiness, and good judgment. Accordingly, none of the mitigating conditions, individually or collectively, are sufficiently applicable to overcome the security issues surrounding Applicant's drug involvement.

SOR Paragraph 2 (Guideline F: Financial Considerations)

The security concerns relating to the guideline for financial considerations are set out in AG ¶ 18, which reads in pertinent part:

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 facts of this case establish the following disqualifying condition set forth in AG ¶ 19 to the allegation under Guideline F:

(f) failure to file or fraudulently filing annual Federal, state, or local income tax returns or failure to pay annual Federal, state, or local income tax as required.

The burden therefore shifts to Applicant to mitigate security concerns under Guideline F. The guideline includes the following conditions in AG ¶ 20 that can mitigate security concerns arising from Applicant's financial history:

(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;

(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, or a death, divorce or separation, clear victimization by predatory lending practices, or identity theft), and the individual acted responsibly under the circumstances;

(d) the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts; and

(g) the individual has made arrangements with the appropriate tax authority to file or pay the amount owed and is in compliance with those arrangements.

Applicant's tax-filing issues do not appear grounded in blatant neglect, and he has clearly taken some steps toward remediation, as evinced by the current status of his 2022 taxes. But ultimately his failure to follow through with the requirements for 2021 – for both the state and federal taxing authorities – leave unanswered questions about his willingness to abide by rules and regulations. He pledged two years ago in his Questionnaire to resolve the tax issues "as soon as possible," but despite receiving the Government's FORM submission on January 12, 2026, he provided no additional information. This dated pledge to address his responsibilities does not constitute sufficient evidence to meet his burden to show compliance with tax laws and regulations. [ISCR 22-02168 at 4 (App. Bd. Nov. 18, 2024)].

As a result, there is insufficient evidence for a determination that Applicant's financial problems have been resolved or will be resolved within a reasonable period. I am unable to find that he acted reasonably or responsibly under the circumstances or

that he made a good faith effort to deal with his tax issues. Applicant's financial issues are ongoing and continue to cast doubt on his current reliability, trustworthiness, and good judgment. None of the mitigating conditions are sufficiently applicable to mitigate the security concerns.

Whole-Person Concept

Applying the whole-person concept, the administrative judge must evaluate an applicant's eligibility for national security eligibility by considering the totality of the applicant's conduct and all relevant circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(d):

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

Under AG ¶ 2(c), the ultimate determination of whether to grant national security eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept. I considered the above whole-person factors and the potentially disqualifying and mitigating conditions in light of all pertinent facts and circumstances surrounding this case. I have given the appropriate weight to Applicant's statements to a defense investigator, as well as those included in his Questionnaire and his responses to interrogatories. Overall, however, the Guideline F and H issues in the record evidence leave me with questions and doubts as to Applicant's suitability for national security eligibility and a security clearance.

Formal Findings

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

Paragraph 1, Guideline H:	AGAINST APPLICANT
Subparagraphs 1.a – 1.f:	Against Applicant
Paragraph 2, Guideline F:	AGAINST APPLICANT
Subparagraphs 2.a – 2.b:	Against Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, I conclude that it is not clearly consistent with the interests of national security to grant Applicant's eligibility for a security clearance. Eligibility for access to classified information is denied.

JEFF A. NAGEL
Administrative Judge