



DEFENSE LEGAL SERVICES AGENCY
DEFENSE OFFICE OF HEARINGS AND APPEALS



In the matter of:)
)
) ISCR Case No. 25-00494
)
)
Applicant for Security Clearance)

Appearances

For Government: Mark D. Lawton, Esq., Department Counsel
For Applicant: *Pro se*

07/30/2026

Decision

Lokey Anderson, Darlene D., Administrative Judge:

Statement of the Case

On November 17, 2021, and June 12, 2012, Applicant submitted security clearance applications (e-QIPs). On May 12, 2025, the Defense Counterintelligence and Security Agency Consolidated Adjudication Services (DCSA CAS) issued Applicant a Statement of Reasons (SOR), detailing security concerns under Guideline H, Drug Involvement and Substance Misuse; and Guideline E, Personal Conduct. The action was taken under Executive Order (EO) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; DoD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the Adjudicative Guidelines (AG) effective within the DoD after June 8, 2017.

Applicant answered the SOR on August 1, 2025, and requested a hearing before an administrative judge. The case was assigned to me on June 1, 2026. The Defense Office of Hearings and Appeals issued a notice of hearing on June 3, 2026, and the hearing was convened as scheduled on July 8, 2026. At the hearing, the Government offered five evidentiary exhibits, referred to as Government Exhibits 1 through 5, and two

Hearing Exhibits, referred to as Hearing Exhibits I and II, which were all admitted without objection. The Applicant offered no exhibits. He called one witness and testified on his own behalf. DOHA received the transcript of the hearing (Tr.) on July 20, 2026.

Findings of Fact

Applicant is 41 years old. He is married with three children. He holds a Bachelor's degree. He is employed by a defense contractor as an IT System Administrator. He is seeking to retain a security clearance in connection with his employment. He began working for his current employer in July 2017. (Tr. p. 20.)

Applicant served in the U.S. National Guard from June 2012 to June 2018. He then joined the Army Reserves, and served from 2019 to 2022. While in the military his occupation specialty was Computer IT Network Support, and he held a security clearance for the first time. In December 2019, Applicant tested positive for marijuana on a command directed urinalysis administered by his National Guard Unit. (Government Exhibit 5.) Applicant received a verbal counseling for the issue. He was "grounded" by the unit, and prevented from being promoted or going to additional training /education in efforts to explore other opportunities with the National Guard. He decided to terminate his National Guard obligation. In May 2022, Applicant received a General Under Honorable Conditions Discharge, at the rank of E-4. (Government Exhibit 3.)

Guideline H – Drug Involvement and Substance Misuse

The SOR alleged that from approximately 2000 to September 2005, Applicant used marijuana with varying frequency; and from December 2019 to about December 2022, he used marijuana with varying frequency. He used it at times while employed in a sensitive position, one which required a security clearance. During Applicant's testimony it was established that he used marijuana much more frequently and over a longer period of time than previously known. In fact, he testified that he used marijuana with continuously from about August 2003 until October 2025. (Tr. p. 37.)

The Government moved to amend the SOR under Guideline H, allegation 1.a., to reflect that the Applicant used marijuana with varying frequency from about August 2003 until October 2025; and the Government also moved to delete allegation 1.b. Applicant had no objection. The two proposed amendments were made. (Tr. pp. 54-55.)

Applicant is a long-term marijuana user. He testified that he used marijuana for the first time in high school in 2002. After high school he attended junior college in 2003, where his marijuana use became more frequent. At times he used marijuana daily. His use of marijuana became a regular habit. At some point he believes that he became addicted to it. Sometime in 2005, he tested positive for marijuana on a drug urinalysis test while attending a University. Applicant was attending the University on a football scholarship. He received a verbal counseling from a counselor at the university who informed him of the dangers and pitfalls of illegal drug use. Following the counseling, Applicant quit using marijuana for a period and then started again. His use of marijuana

has varied at times from once, twice, or three times and week, to at times daily. This use has been regular and consistent extending over a period of twenty-three years. He explained that he used marijuana as a temporary escape from his problems. In his sworn statements dated December 2022, and October 2018, he stated that he was dealing with depression, anxiety, PTSD, and marital problems. (Government Exhibit 3.) To supply his use, he regularly purchased it from a dispensary, usually a gram at a time. His use of marijuana has been a regular habit that has continued over the years. (Tr. p. 35.)

Given the long period Applicant used marijuana, from 2003 to October 2025, he has used it against Federal law, and Department of Defense policies and regulations while serving in the National Guard; while serving in the Army Reserves; and while employed as a civilian with a defense contractor in a sensitive position, requiring a security clearance. Applicant stated that he last used marijuana in October 2025. (Tr. p. 38, and Government Exhibit 3.)

Guideline E – Personal Conduct

Applicant stated that his marijuana use has been a twenty-three year battle for him that has been very problematic. Despite testing positive on two drug tests, receiving counseling, being discharged from the National Guard, and almost risking his football scholarship from a University, he continued to use marijuana. He has had opportunities to permanently stop using it, but he failed to do it. The consequences of his actions have now come to fruition. He has from time to time wondered if his marijuana addiction had become too big for him to handle on his own, but because of his ego, he has not wanted to seek help. He accepts the responsibility for his actions, and has no excuse for them. Applicant stated that he has never asked for professional help with his addiction, and has never participated in any kind of drug treatment program for assistance. He turns to his faith in God to help him avoid it. He prays and repents. He stated that he is now off of marijuana, and he does not feel addicted. (Tr. pp. 44-46.)

Applicant completed a security clearance application, known as an Electronic Questionnaire for Investigations Processing (eQIP) dated November 17, 2021. In Section 23, Illegal Use of Drugs or Controlled Substances, Applicant was asked the following question, “In the last seven years have you illegally used any drugs or controlled substances?” Applicant answered, “NO.” (Government Exhibit 1.) His response was not truthful. Applicant failed to list his long history of marijuana use from 2003 to at least October 2025 as discussed above.

In that same questionnaire, under Section 23, Applicant was asked the following question, “Have you ever illegally used or otherwise been involved with a drug or controlled substance while possessing a security clearance other than previously listed? Applicant answered, “NO.” (Government Exhibit 1.) His response was not truthful. Applicant failed to list his use of marijuana while possessing a security clearance that occurred from 2012 until 2025.

In that same security clearance application, under Section 25, Investigations and Clearance record, Applicant was asked, “Has the U.S. Government investigated your back ground and/or granted you a security clearance eligibility/access?” Applicant answered, “NO.” (Government Exhibit 1.) His response was not truthful. Applicant failed to list the favorable clearance adjudication he received from DoD CAF/DoD CAS on June 21, 2012; and January 18, 2022. (Government Exhibit 4.)

Applicant completed an earlier security clearance application dated June 12, 2021. In Section 23, Illegal Use of Drugs or Drug Activity, Applicant was asked the following question, “In the last seven years, have you illegally used any controlled substance, for example cocaine, crack cocaine, THC (marijuana, hashish, etc.)?” Applicant answered, “NO.” (Government Exhibit 2.) His response was not truthful. Applicant failed to list his marijuana use that occurred during the period from 2014 to 2021.

Applicant stated that he has been addicted to marijuana. He has not used any other illegal drug, except marijuana. He stated that he no longer uses marijuana and no longer feels addicted because of his faith. He does not associate with people who use drugs nor does he frequent places where those people are located. (Tr. p. 44)

Applicant stated that he has a family that he is responsible to take care of. He realizes that he must stop his marijuana use or it will drag him into the ground. (Tr. p. 47.)

Applicant’s witness, who works closely with the Applicant and holds a TS/SCI clearance, testified that he has known the Applicant from work for the past five or six years. He considers the Applicant to be extremely trustworthy, and he would have no problem leaving his children with him. Applicant has discussed pursuing higher education and getting more certifications to advance his career. He describes the Applicant as a good man, who is helpful, encouraging, and supportive to him in pushing him toward his career goals. (Tr. p. 52)

Policies

When evaluating an applicant’s suitability for a security clearance, the administrative judge must consider the adjudicative guidelines (AG). 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 AG ¶ 2 describing 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.” In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record.

Directive ¶ E3.1.14, requires the Government to present evidence that establishes 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 applies for access to classified information seeks to enter 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 classified information. 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 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 relating to the guideline for Drug Involvement and Substance Misuse is set forth at 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.

The guideline at AG ¶ 25 contains three conditions that could raise a security concern and may be disqualifying:

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

The guideline at AG ¶ 26 contains conditions that could mitigate security concerns. None of the conditions are 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 used marijuana on a regular basis, at times daily, to the point of addiction, over a twenty-three year period, from 2003 through October 2025. He was given many opportunities to quit using it. He tested positive for marijuana on two separate drug urinalysis, and each time he was counseled by his superiors for this misconduct, but his ego has prevented him from seeking professional help. During this twenty-three period, there were several times he held a sensitive position, and a security clearance, namely while serving in the National Guard; the Army Reserves; and most recently, as a civilian employee working for a defense contractor. Applicant was aware that his marijuana use was prohibited under Federal Law and against Department of Defense policies and regulations, but simply disregarded them. This long-term illegal drug use

shows immaturity, irresponsibility, and unreliability. Even though he stated that he has now quit using marijuana, there is no strong evidence that shows his word to be truthful. In fact his credibility is questionable. His conduct shows immaturity and raises questions about his ability or willingness to comply with laws, rules, and regulations. He has not shown the requisite good judgment, reliability, and trustworthiness necessary to be eligible for access to classified information.

Guideline E- Personal Conduct

The security concern for Personal Conduct is set out in AG ¶ 15:

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

The guideline notes several conditions that could raise security concerns under AG ¶ 16. Three 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; and

(d) credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information. This includes, but is not limited to, consideration of:

(3) a pattern of dishonesty or rule violations; and

(e) personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, or duress by a foreign intelligence entity or other individual or group. Such conduct includes:

(1) engaging in activities which, if known, could affect the person's personal, professional, or community standing.

There are conditions mitigating security concerns under AG ¶ 17. However, none of them are applicable here:

- (a) the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;
- (b) the refusal or failure to cooperate, omission, or concealment was caused or significantly contributed to by advice of legal counsel or of a person with professional responsibilities for advising or instructing the individual specifically concerning security processes. Upon being made aware of the requirement to cooperate or provide the information, the individual cooperated fully and truthfully;
- (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;
- (d) the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that contributed to untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur; and
- (e) the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress.

Applicant was not honest and truthful with the Government when he answered questions on his security clearance applications dated November 17, 2021, and June 12, 2012, each time in response questions about his illegal drug use. During this period, he was using marijuana at times daily and regularly. He deliberately lied repeatedly in response to the questions. His credibility remains in question. This conduct shows poor judgment, unreliability, and untrustworthiness. None of the mitigating conditions are applicable here.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for a security clearance by considering the totality of the applicant's conduct and all 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 facts and circumstances surrounding this case. I have incorporated my comments under Guidelines H, and E in my whole-person analysis. Based upon the facts and analysis set forth above, Applicant has failed to provide sufficient evidence to demonstrate that he meets the qualifications for a security clearance.

Overall, the record evidence leaves me with questions and doubts as to Applicant's eligibility and suitability for a security clearance. For all these reasons, I conclude Applicant failed to mitigate the Drug Involvement and Substance Misuse, and Personal Conduct security concerns.

Formal Findings

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

Paragraph 1, Guideline J:	AGAINST APPLICANT
Subparagraphs 1.a and 1.b:	Against Applicant
Paragraph 2, Guideline E:	AGAINST APPLICANT
Subparagraphs 2.a through 2.d:	Against Applicant

Conclusion

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

Darlene Lokey Anderson
Administrative Judge