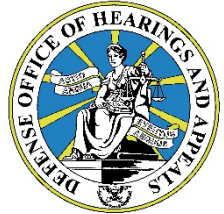




**DEFENSE LEGAL SERVICES AGENCY
DEFENSE OFFICE OF HEARINGS AND APPEALS**



In the matter of:

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ISCR Case No. 25-00883

Applicant for Security Clearance

Appearances

For Government:

George A. Hawkins, Esq., Department Counsel

For Applicant:

Pro se

06/26/2026

Decision

NAGEL, Jeff A., Administrative Judge:

Applicant mitigated the security concerns under Guideline B (Foreign Influence) and Guideline C (Foreign Preference). Applicant did not mitigate the security concerns under Guideline E (Personal Conduct) and Guideline H (Drug Involvement and Substance Misuse). Eligibility for access to classified information is denied.

Statement of the Case

Applicant submitted a Questionnaire for National Security Positions on April 1, 2024 (Questionnaire). On October 10, 2025, the Defense Counterintelligence and Security Agency (DCSA) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline B (Foreign Influence), Guideline C (Foreign Preference), 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 24, 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 foreign influence allegations in the SOR. And while he acknowledged voting in foreign elections, he denied the foreign preference allegation by asserting that voting is mandatory for all Belgian citizens. On January 26, 2026, Department Counsel amended the SOR (ASOR) by adding two allegations under Guideline E (Personal Conduct). Applicant responded to the ASOR in writing (Amd Ans) and denied both allegations.

On March 2, 2026, 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 9, and the Government's arguments in support of the SOR, was received by the Applicant on March 6, 2026. Applicant 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 12, 2026, and all exhibits were admitted without objection.

Findings of Fact

Applicant is 28 years old, was born in Belgium, and is a dual Belgian-American citizen. He has worked as a scientist for a defense contractor since 2023 and applied for his first security clearance in connection with this employment. Applicant received a bachelor's degree in the United Kingdom (UK) in 2019 and a master's degree in Switzerland in 2023. He is single, has no children, and is willing to renounce his Belgian citizenship if necessary. (GE 5 at 5, 7, 22-23, 33; GE 6 at 4)

SOR Paragraph 1 (Guideline B: Foreign Influence)

The Government alleged that Applicant is ineligible for a security clearance due to foreign influence given his contacts with friends and relatives abroad. The following facts pertain:

1.a. Applicant's parents reside in Belgium, are dual Belgian-Israeli citizens, and Applicant's father formerly consulted for the Belgian Federal Police: Applicant admitted the allegation. His mother was born in the United States and maintains citizenship with the United States, Belgium, and Israel. She resides in Belgium where she is self-employed as a business coach. Applicant's father was born in Israel and maintains dual Belgian-Israeli citizenship. He lives in Belgium with Applicant's mother and is unemployed, though he previously worked for INASTI-RSVZ.¹ He was hired in 2021 by a

¹ Per Google Translate, the French Institut national d'assurances sociales pour travailleurs indépendants (INASTI) is the National Institute of the Social Insurance of Self-Employed Workers. The Dutch Rijksinstituut voor de Sociale Verzekeringen der Zelfstandigen (RSVZ) translates the same. (<https://esip.eu/members/inasti-rsvz>)

Division Commissioner of the Belgian Federal Police to work as a consultant. Applicant maintains weekly contact with his parents. (Answer; GE 5 at 33-36, 86-87; GE 6 at 5)

1.b. Applicant's brother, sister, and uncle are dual Belgian-Israeli citizens and residents of Israel: Applicant admitted the allegation. He has a sister who was born in Belgium, is a dual Belgian-American citizen residing in Massachusetts and works for a London-based business software company. Applicant maintains weekly contact with her. He additionally has a half-sister who was born in Israel and is a dual Belgian-Israeli citizen, residing in Israel. He also has a half-brother who was born in Israel, is a dual Belgian-Israeli citizen, and resides in Israel. Both half-siblings work for different AI-driven business websites that are not affiliated with government or defense industries. Applicant maintains quarterly contact with them. Applicant has an uncle who was born in Israel as well and lives there. He works for a tech company which, per the company's website, focuses on AI chip development, physical AI, and aerospace and government software development. Applicant maintains annual contact with his uncle. (Answer; GE 5 at 37-40, 62-63; GE 6 at 5, 18)

1.c. Applicant's friend RA is an Israeli citizen serving in the Israeli army. Applicant provided him with a donation in 2023: Applicant admitted the allegation. His friend RA was born in Israel, lives there, and serves in the Israeli Army. Following the October 2023 attacks in Israel, Applicant made a one-time \$100 donation online to support RA's combat unit – and the families. He maintains quarterly contact with RA, mainly via text. (Answer; GE 5 at 69-70, 84; GE 6 at 6, 19)

SOR Paragraph 2 (Guideline C: Foreign Preference)

The Government alleged that Applicant is ineligible for a security clearance due to foreign preference given his admitted participation in foreign elections. The following facts pertain:

2.a. Applicant has continuously voted in Belgian federal elections from 2016 – 2024: Applicant denied this allegation but admitted to the conduct, qualifying that as a Belgian citizen he is required to vote in Belgian elections. He has voted by mail three or four times in the Belgian Federal Elections from 2016 through 2024 and will continue to do so. Belgians who fail to vote may be sentenced to a reprimand or fine in accordance with Belgian law. (Answer; GE 5 at 87-88; GE 6 at 6; GE 9 at 3,4)

SOR Paragraph 3 (Guideline H: Drug Involvement and Substance Misuse)

The Government alleged that Applicant is ineligible for a security clearance due to his use of the narcotic "speed" one time in 2024 and his use/purchase of marijuana from June 2017 through November 2024. The following facts pertain:

3.a. Use of the narcotic "speed" in Belgium in December 2024: Applicant admitted the allegation. "Speed" is the slang or "street name" for both amphetamines and

methamphetamine.² Applicant used one or both of the drugs on December 31, 2024, in a social setting amongst friends, while on vacation in Belgium. He failed to mention the incident during his drug use discussion with a defense investigator on January 28, 2025, because he “forgot.” He has no intention of using the drug again in the future. (Answer; GE 6 at 11-12, 15, 23)

3.b. Use of marijuana from June 2017 to November 2024: Applicant admitted the allegation. From June 2017 through June 2019, while in college in the United Kingdom, Applicant used marijuana monthly. After leaving college, he decreased his use to approximately once every six months through November 2024. He does not intend to using the drug again. (Answer; GE 5 at 22; GE 6 at 11-12, 23)

3.c. Purchase of marijuana from June 2017 to November 2023: Applicant admitted the allegation. From June 2017 through November 2023, Applicant purchased marijuana approximately every six months. (Answer; GE 6 at 25)

SOR Paragraph 4 (Guideline E: Personal Conduct)

The Government alleged that Applicant is ineligible for a security clearance because he had engaged in conduct that involved questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations. The following facts pertain:

4.a. False statement on Questionnaire by omitting marijuana and speed use from answer to drug use questions: Applicant denied this allegation. The preamble of Section 23 of the Questionnaire reminds applicants that the questions “pertain to the illegal use of drugs or controlled substances... in accordance with Federal laws, even though permissible under state laws.” Applicant denied any such illegal drug use in his Questionnaire, then later explained in his Answer to the ASOR he “did not understand that marijuana use – even where lawful under state law – needed to be disclosed.”

As discussed above in SOR ¶ 3.b most if not all of Applicant’s marijuana use from June 2017 through June 2019 was while he was attending college in the United Kingdom. In that country, it remains illegal to possess, produce, supply, import, or export cannabis.³ In Switzerland, where he used the drug less frequently while pursuing a master’s degree from September 2020 through June 2023, cannabis is likewise a prohibited narcotic drug.⁴ Regarding his use of the narcotic “speed,” as discussed above in SOR ¶ 3.a, his use was on December 31, 2024. His Questionnaire is dated April 1, 2024. (Amd Ans; GE 5 at 120-121)

4.b. False statement to investigator by characterizing marijuana use as “a couple times before” and “two times”: Applicant denied this allegation. On January 28, 2025, Applicant was interviewed by a defense investigator. In a statement he later

² <https://www.dea.gov/factsheets/amphetamines> and <https://www.dea.gov/factsheets/methamphetamine>

³ <https://commonslibrary.parliament.uk/research-briefings/cbp-8355/>

⁴ <https://www.bag.admin.ch/en/addiction-and-health-cannabis>

adopted as accurate on August 28, 2025, Applicant initially characterized his marijuana use as “a couple times before.” Applicant explained he did not list the use in his Questionnaire because “he wasn’t sure he needed to,” then more specifically described his marijuana use:

(Applicant) was with friends when he used marijuana but does not remember exactly who he was with. The two times that (Applicant) can recall using marijuana was at a park and at someone’s house. The drug was obtained by friends.

Based on Applicant’s admissions in his responses to interrogatories, his actual usage was closer to 34 times from June 2017 through November 2024. (Amd Ans; GE 6 at 11, 16, 23)

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 and ASOR. The comments and explanations Applicant included in his Questionnaire, discussions with the DoD investigator, interrogatories, Answer to the SOR, and Answer to the ASOR, 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 B: Foreign Influence)

The security concern for foreign influence is set out in AG ¶ 6:

Foreign contacts and interests, including, but not limited to, business, financial, and property interests, are a national security concern if they result in divided allegiance. They may also be a national security concern if they create circumstances in which the individual may be manipulated or induced to help a foreign person, group, organization, or government in a way inconsistent with U.S. interests or otherwise made vulnerable to pressure or coercion by any foreign interest. Assessment of foreign contacts and interests should consider the country in which the foreign contact or interest is located, including, but not limited to, considerations such as whether it is known to target U.S. citizens to obtain classified or sensitive information or is associated with a risk of terrorism.

The facts of this case establish the following potentially disqualifying conditions set forth in AG ¶ 7 to all of the allegations under Guideline B:

(a) contact, regardless of method, with a foreign family member, business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion; and

(b) connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual's obligation to protect classified or sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information or technology.

The burden therefore shifts to Applicant to mitigate security concerns under Guideline B. The guideline includes the following conditions in AG ¶ 8 that can mitigate security concerns arising from Applicant's foreign contacts:

(a) the nature of the relationships with foreign persons, the country in which these persons are located, or the positions or activities of those persons in that country are such that it is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual, group, organization, or government and the interests of the United States;

(b) there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, or allegiance to the group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the United States, that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest;

(c) contact or communication with foreign citizens is so casual and infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation; and

(e) the individual has promptly complied with existing agency requirements regarding the reporting of contacts, requests, or threats from persons, groups, or organizations from a foreign country.

Applicant's loyalty to the United States is not the subject of analysis; but the protection of 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." And the mere existence of family members in foreign countries is well-established as a possible basis for a security clearance denial. [ISCR 23-01463 at 6 (App. Bd. April 10, 2025)]. That said, AG ¶ 7(a) requires a finding of "heightened risk" to be applicable.

"Heightened risk" is not a high standard to meet and is defined as "a risk that is greater than the normal risk inherent in having a family member living under a foreign government." Also, "the risks attendant to the contacts may be heightened regardless of the country's identity." [ISCR 17-03026 at 4 n.4 (App. Bd. Jan. 16, 2019)] Therefore, while country conditions are typically the source of a heightened security risk, in other instances the status of the individual ties, not the country, can create a heightened risk. See, e.g. ISCR 11-12623 (App. Bd. Feb 2, 2015) and ISCR 13-00397 at 4 (App. Bd. May 22, 2014)

Regarding Belgium, the record evidence does not support a finding of “heightened risk” based on country conditions. The Government concedes as much and indeed, the record evidence extolls the relationship between the United States and Belgium. (GE 8) The Government instead alleges the security issue focuses on the status of individual ties, namely the consulting role Applicant’s father had with the Belgian National Police in 2021.

The Government argues because Applicant’s father consulted with the Belgian National Police, a “heightened risk” finding exists, *ipso facto*. The record evidence, however, reveals he actually worked for the National Insurance Institute and then served in a consulting role with the federal police in 2021. And while INASTI-RSVZ is a federal organization, its self-reported goals focus on helping employees with pension, social security funds, and health insurance, “in order to contribute to their social and economic well-being.”⁵ There is no evidence in the record that specifies the nature of the consultation, but even if was about issues of a greater security concern than pensions and social security, it occurred long enough ago to no longer present a current security issue. Therefore AG ¶ 8(a) clearly applies as it is unlikely the father – or the Applicant – will be placed in a position of having to choose between the interests of the Belgian National Police (or Belgium) and the United States. And there is no evidence at all to suggest the mother has any relationships in Belgium that would create heightened risk.

Regarding Applicant’s parents’ Israeli citizenships, Applicant’s father was born there and Applicant’s mother obtained citizenship later in life. Beyond that, the Government has provided no evidence of any other trips, ties, connections, donations or anything that might suggest a heightened risk based on the nature of individual ties. As to whether the nation of Israel itself is deemed a “heightened risk” based on current conditions, the Government’s evidence in its Request for Administrative Notice on Israel and the Palestinian Territories (Admin Notice) reflects the well-known turmoil within the country given the robust terrorist activity within its borders. The evidence also highlights human rights concerns, which are pertinent to a risk evaluation, but the same evidence also notes credible steps taken by the government to identify and punish officials who may have committed human rights abuses. (GE 7 at 6)

The Admin Notice – and all of the Government’s evidence – is silent, however, on the Guideline B concern of whether Israel “is known to target U.S. citizens to obtain classified or sensitive information.” This is not the only consideration, of course, but the nature of the foreign government involved and the intelligence gathering history of that government are among the important considerations that provide context for the record evidence and that must be brought to bear on the Judge’s ultimate conclusions. [ISCR 17-04208 at 4 (App. Bd. Aug. 7, 2019)] Given the nature of the intra-border concerns facing Israel, combined with the fact that Applicant’s parents do not reside there and the lack of evidence they have any additional ties, AG ¶ 8(a) applies as it is unlikely the parents – or the Applicant – will be placed in a position of having to choose between the interests of Israel and the United States. SOR ¶ 1.a is found for Applicant.

⁵ <https://www.nisse.be/en>

This analysis applies as well to SOR ¶ 1.b. Applicant's uncle and half-siblings, who are all dual Belgian-Israeli citizens, do in fact live in Israel, where they work in AI-driven software fields. As such, the country conditions are of greater concern. But as discussed above, the risks expressed by the Government are premised in terror attacks against innocents in the country. No evidence has been proffered of actions by the government (or any other entity) suggesting a heightened risk against civilians for the purposes of intelligence gathering. AG ¶ 8(a) applies because again, it is unlikely the Applicant or his relatives will be placed in a position of having to choose between the interests of Israel and the United States. SOR ¶ 1.b is found for Applicant.

SOR ¶ 1.c presents a somewhat different site picture because Applicant's friend RA is actively serving in the military. But the nature of their relationship, comprised of quarterly texts, appears to be both casual and infrequent absent any evidence to the contrary. In his responses to interrogatories, Applicant listed 33 foreign contacts in nations across the globe with whom he maintains similar contact. (GE 6 at 17-19) There is nothing in the record evidence to suggest the nature of his relationship with RA is more profound than the others and/or would place either of them in a position where they would have to choose between the interests of Israel and the United States. The allegation regarding the donation is likewise mitigated as it was a single, casual and infrequent \$100 donation in 2023 to a unit and their families in the wake of a horrific attack on Israeli civilians. AG ¶ 8(a) and (c) apply. SOR ¶ 1.c is found for Applicant.

SOR Paragraph 2 (Guideline C: Foreign Preference)

The security concerns relating to the guideline for foreign preference are set out in AG ¶ 9, which reads as follows:

When an individual acts in such a way as to indicate a preference for a foreign country over the United States, then he or she may provide information or make decisions that are harmful to the interests of the United States. Foreign involvement raises concerns about an individual's judgment, reliability, and trustworthiness when it is in conflict with U.S. national interests or when the individual acts to conceal it.

By itself; the fact that a U.S. citizen is also a citizen of another country is not disqualifying without an objective showing of such conflict or attempt at concealment. The same is true for a U.S. citizen's exercise of any right or privilege of foreign citizenship and any action to acquire or obtain recognition of a foreign citizenship.

The facts of this case arguably establish the following potentially disqualifying condition set forth in AG ¶ 10:

(d) participation in foreign activities, including but not limited to:

(1) assuming or attempting to assume any type of employment, position, or political office in a foreign government or military organization; and

(2) otherwise acting to serve the interests of a foreign person, group, organization, or government in any way that conflicts with U.S. national security interests.

The burden therefore shifts to Applicant to mitigate security concerns under Guideline C. The guideline includes the following conditions in AG ¶ 11 that can mitigate security concerns arising from Applicant's foreign preference:

(a) the foreign citizenship is not in conflict with U.S. national security interests;

(b) dual citizenship is based solely on parental citizenship or birth in a foreign country, and there is no evidence of foreign preference;

(c) the individual has expressed a willingness to renounce the foreign citizenship that is in conflict with U.S. national security interests; and

(e) the foreign preference, if detected, involves a foreign country, entity, or association that poses a low national security risk.

To the extent that the conditions discussed in AG ¶ 10(d)(2) exist, which is tenuous at best, the Government's evidence reveals no conflicts with U.S. national security as it pertains to the nation of Belgium. As such, the three or four times that Applicant has participated in national elections – as he is required to do under Belgian law – does not create a conflict with U.S. national security interests. The Government's implied suggestion that Applicant should violate this Belgian law because it would "only subject (Applicant) to a potential reprimand or fine for his failing to do so" is untenable. (FORM at 4) SOR ¶ 2.a is found for Applicant.

SOR Paragraph 3 (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 to using both marijuana and the narcotic “speed.” Consequently AG ¶¶ 25(a) and (c) apply. 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.

Applicant’s college marijuana use, on its own, could potentially be mitigated by the application of time. But he continued to use the drug after starting a position with a defense contractor and after filling out the Questionnaire. The Appeal Board has specifically noted that use of the drug after being placed on notice is incompatible with security clearance eligibility standards and raises substantial questions about an applicant’s judgment, reliability, and willingness to comply with laws, rules, and regulations. [ISCR 20-02974 at 6 (App. Bd. Feb. 1, 2022)]. See *also* ISCR 07-00852 at 3 (App. Bd. May 27, 2008) (Use of marijuana after having submitted a security clearance application undercuts an applicant’s promise to avoid such conduct in the future).

This premise holds true as well for his decision to use the narcotic “speed” on New Year’s Eve in Belgium in 2024. Moreover, the record evidence contains no discussion as to whether Applicant continues to associate with the individual he took drugs with. As such, Applicant’s 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 issues surrounding Applicant’s drug involvement.

SOR Paragraph 4 (Guideline E: Personal Conduct)

The security concerns relating to the guideline for personal conduct are set out in AG ¶ 15, which states:

Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual’s reliability, trustworthiness and ability to protect classified or sensitive information. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes.

The facts of this case establish the following potentially disqualifying conditions set forth in AG ¶ 16:

- (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; and
- (b) deliberately providing false or misleading information; or concealing or omitting information, concerning relevant facts to an employer, investigator, security official, competent medical or mental health professional involved in making a recommendation relevant to a national security eligibility determination, or other official government representative.

The burden therefore shifts to Applicant to mitigate security concerns under Guideline E. The guideline includes the following conditions in AG ¶ 17 that can mitigate security concerns arising from Applicant’s personal conduct:

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

Regarding the inaccuracy of his Questionnaire answers about marijuana use, Applicant averred that he mistakenly believed the question did not require disclosure where the use was lawful under state law (Amd Ans). This is not an uncommon error and would be plausible were it not for the fact that marijuana was illegal in both the UK and Switzerland, where he used the drug during college and grad school. Marijuana was not, therefore, legal under local laws during the vast majority of his use, making his claimed confusion about a conflict of laws issue highly unlikely.

As to his discussion of marijuana use with the defense investigator, Applicant suggested his use of the term “several times” or “a few times” was a colloquialism that did not intend to specifically identify the number of times he used marijuana. Applicant’s claim, however, parsed his original statement to the investigator and omitted his very specific mention of remembering only two uses – once at a park and once at someone’s house. He also stated, “the drug was obtained by friends,” avoiding reference to his admitted purchase of marijuana every six months from June 2017 – November 2023. This level of specificity renders his colloquialism confusion highly unlikely.

Finally, regarding Applicant’s use of the narcotic “speed,” his use clearly post-dated his filing of the Questionnaire. Of note, however, his later claim in his responses to interrogatories that he didn’t tell the investigator about his use of “speed” because he “forgot” rings hollow. Ostensibly the only time in his life that he took “speed” was with friends in Belgium on New Year’s Eve – a mere *four weeks* before he spoke with the investigator. And during a discussion about drug use, he claims he forgot this moment occurred. This additional moment of questionable candor was not alleged in either the SOR or ASOR but may be properly considered under the whole person concept (see below).

As the Appeal Board has noted, “a person holding a security clearance has a duty to fully disclose conduct of security concern.” [ISCR 24-00278 at 3 (App. Bd. Jan. 14, 2026)]. Moreover, a falsification of a security questionnaire constitutes misconduct that casts serious doubt on an applicant’s judgment, reliability, or trustworthiness. [ISCR 22-00657 at 4 (App. Bd. Apr. 18, 2023)]. Having examined the omissions in light of the record as a whole, none of the mitigating conditions, individually or collectively, are sufficiently applicable to overcome the issues surrounding Applicant’s personal conduct. SOR ¶¶ 4.a and 4.b are found against Applicant.

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.

Also, given the Applicant's lack of candor to the defense investigator about his use of the narcotic "speed," it is important to note the well-established premise that unalleged conduct may still properly be considered by the judge [(ISCR Case No. 03-20327 at 3 (App. Bd. Oct. 26, 2006))]:

- a. To assess an applicant's credibility;
- b. To evaluate an applicant's evidence of extenuation, mitigation, or changed circumstances;
- c. To consider whether an applicant has demonstrated successful rehabilitation;
- d. To decide whether a particular provision of the Adjudicative Guidelines is applicable; or
- e. To provide evidence for the whole person analysis.

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 E 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 B:	FOR APPLICANT
Subparagraphs 1.a – 1.c:	For Applicant
Paragraph 2, Guideline C:	FOR APPLICANT
Subparagraph 2.a:	For Applicant
Paragraph 3, Guideline H:	AGAINST APPLICANT

Subparagraphs 3.a – 3.c:	Against Applicant
Paragraph 4, Guideline E:	AGAINST APPLICANT
Subparagraphs 4.a – 4.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