



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



In the matter of:

Applicant for Security Clearance

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ISCR Case No. 25-00552

Appearances

For Government: Brittany C. White, Esq., Department Counsel

For Applicant: Sean Rogers, Esq.

09/03/2026

Decision

HALE, Charles C., Administrative Judge:

This case involves security concerns raised under Guidelines D (Sexual Behavior), H (Drug Involvement; and Substance Misuse), and E (Personal Conduct). Eligibility for access to classified information is denied.

Statement of the Case

Applicant submitted a security clearance application (SF-86) on September 25, 2023. On May 22, 2025, the Defense Counterintelligence and Security Agency (DCSA) sent him a Statement of Reasons (SOR) alleging security concerns under Guidelines D, H, and E. The DCSA acted under Executive Order (Exec. Or.) 10865, Safeguarding Classified Information within Industry (February 20, 1960), as amended; Department of Defense (DoD) Directive 5220.6, Defense Industrial Personnel Security Clearance Review Program (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) promulgated in Security Executive Agent Directive 4, National Security Adjudicative Guidelines (December 10, 2016).

Applicant through counsel answered the SOR on August 19, 2025, and requested a hearing before an administrative judge. Department Counsel was ready to proceed on December 12, 2025, and the case was assigned to me on February 2, 2026. On March 3, 2026, the Defense Office of Hearings and Appeals (DOHA) notified Applicant that the hearing was scheduled for May 7, 2026. I convened the hearing as scheduled. Government Exhibits (GE) 1 through 6 were admitted in evidence without objection. Applicant's Answer included 18 exhibits that were marked as Applicant Exhibit (AE) A

through R and consistent with the case management order he submitted AE S and AE T. AE A through AE T were admitted without objection. Applicant testified and presented testimony from two witnesses. The record remained open until June 10, 2026, and neither side offered any additional evidence. DOHA received the transcript (Tr.) on June 8, 2026.

Procedural Ruling

Department Counsel requested that I take administrative notice of certain facts relating to the U.S. Department of Justice Citizen's Guide to the U.S. Federal Law on Child Pornography, which is dated May 3, 2018. Applicant did not object and the request was approved. (Tr. 13-14.) The request and the attached documents were not admitted into evidence but were included in the record as a Hearing Exhibit. The relevant facts administratively noticed are set out in the Findings of Fact below.

Findings of Fact

Applicant is a 33-year-old engineer. He holds an electrical engineering degree with a minor in physics earned in 2022. Out of college he worked for a consumer electronics company. He found the engineering work fulfilling but did not find the singular focus on profit fulfilling. He found work with a major defense contractor in 2023 and continues to work for them. He is seeking his first security clearance. (Tr. 16-19; GE 1; AE L.)

Applicant explained that he put everything in the SF-86, stating:

I knew, based on the sections in the SF-86, that there was going to be opportunities if I chose to take them to reveal certain information about my past choices. I took the SF-86 as an opportunity to lay out for the benefit of the customer, to the United States government, anything and everything under the sun that could potentially be considered alarming or concerning about my past behavior.

And so, I made heavy use of the additional comments section. I filled out every possible section to whatever extent, by whatever stretch I could think of anything that would fit into that section as a possible concern. (Tr. 22.)

Guideline D

SOR ¶ 1.a alleged that from approximately November 2021 to approximately February 2022, Applicant viewed child pornography on the dark web. In his Answer he admitted he was accessing the dark web but denied that he was using it for the purposes of obtaining or viewing child pornography. (Answer.) In his SF-86 he wrote that on three occasions he “directly message[d] users who had posted offering[s] to sell links to shared folder of revealing content, which allow him to accidentally stumble upon illegal (underage) content.” When a user directly messaged him and specifically mentioned underage content he stopped. He stated that he first encountered child pornography on the TOR browser while seeking lysergic acid diethylamide (LSD) (SOR ¶ 2.k). (GE 1 at

82-83; GE 2 at 22.)

Applicant told an investigator during an interview for his security clearance he was repulsed by the images of girls he believed were under the age of 12 and would search for the girls that were between 13 and 16 because he liked how girls' breasts at that age were developed. He estimated to the investigator he viewed girls aged 13-16 about five times. (GE 2 at 22, 28; Tr. 103.)

SOR ¶ 1.b alleged that from approximately January 2023 to approximately May 2023, Applicant purchased and viewed child pornography on the dark web and via Reddit. In his Answer he admitted he was accessing the dark web but denied that he was using it for the purposes of obtaining or viewing child pornography. He stated in his Answer his use of the dark web stopped after February 2022. His utilization of the dark web was limited to that detailed above in SOR ¶ 1.a. He admitted he used Reddit to access specific content from January 2023 through approximately May 2023. On his SF-86 he wrote that he recalled three instances where he exchanged money to get illegal content, writing "I was driven to sneakily get the content." (Answer; GE 1 at 83; Tr. 27-30, 114.) He never reported any concerns when he was on Reddit to his security officer. He did not want to "highlight" his involvement. (Tr. 88, 136-137.)

SOR ¶ 1.c alleged Applicant was sexually attracted to female children when and because they are going through puberty. In his Answer, he "adamantly" denied that he was attracted to female children when or because they are going through puberty. (Answer.) He testified he was not attracted to underage females. He offered a psychological evaluation that determined he did not meet the criteria for a sexual disorder and evidence he was complying with the psychological recommendation he continue counseling. (Tr. 21, 65; AE G; AE H; AE T.)

Applicant acknowledged he made several corrections and clarifications to the summary of interviews with the investigator. (Tr. 65, 77.) He did not amend/change the paragraph where the investigator wrote:

Subject is sexually attracted to 13- to 16-year-old girls as previously discussed because of the changes to puberty is sexual attraction to him. Subject is [attracted] to the features of the girl's bodies at the between 13 and 16 specifically their breasts and it causes an adrenaline rush knowing they are not 18 but not entirely sure of their age. (GE 2 at 28.)

When asked why he did not correct the age range Applicant stated:

So the major[ity] of questions that were asked of me as opportunities to correct the information was whether or not this report accurately reflects information I provided during the interview. And it is true that I provided that age range during the interview, but it was in the context in response to a different question. So, when I see that age range plugged into the interrogatories, I remembered providing that age range and where the

investigator obtained that age range from, but it is not a representation of what I'm interested in. It was my response to the age at which breasts develop.

And so, now that gets to the next part of the -- of the interrogatory questions: What do you want to add any -- let's see. Do you have any additional information regarding the matters discussed? It was a balance in my mind between knowing that I provided information to the investigator and that that would cause the investigator to come to some conclusions and not feeling like it was being asked of me to correct the investigator's conclusions. (Tr. 66.)

Applicant maintained under repeated questioning the context of this response was the age range to a specific question and that it was then applied backward in the points throughout the investigator's summary, stating at one point, "so I understand where that information came from, but it does not represent reality." (Tr. 68, 71, 77, 78, 84.) He stated he never searched for this age range, 13-16. (Tr. 79.) He acknowledged he was interested in this age range stating, "the date range I thought was fair to pin down breasts because that's when puberty happens and where breasts develop, but it was no way had any correlation with my preference of breast features." On the dark web he went to an image board and did not use a search term. (Tr. 103.)

Guideline H

Applicant with his Answer included a signed pledge to abstain from all drug involvement and substance misuse. He offered the negative hair follicle drug test report dated January 9, 2026, to support his Answer and testimony. (AE E; AE T.) At the hearing he was asked by his counsel to address paragraphs SOR ¶¶ 2.a through 2.i, which allege a date range of drug use or purchase of a substance. He stated:

Yes, for marijuana, those are accurate descriptions. But for cocaine and LSD -- I'm sorry. Cocaine and MDMA, given that those are three instances of usage within that time frame, I don't feel it's representative to call it with varying frequency because there's three independent times that I used either of those substances. But beyond that, the date range and description of frequency looks correct. Oh, yes, A through I. (Tr. 41-42.)

SOR ¶ 2.a alleged that from approximately October 2016 to approximately June 2023, Applicant used marijuana in various forms and in varying frequency. In his Answer, consistent with his SF-86, he admitted that he used marijuana in various forms and in varying frequencies from approximately October 2016 through June 2023. In his SF-86 he described marijuana as a "crutch for responding to his emotions." (Answer; GE 1 at 72-73.) He acknowledged he had to quit marijuana in advance of the onboarding with his employer out of college and waited a "significant" period, approximately "a month or two months" before resuming use. (Tr. 127.)

SOR ¶ 2.b alleged that from approximately July 2017 to approximately June 2023, Applicant purchased marijuana in various forms and in varying frequency. In his Answer he admitted that he purchased marijuana in various forms and in varying frequencies from approximately July 2017 through June 2023. (Answer.)

SOR ¶ 2.c alleged that from approximately May 2018 to approximately April 2023, Applicant used cocaine in varying frequency. In his Answer, consistent with his SF-86, he admitted using cocaine on three occasions between May 2018 and April 2023. He described his relationship with this drug as “very nonchalant” and that he did not crave it and was confident he could abstain from its use. (Answer; GE 1 at 70-71.)

SOR ¶ 2.d alleged that from approximately July 2019 to approximately October 2021, Applicant used LSD in varying frequency. In his Answer he admitted that from approximately July 2019 to October 2021, he used LSD in varying frequencies. Consistent with his SF-86, he estimated that he used LSD approximately seven times in total, and he never used LSD more than one time per month. (Answer; GE 1 at 73-74.)

SOR ¶ 2.e alleged that from approximately September 2019 to approximately October 2021, Applicant purchased LSD in varying frequency. In his Answer he admitted that from approximately July 2019 to October 2021, he purchased LSD on approximately three, but no more than five occasions. He estimated that he spent approximately \$300 in total. Applicant stated he has not purchased LSD since October 2021; does not maintain contact with drug dealers; and is committed to abstaining from LSD or any other illegal drug use in the future. He included with his Answer a signed pledge to abstain from all drug involvement and substance misuse. (Answer; AE E.)

SOR ¶ 2.f alleged that from approximately July 2019 to approximately September 2021, Applicant used methylenedioxy methamphetamine (MDMA) in varying frequency. In his Answer, consistent with his SF-86, he admitted that from approximately July 2019 to September 2021, he used MDMA in varying frequencies. He estimates that he used MDMA approximately three times, but no more than five times during this time frame, and he never used MDMA more than one time in a four-month period. He states he has not used MDMA since mid-2021, (Answer; GE 1 at 70.)

SOR ¶ 2.g alleged that from approximately March 2020 to approximately July 2021, Applicant purchased MDMA in varying frequency. In his Answer he admitted that from approximately March 2020 to July 2021, he purchased MDMA on approximately three to four occasions. He estimated that he spent approximately \$350 in total. He stated he has not purchased MDMA since approximately July 2021; he does not maintain contact with drug dealers; and he is committed to abstaining from MDMA or any other illegal drug use in the future. (Answer; GE 1 at 70; AE E.)

SOR ¶ 2.h alleged that from approximately August 2019 to approximately September 2021, Applicant used hallucinogenic mushrooms in varying frequency. In his Answer he admitted that from approximately August 2019 to September 2021, he used hallucinogenic mushrooms in varying frequencies. He stated he utilized hallucinogenic

mushrooms in order to aid in developing a deeper spiritual connection. He started using the mushrooms because a friend had them. He ingested them in chocolate, in tea, and in vitamin supplements both in larger doses for a psychedelic effect and in microdoses to achieve subtle benefits over time. He states has not used mushrooms since September 2021, as his experiences did not provide him with the spiritual connection he was hoping to receive. (Answer; Tr. 117.)

SOR ¶ 2.i alleged that from approximately August 2019 to approximately August 2021, Applicant purchased and sold hallucinogenic mushrooms in various forms and in varying frequency. In his Answer he admitted that he purchased dried, natural hallucinogenic mushrooms from approximately August 2019 through August 2021 on an estimated twenty occasions. He estimated that he spent a total of \$1,300 on mushrooms in that timeframe but he denied selling mushrooms throughout this timeframe. He did admit in his Answer he engaged in three monetary transactions, selling hallucinogenic mushroom vitamin capsules during the summer of 2020, which earned \$15 for each transaction. He stated he has not purchased mushrooms since August 2021, and he has not sold mushrooms since the summer of 2020 and that he does not maintain contact with drug dealers, and he is committed to abstaining from all hallucinogens and any other illegal drug use in the future. (Answer; GE 1 at 77; Tr. 132; AE E.)

SOR ¶ 2.j alleged that in April 2021, Applicant tried to grow mushrooms with the intent for self-use but had no success in growing them. In his Answer he admitted that in approximately April 2021, he attempted to grow mushrooms with the intent of self-use. He stated during period alleged in SOR ¶ 2.h, when he was using hallucinogenic mushrooms for spiritual purposes, he became interested in the growing process. He felt that he would find more fulfillment in ingesting a substance that he had grown. Applicant stated he legally purchased mushroom spores via the internet as they are often used for microscopy purposes. Consistent with his SF-86, he stated he was unsuccessful in growing the mushrooms and later disposed of the jars containing the spores. (Answer; GE 1 at 77; Tr. 42-43.)

SOR ¶ 2.k alleged that in November of 2020, Applicant used the dark web and/or TOR browsing to seek illegal drugs (LSD). In his Answer he admitted that in November 2020, he accessed the dark web using TOR browsing in an attempt to obtain LSD. He stated he was using Reddit pages to identify potential LSD marketplaces. He would then input those addresses into the TOR browser to check the availability of LSD, but he never made any purchases of LSD, or any other illegal drug, through this process. He no longer utilizes Reddit for this purpose. He wrote in his SF-86 that he had been experimenting with TOR “to obtain personal quantities of LSD, which was hard to find on the streets.” (Answer. GE 1 at 83.)

SOR ¶ 2.l alleged that in November of 2021, Applicant drove a motor vehicle while under the influence of marijuana/THC. In his Answer he denied that he drove a vehicle under the influence of marijuana/THC in November 2021 but admitted that he drove a vehicle under the influence of marijuana/THC in approximately October 2019. He explained that on the day of this incident, he had used marijuana in an attempt to relax

after a stressful incident at school; suffered a panic attack; and felt that he needed emergency medical attention. In the stress of the moment, he began driving himself to the hospital. On the way to the hospital, he called 911, and the operator advised him to pull over and wait for an ambulance, which he did. He stated in his SF-86 the police allowed him to walk home. (Answer; GE 1 at 73; Tr. 44-46.)

Applicant explained why he tried the various substances more than once, stating

With all psychedelics, my reason for using them was it felt like I was learning constantly from the experience because you have some hallucinations and you think, oh, this is symbolism, or this is representative [of] this or that. (Tr. 118.)

Applicant was then asked what he was learning:

I guess in a sense about myself and about the world around me. That was how I perceived it during my usage of both psychedelics mushrooms and LSD, I was recognizing patterns either in nature or in music or in myself based on the hallucinations of LSD. (Tr. 119.)

Guideline E

SOR ¶ 3.a alleged that in approximately June 2023, as a result of Applicant's child pornography viewing and sexual attracting to underage females, Applicant experienced guilt, self-loathing, depression, suicidal ideations, and suicidal plans. As a result, [in June 2023], Applicant self-admitted to and hospitalized at the [Institute]. [In July 2023], Applicant was discharged with a diagnosis of major depressive disorder without psychotic features without prior episode [Institute].(Answer; GE 3.) In his Answer he admitted the allegation, and stated:

[Applicant] admits that he was haunted by his decision to put himself in a situation where he encountered pornographic content that he suspected contained underage individuals. He further admits that he self-admitted into [Institute] on June 28, 2023, where he was diagnosed with major depressive disorder without psychotic features. [Applicant] denies, however, that this properly serves as a basis for finding that it is not clearly consistent with the national interest to grant him access to classified information. He provides the following clarifying information.

Upon speaking with his brother in mid-2023, as described above, [Applicant] learned of [Institute]. Out of an abundance of caution, [Applicant] chose to admit himself to address the depression he was feeling. Prior to his stay in [Institute], he felt chained to his past errors, but after he sought professional help, he felt empowered to change and grow from his mistakes. [He] has since developed stronger emotional intelligence, healthy coping mechanisms, and stronger, more secure relationships with his support

system. Following his time at [Institute], [he] continued meeting with his therapist through November 2023. [Applicant] is committed to finding fulfillment by working through his mistakes and ensuring that they do not recur. (Documentation of Applicant's mental health journey is enclosed as [AE G], Answer at 10-11.)

Applicant testified:

So, as I've explained, moving to [new city], taking my first job out of college was an exciting step that ended up not being as fulfilling as I had hoped it to be. So, I was struggling to find a greater purpose, a greater meaning. I was also struggling to engage socially and to engage myself beyond work. During this period of time, my viewing habits with pornography increased and became a more isolating factor to my emotional well-being. And I recognized this and reached out to a coworker. I explained that I am viewing pornography and that I was uncomfortable with the content that I had seen. And immediately, the nature of that content became real to me because before that moment, I had never explained to anyone what I had seen on any corner of the internet.

And immediately, I was overwhelmed with everything at once: the isolation, the feeling of guilt with viewing the pornography. And I started to experience suicidal thoughts. And that's when, after consulting with my brother, I decided to check myself into [Institute]. (Tr.19-20)

This was the first time in his life that he had ever sought professional mental health services. He completed his SF-86 three months later. He wrote in the SF-86 about being on a "legal" porn site and seeing a thumbnail video of a "young girl interacting inappropriately with a man," and that he clicked. He told an investigator he thought the girl in the thumbnail video was approximately six years old. This image was one of the drivers for him seeking mental health treatment because of the "guilt and shame" he felt. He testified he was not attracted to underage females. He offered his psychiatry history from the Institute, a recent psychological evaluation and his confirmation of counseling appointments with his social worker. The exhibits showed he was dealing with his past issues; did not meet the criteria for a sexual disorder; and was complying with psychological recommendation that he continue counseling. (Tr. 22, 65; GE 1 at 68-69, 83; GE 2 at 3-5, 32; GE 3; AE G; AE H; AE T.)

SOR ¶ 3.b alleged those allegations in Subparagraphs 1.a. through 1.c., above. Allegation is addressed above in Guideline D findings of fact.

SOR ¶ 3.c alleged those allegations in Subparagraphs 2.a. through 2.I., above. Allegation is addressed above in Guideline H findings of fact.

Applicant testified he has changed. He does not associate people who use drugs now, and that includes how he listens to his preferred music. To help him abstain from

pornography and drugs he has found alternative outlets for his time, such as running, hiking, fishing, and long boarding. He also games online, usually on teams in a game with an assault objective. His circle of friends is now drawn now from work contacts and to small extent from long-boarders. The majority of his work friends have security clearances. (Tr. 117, 125, 130-131, 136.) He submitted a personal statement affirming he was forward-looking with career, family, and hobbies to carry him onward. (AE P.)

Applicant presented testimony from two witnesses from his company who were aware of the security concerns. One witness had brought him on to his current assignment group in the company. This witness had over 40 years of experience and stated they had observed employees who have security concerns in the past, and Applicant was first person she had prepared a statement for. (Tr. 154-155.) Another witness, a senior engineer in the company, testified he was familiar with Applicant's package to join the military as an officer, and that he fully supported it because Applicant already had the bearing of someone in the military. The witness had served in the Marine Corps. He further described Applicant as an honest person. (Tr. 159-164.) This testimony was supported by numerous character statements from individuals from all areas of Applicant's life. (AE Q.)

Policies

This case is adjudicated under Exec. Or. 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), which became effective on June 8, 2017.

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

Section 7 of Exec. Or. 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* Exec. Or. 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

Analysis

Guideline D, Sexual Behavior

The concern under this guideline is set out in AG ¶ 12:

Sexual behavior that involves a criminal offense; reflects a lack of judgment or discretion; or may subject the individual to undue influence of coercion, exploitation, or duress. These issues, together or individually, may raise questions about an individual's judgment, reliability, trustworthiness, and ability to protect classified or sensitive information. Sexual behavior includes conduct occurring in person or via audio, visual, electronic, or written transmission. No adverse inference concerning the standards in this Guideline may be raised solely on the basis of the sexual orientation of the individual.

¶ 13: The following disqualifying conditions are potentially applicable as detailed in AG

(a) sexual behavior of a criminal nature, whether or not the individual has been prosecuted; and

(c) sexual behavior that causes an individual to be vulnerable to coercion, exploitation, or duress.

14: The following mitigating conditions are potentially applicable as detailed in AG ¶

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

(c) the behavior no longer serves as a basis for coercion, exploitation, or duress.

Applicant admitted he went on the dark web where he clicked on links and threads aware he could, and believes he did, encounter child pornography. He admitted the use of Reddit in January 2023 through May 2023 and accessed a thread actively engaged in this behavior but has not engaged in this behavior since January 2022. He acknowledged this behavior, which occurred on a popular online social media and forum platform, Reddit. AG ¶ 14(b) is not applicable. Insufficient time has passed since this sexual behavior occurred to establish that it is unlikely to recur and does not cast doubt on the Applicant's current reliability, trustworthiness, or judgment.

Applicant's voluntary disclosures during the security clearance process establish his sexual behavior does not serve as a basis for coercion, exploitation, or duress. AG ¶ 14(c) is applicable; however, sexual behavior security concerns are not mitigated under AG ¶ 14.

Guideline H, Drug Involvement and Substance Misuse

¶ 24: The security concern for drug involvement and substance misuse is set out in AG

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.

Applicant admitted he purchased and used marijuana and the other illegal drugs. The following under AG ¶ 25 are applicable in this case:

(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.

AG ¶ 26 provides conditions that could mitigate security concerns. 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.

AG ¶ 26(a) is not established for SOR ¶¶ 2.a-2.m. Applicant's drug use started in 2016 and ended in 2023. While some drugs, such as cocaine, were used on limited occasions over the periods alleged, his use of marijuana (7 years), cocaine (5 years), LSD (2 years), MDMA (2 years), and mushrooms (2 years) spanned multiple years. Given Applicant's has a lengthy history of drug involvement, there has not been a sufficient track record establishing real abstinence. Applicant's behavior raises substantial questions about his trustworthiness, judgment, reliability, and willingness to comply with laws, rules, and regulations. See ISCR Case No. 20-02974 (App. Bd. Feb. 1, 2022). Applicant's willingness to sign a statement of intent not to use illegal drugs in the future does not mitigate the scope of these security concerns. His illegal drug use continues to cast doubt on his reliability, trustworthiness, and good judgment.

AG ¶ 26(a) is established for SOR ¶ 2.i. Applicant followed the directions of the 911 dispatcher. His actions occurred under such circumstances that it is unlikely to recur and does not cast doubt on his current reliability, trustworthiness, or good judgment.

AG ¶ 26(b) does not fully apply to SOR ¶¶ 2.a-2.m. Applicant states he has matured and regrets his previous drug use. He has changed his environment and lifestyle. He no longer associates with the individuals with whom he used drugs. He wants a career and a stable future. He drafted and signed a statement pledging to his intent to abstain from all drug involvement and substance misuse and to always put the security of the

nation first. However, given his long history of drug use, a pattern of abstinence is not sufficiently established.

Guideline E, Personal Conduct

The security concern for personal conduct is set out in AG ¶ 15, as follows:

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 information. Of special interest is any failure to provide truthful and candid answers during the security clearance process or any other failure to cooperate with the security clearance process.

AG ¶ 16 describes conditions that could raise a security concern and may be disqualifying. The following disqualifying condition is applicable:

(c) credible adverse information in several adjudicative issue areas that is not sufficient for an adverse determination under any other single guideline, but which, when considered as a whole, 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.

The underlying conduct for SOR ¶¶ 1.a-1.c and SOR ¶¶ 2.a-2.i triggers a whole-person assessment of Applicant's judgment, trustworthiness, reliability, candor, willingness to comply with rules and regulations, or other characteristics indicating whether he will properly safeguard classified or sensitive information, is set forth in the conduct alleged in SOR ¶¶ 1.a-1.c and SOR ¶¶ 2.a-2.. SOR ¶ 3.b is duplicative with SOR ¶¶ 1.a through 1.c and SOR ¶ 3.c is duplicative with SOR ¶¶ 2.a through 2.i.

The following mitigating conditions, under AG ¶ 17, are potentially relevant:

(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.

AG ¶¶ 17(c), 17(d), and 17(e) are established for SOR ¶ 3.a. Applicant has taken positive steps to reduce or eliminate his vulnerability to exploitation, manipulation, or duress caused by his issues with child pornography and attraction to female children going through puberty. He fully disclosed his behavior; acknowledged the behavior; and he obtained counseling to change the behavior. Applicant's self-admission and hospitalization at the Institute in 2023 provided him with a proper diagnosis. He has alleviated the stressors, circumstances, or factors that contributed to untrustworthy, unreliable, or other inappropriate behavior.

SOR ¶ 3.b cross-alleges Applicant's sexual behavior as detailed in SOR ¶¶ 1.a – 1.c as a personal conduct security concern. I find "For Applicant" with respect to SOR ¶ 3.b concerning SOR ¶¶ 1.a – 1.c because his viewing and purchasing of child pornography, as well as his interest in female children going through puberty, is more appropriately and fully addressed under Guideline D. While I find that his history of involvement on the dark web and interest in female children going through puberty concerning, his judgment and willingness to comply with rules and regulations, this conduct is specifically addressed under Guideline D. Duplicative coverage of this conduct and use in my findings under Guideline E is not warranted in this case.

SOR ¶ 3.c cross-alleges Applicant's drug use and possession as detailed in SOR ¶¶ 2.a – 2.i as a personal conduct security concern. I find "For Applicant" with respect to SOR ¶ 3.c concerning SOR ¶¶ 2.a – 2.i because his illegal drug use is more appropriately and fully addressed under Guideline H. While I find that his history of involvement with a range of illegal substances raises issues concerning his judgment and willingness to comply with rules and regulations, this conduct is specifically addressed under Guideline H. Duplicative coverage of his illegal drug possession and use in my findings under Guideline E is not warranted in this case.

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 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.

I have incorporated my comments under Guidelines D, H, and E in my whole-person analysis and applied the adjudicative factors in AG ¶ 2(d). I considered Applicant's admissions and candid explanations to all allegations, as well as his focus on his improving himself through his physical wellbeing, education, and career goals. Applicant's consistent candid responses in his SCA, security interview, and testimony specifically concerning his drug involvement reflect his recognition that he must not possess and use marijuana or any other illegal drug while holding a sensitive position requiring a security clearance or having access to classified information. Of particular significance, is the length and variety of drugs he used between 2016 and 2023. Insufficient time has passed to establish he can commit himself to sustained abstinence and no longer has a desire to learn about himself or the world around him through the use of drugs.

Applicant is to be commended for his full and frank disclosure of his involvement with child pornography and the steps he has taken to address this concern. Given his calculated efforts to view child pornography, insufficient time has passed to establish he can commit himself to sustained abstinence from this material.

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. Both of Applicant's witnesses testified credibly concerning Applicant's work performance and reliability. I have incorporated my comments under Guidelines D, H, and E in my whole-person analysis.

Overall, the record evidence leaves me with questions and doubts about Applicant's eligibility and suitability for a security clearance. I conclude Applicant did not mitigate the Guidelines D and H security concerns, while mitigating the Guideline E security concerns.

Formal Findings

I make the following formal findings on the allegations in the SOR:

Paragraph 1: Guideline D:	AGAINST APPLICANT
Subparagraphs 1.a-1.c:	Against Applicant
Paragraph 2: Guideline H:	AGAINST APPLICANT
Subparagraph 2.l:	For Applicant
Subparagraphs 2.a-2.m:	Against Applicant
Paragraph 3: Guideline E:	FOR APPLICANT
Subparagraphs 3.a-3.c:	For Applicant

Conclusion

I conclude that it is not clearly consistent with the national security interests of the United States to grant Applicant eligibility for access to classified information. Clearance is denied.

Charles C. Hale
Administrative Judge