



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



In the matter of: )  
)  
) ISCR Case No. 25-00355  
)  
Applicant for Security Clearance )

**Appearances**

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

06/17/2026

**Decision**

BORGSTROM, Eric H., Administrative Judge:

Applicant did not mitigate the drug involvement and substance misuse concerns. As to the personal conduct security concerns, the record evidence did not establish that she deliberately omitted information about her illegal drug use on her security questionnaire. Eligibility for access to classified information is denied.

**Statement of the Case**

On April 25, 2025, the Defense Counterintelligence and Security Agency (DCSA) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline H (drug involvement and substance misuse) and Guideline E (personal conduct). The DCSA acted under Executive Order (EO) 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) implemented on June 8, 2017.

In Applicant's undated response to the SOR (Answer), she admitted all of the allegations under Guidelines H and E; however, her narrative about her omission on her security clearance application referred to a "mistake" and not a deliberate falsification or omission. I have interpreted her response as a denial of a deliberate omission. She attached documentary evidence, including (1) the results of three drug urinalyses, (2) a

signed, sworn statement to abstain from illegal drug use, (3) three character-reference letters, (4) her employer's drug policy, (5) her resume, (6) a performance review and other feedback, (7) certificates for three online drug-education courses, and (8) a personal statement. These materials are included in the evidentiary record as part of the Answer. She requested a hearing before a Defense Office of Hearings and Appeals (DOHA) administrative judge. (Answer)

On September 12, 2025, the Government was ready to proceed to a hearing. The case was delayed when all administrative judges were furloughed from October 1 through November 12, 2025, during a federal government shutdown due to a lapse in federal funding.

I was assigned this case on January 16, 2026. On February 2, 2026, a notice was issued scheduling the hearing for March 25, 2026. The hearing proceeded as scheduled. The Government proffered three evidentiary exhibits, which I admitted as Government Exhibits (GE) 1 through 3, without objection. Applicant and one witness testified. Applicant submitted three exhibits, which I admitted as Applicant Exhibits (AE) A through C, without objection. Neither party requested that the record remain open, so the evidentiary record closed upon the conclusion of the hearing. DOHA received the hearing transcript (Tr.) on April 1, 2026.

### **Findings of Fact**

Applicant is 29 years old. She graduated from high school in July 2015, and she earned two bachelor's degrees in December 2018 and a master's degree in May 2022. Since December 2022, she has been employed as a senior consultant with a federal contractor. She has never been married and does not have any children. (GE 1; Answer at 41-42, 56-57; Tr. 33-34)

After being hired by a federal contractor in December 2022, Applicant completed a Standard Form 85P (SF85P) in March 2023 to obtain a public trust position, a Common Access Card (CAC), and access to a government laptop. The record evidence established that Applicant obtained a CAC, a government laptop, and access to controlled unclassified information (CUI); however, there is no evidence she was granted a public trust position. In the SF85P, under Section 13A – Employment History, she reported that she had been employed full time as a psychology intern for another government agency (AGA) from June 2021 to August 2022. Under Section 17 – Illegal Use of Drugs or Drug Activity, she answered “NO” to the following queries:

In the last year have you illegally used any drugs or controlled substances?  
Use of a drug or controlled substance includes injecting, snorting, inhaling, swallowing, experimenting with or otherwise consuming any drug or controlled substance.

In the last year, have you been involved in the illegal purchase, manufacture, cultivation, trafficking, production, transfer, shipping,

receiving, handling or sale of any drug or controlled substance? (GE 2; Tr. 55)

On August 13, 2024, Applicant completed and submitted a Standard Form 86 (SF86) to obtain access to classified information. In the SF86, under Section 23 – Illegal Use of Drugs or Drug Activity, she answered “YES” to the following queries:

In the last seven (7) years, have you illegally used any drugs or controlled substances? Use of a drug or controlled substance includes injecting, snorting, inhaling, swallowing, experimenting with or otherwise consuming any drug or controlled substance.

In the last seven (7) years, have you been involved in the illegal purchase, manufacture, cultivation, trafficking, production, transfer, shipping, receiving, handling or sale of any drug or controlled substance? (GE 1 at 35-36)

She reported that she had used marijuana between January 2014 and July 2024. She stated:

I rarely smoke marijuana anymore. I once did to ease anxiety, but now it seems to make me more anxious – hence, why I rarely ever use. The July 2024 usage was the first time in months of smoking marijuana. In the last three years, I have only smoked about ten times. (GE 1 at 35)

She also reported that she intended to use marijuana in the future, “although not frequently.” In addition to using marijuana, she reported that she used cocaine approximately 15 times between September 2018 and April 2024. She added:

I do not use frequently, if ever. The April 2024 usage was the first time in years of using. Throughout my lifetime, I have done cocaine maybe 15 times. Throughout the last two years, I have used only once (April 2024). This April 2024 usage was when visiting a friend from home in Chicago. His friends had cocaine and I had one small bump – the first time using in about two years. (GE 1 at 36)

She expressed her intent not to use cocaine in the future. She also reported that she had used Ketamine once in December 2019 and had used psilocybin mushrooms approximately 15 times between June 2022 and February 2024. Regarding her use of the mushrooms, she stated:

I have used chocolate mushrooms a handful of times throughout my life (maybe 15 times), normally when attending a concert or celebration of some sort. I bought the chocolate mushrooms legally (to my understanding), in smoke shops in DC/NYC. (GE 1 at 37)

She denied any intent to use Ketamine or psilocybin mushrooms in the future. She admitted that she had purchased cocaine once in August 2020. (GE 1)

On November 20, 2024, Applicant was interviewed by an authorized investigator on behalf of the Office of Personnel Management (OPM). During the interview, she admitted that she had used marijuana approximately 30 times between January 2015 and 2017 and three additional times in July, August, and November 2024. The August and November 2024 uses occurred after the submission of her August 2024 SF86. She used marijuana with her current boyfriend, who also provided the marijuana she used. She further admitted that she used cocaine once in 2018, approximately 15 times during the summer of 2020, and once again in April 2024. She explained that she purchased cocaine on one occasion for approximately \$50. During the interview, she admitted that she used Ketamine, a prescription drug, without a prescription in December 2019. She reported experiencing hallucinations due to using Ketamine. Between June 2022 and February 2024, she purchased and used “chocolate mushrooms,” which she had purchased at a marijuana dispensary. She denied any future intent to use marijuana, cocaine, Ketamine, or psilocybin mushrooms. She informed her friends that she will not be using any illegal drugs in the future; however, her friends continue to use illegal drugs. (GE 3 at 3-4)

In her April 15, 2025 response to DOHA interrogatories, Applicant adopted the summary of her November 2024 OPM interview with one correction. She noted that she had not used any cocaine between September 2020 and April 2024. She further explained that she used cocaine 15 times total during her lifetime. (GE 3 at 5)

In her April 2025 response to interrogatories, Applicant confirmed the span and frequency of her illegal drug use and purchase as detailed during the November 2024 OPM interview. She admitted that she had purchased marijuana between August 2016 and August 2022, purchased cocaine in June 2020, and purchased psilocybin mushrooms between June 2022 and February 2024. She further admitted that she had been aware since January 2021 that marijuana use was prohibited under federal drug laws. She reported that her boyfriend and one of her close friends regularly used marijuana. (GE 3 at 7-9)

With her April 2025 response to interrogatories, Applicant attached a copy of her employer’s drug and alcohol policy. Subsection 3 – Use or Possession of Illegal Drugs Prohibited, effective April 1, 2024, in pertinent part, reads:

The abuse of illegal drugs, including using, possessing, or distributing illegal drugs is prohibited at [Employer]. [Employees] who hold a U.S. Government clearance or Public Trust and or who are working for Federal clients are prohibited from using, possessing, or distributing illegal drugs – both in, and outside of, the workplace. Failure to do so may result in the loss of clearance, unfavorable suitability/fitness determinations and disciplinary action up to and including termination.

While the use of marijuana and marijuana derivative products has been legalized under some state laws for medicinal and/or recreational uses, it remains an illegal drug under federal law. (GE 3 at 13; Answer at 38-40)

The employer's drug policy noted that some employees may be required to undergo drug testing, even random testing, depending on the contract and U.S. Government client. (GE 3 at 13)

**SOR ¶ 1.a.** At the DOHA hearing, Applicant confirmed and clarified her drug involvement. She first used marijuana in January 2015. Between January 2015 and 2017, she used marijuana approximately weekly with her thenboyfriend. She described her marijuana use between 2018 and 2024 as "infrequently," "maybe a couple of times," and "here and there." She recalled purchasing marijuana from state-licensed dispensaries in 2019 and August 2022. She confirmed her use of marijuana in July, August, and November 2024. (Tr. 35-39, 61)

In her 2024 SF86, Applicant reported that she may use marijuana in the future because she was uncertain as to the future. She averred that illegal drug use was not a central part of her life and had occurred during "special events." She explained that she had met with a recruiter from AGA in 2021, and she had learned that marijuana was illegal under federal law. She testified that the recruiter had advised her that marijuana use was not a disqualifying security concern if she stopped using a year before applying for a clearance. She was advised by the recruiter to fully disclose her illegal drug use. She further testified that a colleague at her current employment had noted in about 2023 that the illegal use of marijuana was less derogatory than it had once been during the clearance process. Applicant testified that she had not understood the gravity of marijuana use until her November 2024 OPM interview. (GE 1; Tr. 40-42)

**SOR ¶¶ 1.b. and 1.c.** At the hearing, Applicant confirmed that she had used cocaine approximately 15 times total between January 2018 and April 2024. She first used cocaine in January 2018, used cocaine approximately 13 times during the summer of 2020, and used cocaine in April 2024. She purchased cocaine once in June 2020. She denied any intent to use cocaine in the future and testified that she had experienced "significant growth" since her most recent use of cocaine. She no longer associates with anyone who uses cocaine. (Tr. 47-50, 69)

**SOR ¶ 1.d.** In her Answer, Applicant admitted that she had used and purchased psilocybin mushrooms with varying frequency from June 2022 through February 2024. At the DOHA hearing, she confirmed that she first purchased and used psilocybin mushrooms in June 2022. She purchased the mushrooms from state-licensed marijuana dispensaries in June 2022 and December 2023. She testified that she was unsure as to the number of times she had used mushrooms, and she estimated the total number of uses as 5 to 15 times. She testified that her last use of mushrooms was in December 2023; however, she reported her last use as February 2024 in her April 2025 response to interrogatories. She also testified that she had been confused as to the legality of mushrooms because she had purchased them at a dispensary and because she had

heard of individuals microdosing psilocybin mushrooms. She averred that she no longer associates with anyone who uses mushrooms. (Tr. 45, 50-51, 61, 67-68, 72)

**SOR ¶ 1.e.** At the hearing, Applicant confirmed that she used Ketamine once in December 2019. She has never purchased Ketamine. (Tr. 52)

In June 2025, July 2025, August 2025, and March 2026, Applicant participated in drug urinalyses. She tested negative for amphetamines, cannabinoids, cocaine, opiates, and phencyclidine. In August 2025, she completed three online drug-education courses. With her Answer, she included a June 9, 2025 sworn statement to abstain from all illegal drug involvement. She has never misused or illegally purchased prescription drugs. Her parents are aware of some, but not all, of her illegal drug use. Her character references are generally aware of the Adjudicative Guidelines alleged, but not the specific allegations or illegal substances involved. She has never had any disciplinary actions as an AGA intern or with her current employer. She has interpreted her employer's drug policy to only cover individuals holding clearances. None of her immediate family members currently use illegal drugs. (Answer at 30-33, 52-54; AE B; Tr. 68-73)

At the hearing, Applicant was confronted about her omitted use of marijuana or psilocybin mushrooms, in mid-2022, on her March 2023 SF85P. She testified that she had believed that this form was related to onboarding documents she completed; however, she acknowledged that she was aware it was being submitted to the U.S. Government. She testified, "And I rushed through it, I did not sit with it thoughtfully and thinking of the last times I've used." She explained that she had rushed through the form and had been uncertain as to the legality of marijuana, despite her discussions with the AGA recruiter in 2021. She further testified:

I think I was confused, even though it does explicitly state under federal law the use of marijuana and mushrooms being sold at dispensaries might have confused me at the time, going through it quickly, trying to get it done as soon as possible, as I didn't want to delay the onboarding process definitely weighed on me.

And that is what I would say, again, this was in 2023, but that is honestly what I think happened at the time.

Applicant acknowledged that, although her colleague had noted that marijuana use was treated more leniently in recent years, he did not advise that marijuana use was legal. She admitted that she likely had been concerned that disclosing her marijuana and psilocybin mushroom use on her 2023 SF85P might negatively impact her employment at the time. She testified, in pertinent part:

And yes, maybe I was concerned that telling the truth in that form would have disqualified me or something like that, but not to the point where, again, I was trying to deliberately falsify, and would have continued to

deliberately falsify on the SF-86, or during the interviews, or with you today, or on the interrogatories if that was the case.

She testified that, when she filled out the 2024 SF86, she was more aware of the seriousness of the document, was not rushing, and fully disclosed her illegal drug involvement. (Tr. 43-44, 46, 61-63, 66)

As an AGA intern, Applicant did not hold a security clearance. After completing the SF85P, she received a CAC and a U.S. Government laptop. In her current position, she works with CUI, but no materials marked as “No Foreign” or “Confidential.” She did not participate in a pre-employment drug test for either her AGA internship or her current employment. (Tr. 55-59)

Applicant’s current boyfriend testified about her drug involvement. They have been dating for approximately two years. When they first began dating, both agreed that illegal drug use would not be a major feature of their relationship. He attested to Applicant’s realization, upon completing the SF86, as to the gravity of the clearance application and the expectations of those with access to classified information. He testified that he and Applicant used marijuana approximately four times in November 2024 while on vacation. He testified that Applicant valued her career and had set a boundary with him and others that she will not be present when illegal drugs are used. He continues to use marijuana on occasion and had used the weekend prior to the hearing. (Tr. 23-30)

## **Whole Person**

Applicant submitted five character-reference letters in support of her clearance eligibility. Four letters were authored by supervisors or mentors at her current employment. These individuals described Applicant as trustworthy, dependable, detail-oriented, and possessing good judgment. None of these letters indicate any awareness of the substance of the SOR allegations. A fifth letter, from a close friend, noted that she had reviewed the SOR and praised Applicant’s integrity, honesty, and respectfulness. (Answer at 34-36; AE A, AE C)

Applicant proffered a June 2023 performance review noting her exemplary work performance. She also provided feedback from a program manager complimenting her on a recent presentation. (Answer)

## **Policies**

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(a), the entire process is a conscientious scrutiny of a number of variables known as the "whole-person concept." The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision.

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that "[a]ny doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security."

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

Director of National Intelligence (DNI) Memorandum ES 2014-00674, “Adherence to Federal Laws Prohibiting Marijuana Use,” October 25, 2014, 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.

In 2021, the Security Executive Agent (SecEA) promulgated clarifying guidance concerning marijuana-related issues in security clearance adjudications. 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.<sup>1</sup>

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<sup>1</sup> *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*, dated December 21, 2021 (SecEA Clarifying Guidance), at p. 2.

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

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

Applicant admitted using marijuana several times between January 2015 and November 2024 and purchasing marijuana on multiple occasions. In her 2024 SF86, she reported that she had used marijuana approximately 10 times in the previous three years. At the hearing, she admitted that she had used marijuana in July, August, and November 2024, while employed by a federal contractor, after having submitted an SF85P, while holding a CAC, and with access to CUI. She used marijuana once in mid- to late-August 2024 and four times in November 2024, after having completed her mid-August 2024 SF86. She also admitted using and purchasing cocaine and psilocybin mushrooms on multiple occasions and using Ketamine once. Her cocaine use occurred once in April 2024, while employed by a federal contractor and after having submitted an SF85P. AG ¶¶ 25(a) and 25(c) apply.

Conditions that could mitigate the drug involvement security concerns are provided under AG ¶ 26. 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.

Applicant admitted that she was aware, following her 2021 interview with an AGA recruiter, that marijuana use was prohibited by federal drug laws and incongruent with the expectations of clearance holders. She acknowledged some confusion or naivete given the availability of marijuana at state dispensaries and some more lenient views about

marijuana use. Nonetheless, her employer's drug policy explicitly states that illegal drug use "both in, and outside of, the workplace" was prohibited by those with a public trust clearance or who work for Federal clients. She maintained access to CUI, possessed a CAC and government laptop, and worked for a Federal client. Her marijuana and cocaine use in April, July, August, and November 2024 violated her employer's policy. Moreover, given Applicant's reporting of her illegal drug use on her August 2024 SF86, she was on notice that illegal drug use, including marijuana use, bore potential consequences for those seeking access to classified information. The DOHA Appeal Board has "long held that applicants who use marijuana after having been placed on notice of the security significance of such conduct may be lacking in the judgment and reliability expected of those with access to classified information." ISCR Case No. 20-01772 at 3 (App. Bd. Sept. 14, 2021).

I have considered Applicant's 16 months of abstinence, her sworn statement to abstain from all illegal drug involvement, her drug education courses, her drug urinalyses, and her expressed boundaries with those friends and her boyfriend about not being present around illegal drugs. Applicant acknowledged that she did not grasp the severity of violating the drug laws, and she interpreted her employer's drug policy to not include her illegal drug use. Her miscalibration does not reduce or diminish the gravity of her lapses in judgment or her repeated violations of drug laws and her employer's policy. At no time did she seek guidance from a supervisor or facility security officer as to whether her marijuana or cocaine use violated her employer's policy. She credibly and sincerely testified that she now understands the significance of the drug laws and DOD policies against illegal drug possession and use and that she is committed to abstaining from such conduct. AG ¶¶ 26(a) and 26(b) apply in part.

Despite some evidence in mitigation, Applicant has not yet overcome the drug involvement and substance misuse concerns due to her polysubstance use, her repeated illegal drug use while employed by a federal contractor, in violation of her employer's drug policy, and after having submitted her SF85P and SF86. I have also considered that her boyfriend continues to use marijuana. She has not established a sufficient pattern of abstinence and her disassociation from known drug-using associates. She did not mitigate the drug involvement and substance misuse security concerns.

### **Guideline E: Personal Conduct**

The 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. . . .

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

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

Applicant did not disclose her marijuana or psilocybin mushroom use within the prior year on her March 2023 SF85P as required. There is no evidence of an OPM interview following the submission of the SF85P. In August 2024, she candidly reported her use of marijuana, cocaine, psilocybin mushrooms, and Ketamine. During her November 2024 OPM interview, she reported her marijuana use after having completed her August 2024 SF86 – in August 2024 and November 2024.

In her Answer and at the hearing, Applicant explained that she had rushed through completing her SF85P. She denied any intent to deliberately falsify her responses on the questionnaire, and she acknowledged that she may have had some awareness that her illegal drug use, if reported, may negatively impact her eligibility for a public trust position at the time. I have considered Applicant's high level of education and her discussion with the AGA recruiter about the impact of illegal drug use on clearance eligibility. Taken in its entirety, the record evidence does not establish that Applicant deliberately falsified her response to Section 17 in her March 2023 SF85P when she omitted her marijuana and psilocybin use and purchase. AG ¶ 16(a) does not apply.

The following personal conduct mitigating condition under AG ¶ 17 is potentially relevant:

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

Applicant candidly disclosed her illegal drug use on her SF86, during her security interview, and in her response to DOHA interrogatories. Her disclosures in those documents were voluntary and without confrontation. Assuming *arguendo* that the record evidence did establish a deliberate falsification, AG ¶ 17(a) applies to mitigate this personal conduct security concern.

### **Whole-Person Concept**

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for access to classified information 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 Guideline H, Guideline E, and the factors in AG ¶ 2(d) in this whole-person analysis.

Applicant's character references praised her honesty, integrity, reliability, and exemplary work performance; however, there is no evidence that the authors of these reference letters are aware of the full extent of her illegal drug use, including while an employee of a federal contractor. Applicant demonstrated questionable judgment when she repeatedly used illegal drugs while employed by a federal contractor. Beyond knowingly violating federal drug laws, this conduct also likely violated her employer's drug policy. Her drug use continued after she was granted access to CUI and a government laptop and after the submission of her SF86. Her conduct does not reflect the responsibility and good judgment of one entrusted to safeguard sensitive and classified information. Eligibility for access to classified information is denied.

This decision should not be construed as a determination that Applicant cannot obtain a security clearance in the future. With continued abstinence from possession and use of illegal drugs and disassociation from drug users, Applicant may eventually overcome the aforementioned concerns.

### **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.e.:  | Against Applicant |
| Paragraph 2, Guideline E: | FOR APPLICANT     |
| Subparagraph 2.a.:        | For 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 national interest to grant Applicant's eligibility for access to classified information.

Eric H. Borgstrom  
Administrative Judge