



**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. 25-01403

Appearances

For Government: Lauren L. Shure, Esq., Department Counsel

For Applicant: *Pro se*

08/26/2026

Decision

GOLDSTEIN, J., Administrative Judge:

This case involves security concerns raised under Guideline H (Drug Involvement and Substance Misuse) and Guideline E (Personal Conduct). Clearance is denied.

Statement of the Case

On November 21, 2025, the Defense Counterintelligence and Security Agency (DCSA) sent Applicant a Statement of Reasons (SOR) alleging security concerns under Guideline H. 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), which became effective on June 8, 2017.

In Applicant's March 11, 2026, response to the SOR (Answer), she provided explanations in response to the allegations and requested a hearing before a Defense Office of Hearings and Appeals (DOHA) administrative judge.

Department Counsel submitted an amendment to the SOR (Amended SOR), pursuant to Paragraph 17 of the Additional Procedural Guidance of the Directive, to add the following allegation under Guideline E (SOR ¶ 2):

a. You were issued a Formal Warning, by your employer on or about March 31, 2026, for policy violations, specifically for 11 instances of time reporting infractions.

Applicant answered the Amended SOR on April 21, 2026, and admitted the allegation with an explanation.

On June 12, 2026, the Government was ready to proceed to a hearing. I was assigned this case on June 17, 2026. On July 10, 2026, DOHA issued a notice scheduling the hearing for August 4, 2026. The hearing proceeded as scheduled. The Government proffered six evidentiary exhibits, which I admitted as Government Exhibits (GE) 1 through GE 6, without objection. Applicant testified and submitted Applicant Exhibits (AE) A through D, which were admitted without objection. I held the record open until August 7, 2026, to provide the parties with an opportunity to supplement the evidentiary record. On August 4, 2026, I received an email from Department Counsel with one attachment, which I admitted as GE 7, without objection. Nothing further was submitted by either party and the record closed on August 7, 2026. DOHA received the hearing transcript (Tr.) on August 18, 2026.

Findings of Fact

Applicant is a 30-year-old employee of a defense contractor. She earned a bachelor's degree in May 2018. She is seeking to retain a security clearance in connection with her employment with a government contractor, for whom she worked from 2018 to 2023 in a public trust position. She returned to work for the same company in April 2024, after a brief period of self-employment. (Tr. 20-22)

Guideline H (Drug Involvement and Substance Misuse)

The Government alleged, and Applicant admitted, that Applicant used psilocybin mushrooms (psilocybin), a hallucinogenic controlled substance, in or around June 2024 (SOR ¶ 1.a). Applicant denied the allegation that her psilocybin use occurred after she completed her SCA on April 21, 2024 (SOR ¶ 1.b). She also denied that she had an intent to use psilocybin in the future (SOR ¶ 1.c).

Applicant reports she was suffering from depression and anxiety. She had attempted traditional treatment methods, like therapy, but they were not effective. When researching depression in the past, she “stumbled upon a documentary that talked about a - sort of a life-changing nature of having one single session of these mushrooms.” (Tr. 26) She reported she had never taken drugs before but was willing to try them after hearing about the effects of psilocybin on mental health. (GE 3, GE 6; Tr. 24-30)

In June 2024, Applicant visited family in Canada. She and her two cousins went out into nature for the stated purpose of allowing two of them to experience psilocybin. She and one cousin each took about 2.4 grams of the psilocybin given to them by the second cousin who supervised their experience “as the shaman.” She reported that the

psilocybin altered her whole state of consciousness. Her visuals “shifted,” and her emotions were heightened. (Tr. 27-28) She noted, “It’s truly an experience that’s difficult to describe because the visuals are just so out of the ordinary from what you typically perceive day to day.” (Tr. 28) She acknowledged in her testimony that psilocybin use is illegal in Canada. (Tr. 44)

During her career, Applicant has submitted three separate security clearance applications (SCA). Her first was submitted on February 18, 2021, and it was for a public trust position. (GE 1) Her second was submitted on April 21, 2024, and it was for a secret security clearance related to her April 15, 2026 return to employment with the government contractor. On May 13, 2024, Applicant signed a classified information nondisclosure agreement, between her and the United States. DCSA records reflect she was adjudicated favorably for a secret clearance on July 12, 2024. Her most recent SCA was dated November 19, 2024, and was for an upgrade to a top-secret clearance. (GE 1, GE 2, GE 3, GE 4, GE 7; Tr. 22)

In response to Section 23 on her November 19, 2024 SCA, Applicant disclosed she “ingested 2.4 grams of a psilocybin containing mushroom for therapeutic use in a safe, natural setting with two family members in June 2024 to help combat anxiety and depression.” (GE 3 at 47) She described her psilocybin use as “the most meaningful experience [she] ever had in [her] life” and elaborated on how it made her feel. She concluded she intended to use psilocybin again on “a biannual or quarterly basis.” (GE 3 at 48; Tr. 28-29)

In February 2025, Applicant was interviewed about her psilocybin use by an investigator. She indicated she would consider using psilocybin in the future “up to twice per year” because of how it relieved her anxiety. (GE 6; Tr. 28-29) However, upon reflection, she denies any future intent to use psilocybin or be in any type of environment where drug-use occurs. (AE A; Tr. 31) On August 3, 2026, she submitted a signed statement of intent to abstain from drug involvement and substance misuse.

Guideline E (Personal Conduct)

Applicant admits she was issued a formal warning by her employer on March 31, 2026, for 11 instances of time-reporting infractions. Additionally, since the warning, she disclosed there have been two additional late submissions reflected in her time-reporting system — one in the pay period ending May 15, 2026, and one in the pay period ending July 31, 2026. She explained there are two different ways she violated her employer’s time-reporting rules. First, time worked for each workday must be entered into the system by 2:00 pm the following workday, and she sometimes missed that 2:00 pm deadline. Also, at the end of each pay period, she was required to sign off on her hours for that pay period, and she also missed that deadline at times. Her supervisor verified that the issue was one of late submissions in either late entry or late signing, rather than any dishonesty about the hours she worked. She attempted to set alarms to remind herself to remember to submit her hours but her two most recent infractions occurred after she implemented

that action. Most recently, Applicant has started a habit-tracker to help her avoid time infractions in the future. (AE B, AE D; Tr. 32-36)

Applicant's supervisor noted he "found [Applicant] to be reliable, conscientious, and quick to take responsibility when something needs correcting. Based on my experience working with her, I consider her trustworthy and dependable." (AE B) A program manager that works with Applicant noted he found Applicant "to be a capable, dependable, and conscientious member of the team. She takes ownership of her work and responds constructively when issues are raised." (AE C)

Policies

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

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

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

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

A person who seeks access to sensitive information enters into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it grants access to sensitive information. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard sensitive information. Such decisions entail a certain degree of legally permissible extrapolation of potential, rather than actual, risk of compromise of sensitive information.

Section 7 of EO 10865 provides that adverse decisions shall be “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See *a/so* EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

Analysis

Guideline H: Drug Involvement and Substance Misuse

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

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

The following disqualifying conditions (DC) under AG ¶ 25 are applicable:

- (a): any substance misuse;
- (f): any illegal drug use while granted access to classified information or holding a sensitive position; and
- (g): expressed intent to continue drug involvement and substance misuse, or failure to clearly and convincingly commit to discontinue such misuse.

Psilocybin is a Schedule I controlled substance under the U.S. Controlled Substances Act and is illegal in Canada. Applicant’s admitted use of psilocybin in June 2024 establishes ¶ 25(a). That use, coupled with her stated intent to use it in the future, raises significant security concerns under ¶ 25(g). On two different occasions — in her November 2024 SCA and in her 2025 interview — she expressed her desire to use it again. Further, a position requiring a security clearance is a “sensitive position” for the purposes of establishing a security concern under ¶ 25(f). ISCR Case No. 22-01661 at 4 (App. Bd. Sep. 21, 2023). Applicant held a sensitive position that required her to submit her April 2024 SCA and sign a May 2024 nondisclosure agreement. Despite occupying that sensitive position, she chose to use psilocybin.

The following mitigating conditions in AG ¶ 26 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.

There is some evidence to support application of AG ¶¶ 26(a) and 26(b). Those factors include: her psilocybin use occurred only once, over two years ago; she signed a statement of intent to abstain from drug use in the future and avoid drug-using environments; and she made an honest disclosure of her psilocybin use on her November 2024 SCA. However, the evidence against mitigation is more persuasive.

Applicant was 28 years old at the time of her psilocybin use. She knew psilocybin was illegal in both the United States and Canada. She took psilocybin despite being on notice that drug use was of concern to the Government, having completed two SCAs prior to its use. Additionally, she had signed a nondisclosure agreement the month prior to her use. The positive way that she discussed her psilocybin experience, along with her past expressed intent to continue using it, weighs heavily against mitigation, as it undercuts her recent promises to abstain from future use. Applicant's reliability, trustworthiness, and judgment remain a concern. Applicant has failed to fully mitigate the security concerns under Guideline H.

Guideline E, Personal Conduct

The security concern under this guideline is set out in AG ¶ 15: "Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. . . ."

The disqualifying conditions under this guideline are established by the evidence in the record:

AG ¶ 16(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.

Applicant has a pattern of rule violations. She was issued a formal warning by her employer on March 31, 2026, after 11 instances of time-reporting infractions. Since then, she has incurred two more time-reporting infractions, the most recent being days before the hearing. AG ¶ 16(d)(3) is applicable.

I considered all of the mitigating conditions in AG ¶ 17. The following mitigating conditions are potentially applicable:

AG ¶ 17(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; and

AG ¶ 17(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.

AG ¶ 17(c) is not established. While the time-reporting infractions seem minor, the multiple recurrences even after receiving a warning from her employer suggest that Applicant lacks the reliability, trustworthiness, and judgment to comply with her employer's rules. As noted below in the whole-person discussion, her time-reporting infractions are not the only rules she has violated. She also violated drug laws. I am not convinced that recurrence is unlikely.

Similarly, AG ¶ 17(d) is not fully established. Applicant has acknowledged her behavior and has attempted to take steps to ensure she does not repeat the time-reporting infractions, but thus far those attempts have not been successful, as evidenced by her additional two recent infractions. She has not demonstrated that such behavior is unlikely to recur.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for access to classified information by considering the totality of the

applicant's conduct and all relevant circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(d):

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

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept. I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case. I have incorporated my comments under Guidelines H and E, and the factors in AG ¶ 2(d) in this whole-person analysis.

Applicant's character references find her conscientious and trustworthy. She is now 30 and is established in her career. Yet, whether it is the use of psilocybin in violation of laws or time-reporting incidents in violation of her employer's policies, she has a documented history of violating rules. The likelihood that she will continue to do so is high given her lack of rehabilitation thus far. She needs more time to establish good judgment, reliability, and trustworthiness. Eligibility for access to classified information is denied.

This decision should not be construed as a determination that Applicant cannot obtain a security clearance in the future, but she needs more time to demonstrate rule compliance.

Formal Findings

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

Paragraph 1, Guideline H:	AGAINST APPLICANT
Subparagraphs 1.a-1.c:	Against Applicant
Paragraph 2, Guideline E:	AGAINST APPLICANT
Subparagraph 2.a:	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 national interest to grant Applicant's eligibility for access to classified information.

Jennifer Goldstein
Administrative Judge