



**DEPARTMENT OF DEFENSE
DEFENSE OFFICE OF HEARINGS AND APPEALS**



In the matter of:)	
)	
[Redacted])	ISCR Case No. 12-12003
)	
Applicant for Security Clearance)	

Appearances

For Government: Fahryn Hoffman, Esq., Department Counsel
For Applicant: Frank A. Edgar Jr., Esq.

10/10/2014

Decision

FOREMAN, LeRoy F., Administrative Judge:

This case involves security concerns raised under Guidelines H (Drug Involvement) and E (Personal Conduct). The security concerns under Guideline H are mitigated, but the security concerns under Guideline E are not mitigated. Eligibility for access to classified information is denied.

Statement of the Case

Applicant submitted a security clearance application (SCA) on June 5, 2012. On March 13, 2014, the Department of Defense (DOD) sent him a Statement of Reasons (SOR) alleging security concerns under Guidelines H and E. The DOD acted under Executive Order 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) implemented by DOD on September 1, 2006.

Applicant received the SOR on March 28, 2014; answered it on April 10, 2014; and requested a hearing before an administrative judge. On April 29, 2014, Department Counsel sent Applicant copies of the documents she intended to submit at the hearing.

(Hearing Exhibit (HX) I.) Department Counsel was ready to proceed on June 23, 2014, and the case was assigned to an administrative judge on June 26, 2014. The Defense Office of Hearings and Appeals (DOHA) issued a notice of hearing on July 11, 2014, scheduling the hearing for July 29, 2014.

Applicant retained an attorney, who requested a postponement of the hearing on July 23, 2014. His request for a postponement was granted. The case was reassigned to me on August 6, 2014. On August 19, 2014, DOHA issued a second notice of hearing, scheduling the hearing for September 9, 2014. I convened the hearing as rescheduled. Government Exhibits (GX) 1 through 6 were admitted in evidence without objection. Applicant testified and submitted Applicant's Exhibits (AX) A through I, which were admitted without objection. I kept the record open until September 19, 2014, to enable Applicant to submit additional documentary evidence. He timely submitted AX J through S, which have been admitted without objection. After the record closed, he substituted two original documents for copies that were previously submitted and marked as AX K and L. The cover letter and two original documents have been marked as AX T, U, and V, and admitted without objection. Department Counsel's comments regarding AX J through V are attached to the record as HX II. DOHA received the transcript (Tr.) on September 18, 2014.

Findings of Fact

In his answer to the SOR, Applicant admitted all the allegations. His admissions in his answer and at the hearing are incorporated in my findings of fact.

Applicant is a 30-year-old naval designer employed by a defense contractor since July 2004. He has never married and has no children. He and his cohabitant intend to marry in 2015, after she completes her college education. Applicant received an associate's degree in computer drafting and design in June 2004. He has held a security clearance since October 2006. (Tr. 33.)

Applicant was raised by his mother. His parents divorced before he was born, and he has never met his father. (Tr. 28.) His maternal grandmother moved in with his mother in 2008, when she started suffering from dementia. Applicant was very close to his grandmother. (Tr. 29.)

Applicant submitted a security clearance application (SCA) in October 2004. Question 27 on the SCA asked,

Since the age of 16 or in the last 7 years, whichever is shorter, have you illegally used any controlled substance, for example, marijuana, cocaine, crack cocaine, hashish, narcotics (opium, morphine, codeine, heroin, etc.), amphetamines, depressants (barbiturates, methaqualone, tranquilizers, etc.), hallucinogenics (LSD, PCP, etc.), or prescription drugs?

Applicant answered, "Yes," and he disclosed one use of marijuana in October 2000. (GX 1 at 5.)

On October 16, 2011, Applicant was arrested for driving while intoxicated (DWI) and possession of marijuana. On February 21, 2012, he was convicted of DWI and sentenced to 6 months in jail, with 5 months and 20 days suspended, and a \$250 fine. His driver's license was restricted for one year, and he was required to complete a state alcohol awareness program, including attendance at Alcoholics Anonymous (AA) meetings. An interlock device was installed on his car. (GX 5; Tr. 65-66.) The prosecutor entered a *nolle prosequi* for the marijuana offense. (GX 4.)

On the day of Applicant's arrest, he self-reported the incident to his security representative. (GX 3.) He testified that the security representative told him to wait until he went to court and the case was finalized before filing a written report. Although he was sentenced in February 2012, he did not report it until April 25, 2012, because his security officer was on extended sick leave. As a result of his arrest, conviction, and sentence, he was required to submit a new SCA, which he certified and submitted in June 2012. (Tr. 96-99.)

In Applicant's June 2012 SCA, he answered "Yes" to the question about drug involvement within the last seven years. (GX 2 at 24.) He explained, "Was in [home state] visiting family and friends during the loss of my grandmother (Oct 2011) and for the holidays (Dec 2011). Smoked a small amount of marijuana." Regarding his earlier uses of marijuana, he stated, "Smoked a little bit in high school and through college (most on weekends) to just relax. Stopped when I got hired into the shipyard." He also answered "Yes" to the question whether he had ever illegally used or otherwise been involved with a drug or controlled substance while possessing a security clearance, and he stated that he used drugs "2 or 3 times" from October 2011 to December 2011. (GX 2 at 25.)

On August 14, 2012, Applicant was interviewed by a security investigator about his arrest for DWI and possession of marijuana. During the interview, Applicant disclosed that he began smoking marijuana in high school, around April 2000. He usually smoked it every weekend, but he stopped smoking in the summer of 2004 because he was hired by a defense contractor and knew he was required to undergo drug testing. He passed the drug testing and was hired. (GX 6 at 5.) His employer's drug policy provides for disciplinary action, up to and including termination of employment, for drug or alcohol abuse, refusing to undergo testing, or tampering with or falsifying drug or alcohol tests. (AX N.)

During the August 2012 interview, Applicant disclosed that resumed his use of marijuana in 2009 when he visited his home state. He testified that his use occurred around Thanksgiving. While visiting with three high school classmates, he took one or two puffs of a marijuana cigarette that was passed around. On his annual Thanksgiving home visit in 2010, he again met with the same friends and took one or two puffs of a marijuana cigarette as it was passed around. He went home again on October 1, 2011,

because his grandmother was on her deathbed. She passed away on October 5. Once again, he met with his friends and they passed around a marijuana cigarette. He returned home in December 2011, and used marijuana in the same scenario. He told the investigator that he decided to stop using marijuana in 2012, and when he went home in July 2012, he was offered marijuana and declined it. (GX 6 at 5; Tr. 45-48.)

In response to DOHA interrogatories in December 2013, Applicant stated that he used marijuana from April 2000 through June 2004 on weekends, and he used it about once a year, usually around Thanksgiving from November 2009 through December 2011. (GX 6 at 8.) He also stated that in December 2011 he “accidentally brought a small amount (less than 1 gram) of marijuana” from his home state to his current residence. (GX 6 at 9.) At the hearing, he testified that one of his friends gave him a small quantity of marijuana at the end of his October 2011 visit, which he put in his car. According to Applicant, his friend knew that he was grieving his grandmother’s death, and he gave him the marijuana, saying, “If you need it, it’s here.” (Tr. 96-97.) Applicant testified that he had forgotten about the marijuana in his car until it was discovered after his DWI arrest about ten days later. (Tr. 63.)

Applicant testified that in April 2012, he was riding in a car with an acquaintance (other than the friends with whom he previously used marijuana) in his hometown. They stopped at someone’s house and both went in. When the acquaintance began using marijuana with the occupant, Applicant told the acquaintance that he did not want to be around marijuana, and he walked out of the house. He no longer associates with this acquaintance. (Tr. 86-90.) The April visit occurred because he and his ex-girlfriend had broken up and he went home to “clear his head.” (Tr. 91-92.)

At the hearing, Applicant submitted a sworn statement reciting that he agrees to an immediate revocation of his security clearance if he ever uses marijuana or other illegal drugs in the future. The statement also recites that Applicant will continue to avoid any and all environments in which illegal drugs are being used, as he has done since December 2011. (AX G.)

Applicant’s work performance from 2005 to 2009 was based on a four-step scale: needs improvement, meets performance requirements, exceeds performance requirements, and outstanding. (AX S.) In 2005, his overall performance was rated as exceeding performance requirements. In 2006, it was rated as meeting performance requirements. (AX R.) In 2007, it was rated as exceeding performance requirements. (AX Q.) In 2008 and 2009, it was rated as meeting performance requirements. (AX O; AX P.)

Applicant’s work performance from 2010 to the present was based on a slightly modified four-step scale: below expectations, meets expectations, exceeds expectations, and far exceeds expectations. His ratings were “exceeds expectations” for 2010, “meets expectations” for 2011 and 2012, and “exceeds expectations” for 2013. (AX A through D.) His mid-year evaluation for 2014 comments that his “external and

internal quality metrics are very good. [Applicant] is very conscientious about producing quality work. His schedule, cost and productivity remain consistent.” (AX N.)

Applicant’s supervisor for the past four years submitted a letter stating that Applicant “displays high ethics and values, and is truthful, trustworthy, and honorable in all aspects of his work.” His supervisor observed that “he takes ownership of his work, seeks and accepts personal responsibility, and is committed to improving the performance of our department and [their employer].” (AX E)

Applicant’s fiancée and cohabitant submitted a letter stating that she has not observed him using marijuana since December 2011, and that they do not socialize with friends who use illegal drugs in their presence or frequent places where illegal drugs are being used. She describes Applicant as a kind, honest, loving, trustworthy, reliable man who is proud of his service to the national defense. (AX F.) She is a full-time student, but she works as an intern at a Christian organization with a zero-tolerance policy toward illegal drug use. (Tr. 54.)

One of Applicant’s high school friends, with whom he used marijuana on his visits to his hometown, submitted a statement that he has not observed Applicant using marijuana since December 2011. Applicant’s friend says he has always been honest and reliable. Regarding Applicant’s previous drug use, he stated, “His other friends and I are well aware of his desire not to be around anyone who is using illegal drugs and we have respected his wishes. In fact, I too avoid such activities, places and situations.” (AX H.) Applicant testified that this friend stopped using marijuana in 2012. (Tr. 52.)

Another high school friend, with whom Applicant also used marijuana, submitted a letter stating that Applicant has made it clear that he does not want to be around anyone using marijuana. This friend states that he also has stopped using marijuana because he does not desire to jeopardize his job as general manager of a retail store with a zero tolerance policy regarding illegal drugs. (AX L; AX V.)

A coworker, who has socialized with Applicant for the past eight years, submitted a statement that he has never observed Applicant using marijuana or associating with persons involved in criminal activity. The coworker considers Applicant reliable, trustworthy, and honest. (AX I.)

Applicant testified that his mother smoked marijuana until around 1997 or 1998, but she quit when she was hired as a school bus driver. His mother was present in their home when Applicant and his friends smoked marijuana in 2009, 2010, and 2011, but not in the same room. (Tr. 95.) His mother submitted a letter admitting that she used marijuana and was aware of Applicant’s marijuana use. She states that she has not used marijuana for more than ten years because she is now employed as a school bus driver, a position for which no illegal drug use is tolerated. She is aware that Applicant and his friends no longer use marijuana, and “all three of them have grown up a great deal in the past few years.” (AX K; AX U.)

Policies

“[N]o one has a ‘right’ to a security clearance.” *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). As Commander in Chief, the President has the authority to “control access to information bearing on national security and to determine whether an individual is sufficiently trustworthy to have access to such information.” *Id.* at 527. The President has authorized the Secretary of Defense or his designee to grant applicants eligibility for access to classified information “only upon a finding that it is clearly consistent with the national interest to do so.” Exec. Or. 10865, *Safeguarding Classified Information within Industry* § 2 (Feb. 20, 1960), as amended.

Eligibility for a security clearance is predicated upon the applicant meeting the criteria contained in the AG. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, an administrative judge applies these guidelines in conjunction with an evaluation of the whole person. An administrative judge’s overarching adjudicative goal is a fair, impartial, and commonsense decision. An administrative judge must consider all available and reliable information about the person, past and present, favorable and unfavorable.

The Government reposes a high degree of trust and confidence in persons with access to classified information. This relationship transcends normal duty hours and endures throughout off-duty hours. Decisions include, by necessity, consideration of the possible risk that the applicant may deliberately or inadvertently fail to safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation about potential, rather than actual, risk of compromise of classified information.

Clearance decisions must be made “in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.” See Exec. Or. 10865 § 7. Thus, a decision to deny a security clearance is merely an indication the applicant has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance.

Initially, the Government must establish, by substantial evidence, conditions in the personal or professional history of the applicant that may disqualify the applicant from being eligible for access to classified information. The Government has the burden of establishing controverted facts alleged in the SOR. See *Egan*, 484 U.S. at 531. “Substantial evidence” is “more than a scintilla but less than a preponderance.” See *v. Washington Metro. Area Transit Auth.*, 36 F.3d 375, 380 (4th Cir. 1994). The guidelines presume a nexus or rational connection between proven conduct under any of the criteria listed therein and an applicant’s security suitability. See ISCR Case No. 92-1106 at 3, 1993 WL 545051 at *3 (App. Bd. Oct. 7, 1993).

Once the Government establishes a disqualifying condition by substantial evidence, the burden shifts to the applicant to rebut, explain, extenuate, or mitigate the facts. Directive ¶ E3.1.15. An applicant has the burden of proving a mitigating condition,

and the burden of disproving it never shifts to the Government. See ISCR Case No. 02-31154 at 5 (App. Bd. Sep. 22, 2005).

An applicant “has the ultimate burden of demonstrating that it is clearly consistent with the national interest to grant or continue his security clearance.” ISCR Case No. 01-20700 at 3 (App. Bd. Dec. 19, 2002). “[S]ecurity clearance determinations should err, if they must, on the side of denials.” *Egan*, 484 U.S. at 531; see AG ¶ 2(b).

Analysis

Guideline H, Drug Involvement

The SOR alleges that Applicant used marijuana, with varying frequency, from about April 2000 to June 2004 and from November 2009 to at least December 2011 (SOR ¶ 1.a) and that he used marijuana after he was granted a security clearance in about February 2006 (SOR ¶ 1.b). It also alleges that he was arrested in October 2011 and charged with DWI and possession of marijuana; that he was convicted of DWI and sentenced to incarceration for 6 months, with 5 months and 20 days suspended, suspension of his driver’s license for 12 months, and a fine; and that the marijuana charged was disposed of by *nolle prosequi* (SOR ¶ 1.c).

The concern under this guideline is set out in AG ¶ 24: “Use of an illegal drug or misuse of a prescription drug can raise questions about an individual’s reliability and trustworthiness, both because it may impair judgment and because it raises questions about a person’s ability or willingness to comply with laws, rules, and regulations.” Drugs are defined in AG ¶ 24(a)(1) as “[d]rugs, materials, and other chemical compounds identified and listed in the Controlled Substances Act of 1970, as amended (e.g., marijuana or cannabis, depressants, narcotics, stimulants, and hallucinogens).”

Applicant’s admissions in his response to the SOR, his testimony at the hearing, and the documentary evidence submitted at the hearing established the following disqualifying conditions:

AG ¶ 25(a): any drug abuse, defined in AG ¶ 24(b) as “the illegal use of a drug or use of a legal drug in a manner that deviates from approved medical direction”;

AG ¶ 25(c) illegal drug possession, including cultivation, processing, manufacture, purchase, sale, or distribution; or possession of drug paraphernalia; and

AG ¶ 25(g): any illegal drug use after being granted a security clearance.

Two mitigating conditions are potentially relevant:

AG ¶ 26(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

AG ¶ 26(b): a demonstrated intent not to abuse any drugs in the future, such as: (1) disassociation from drug-using associates and contacts; (2) changing or avoiding the environment where drugs were used; (3) an appropriate period of abstinence; and (4) a signed statement of intent with automatic revocation of clearance for any violation.

The first prong of AG ¶ 26(a) (“happened so long ago”) focuses on whether the drug involvement was recent. There are no “bright line” rules for determining when conduct is “recent.” The determination must be based on a careful evaluation of the totality of the evidence. If the evidence shows “a significant period of time has passed without any evidence of misconduct,” then an administrative judge must determine whether that period of time demonstrates “changed circumstances or conduct sufficient to warrant a finding of reform or rehabilitation.” ISCR Case No. 02-24452 at 6 (App. Bd. Aug. 4, 2004).

AG ¶ 26(a) is established. Applicant stopped using marijuana almost three years ago. His use of marijuana from November 2009 to December 2011 was infrequent. The factors contributing to Applicant’s decision to stop using marijuana were his realization that marijuana use was inconsistent with his employment, his fiancée’s disapproval of drug use, and the decision by his two close friends to stop using marijuana.

AG ¶ 26(b) is established. The literal terms of AG ¶ 26(b)(1) and (2) are not established, because Applicant continues to associate with the same friends in the same environment where he used marijuana. However, his old friends no longer use marijuana, and his new friends and his fiancée do not use marijuana. AG ¶ 26(b)(3) is established by Applicant’s abstinence from marijuana use since December 2011; and AG ¶ 26(b)(4) is established by his statement of intent. Applicant’s resolve to abstain from marijuana use was tested in April 2012, when he walked out of a house where marijuana was being used, and in July 2012, when a friend offered him marijuana and he declined.

Guideline E, Personal Conduct

The SOR cross-alleges the Guideline H allegations (SOR ¶ 2.a). It also alleges that Applicant falsified his October 2004 SCA by stating that he used marijuana once in April 2000 and deliberately failing to disclose his marijuana use from April 2000 to June 2004 as alleged in SOR ¶ 1.a (SOR ¶ 2.b). The concern under this guideline is set out in AG ¶ 15:

Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness and ability to protect classified 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.

Applicant's admissions in his answer to the SOR and at the hearing establish the disqualifying condition in AG ¶ 16(a): "deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire" Falsification has security significance independent of the underlying conduct. See ISCR Case No. 01-19278 at 7-8 (App. Bd. Apr. 22, 2003). The mitigation of the underlying conduct has little bearing on the security significance of the falsification, particularly where there are multiple falsifications. ISCR Case No. 08-11944 at 3 (App. Bd. Aug 15, 2011).

Applicant's admitted possession and use of marijuana, including use after receiving a security clearance, and his admitted DWI arrest and conviction, corroborated by documentary evidence, established the following disqualifying conditions:

AG ¶ 16(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 person may not properly safeguard protected information;

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 person may not properly safeguard protected information. This includes but is not limited to consideration of . . . a pattern of dishonesty or rule violations; and

AG ¶ 16(e): personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress, such as . . . engaging in activities which, if known, may affect the person's personal, professional, or community standing.

The following mitigating conditions are potentially relevant:

AG ¶ 17(a): the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;

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;

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 caused untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur; and

AG ¶ 17(e): the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress.

AG ¶ 17(a) is not established. Applicant did not disclose the full extent of his marijuana use until he was interviewed by a security investigator in August 2012, almost eight years after he falsified his October 2004 SCA. He did not fully disclose it in his most recent SCA in June 2012, in which he omitted mention of his marijuana use in 2009 and 2010, stated that he smoked "a little bit" in high school and college, and did not disclose that he usually used it every weekend in high school and college.¹ He was not required to disclose his use of marijuana in high school and college, because it was more than seven years before he submitted his SCA. However, having decided to disclose it, he was obligated to be truthful. Instead, he materially misrepresented the extent of his use in high school and college.

AG ¶ 17(c) is partially established for the falsification of the October 2004 SCA. His falsification happened ten years ago. However, it was not minor, because it undermined the integrity of the security clearance process. It did not occur under unusual circumstances. It was not infrequent, because he has continued his pattern of minimizing his culpability in his June 2012 SCA, December 2013 responses to DOHA interrogatories, and his testimony at the hearing. He omitted his 2009 and 2010 marijuana use in his June 2012 SCA. In his December 2013 response to DOHA interrogatories, he minimized his culpability for his possession of marijuana in October

¹ Falsification of the June 2012 SCA was not alleged in the SOR. Conduct not alleged in the SOR may be considered to assess an applicant's credibility; to decide whether a particular adjudicative guideline is applicable; to evaluate evidence of extenuation, mitigation, or changed circumstances; to consider whether an applicant has demonstrated successful rehabilitation; or as part of a whole-person analysis. ISCR Case No. 03-20327 at 4 (App. Bd. Oct. 26, 2006). I have considered Applicant's omissions from his June 2012 SCA for these limited purposes.

2011 by claiming that he “accidentally” brought marijuana back from his home state. At the hearing, he claimed that he had forgotten that the marijuana was in his car, even though he had accepted it from his friend “in case he needed it” only ten days earlier. His explanations for possessing marijuana in October 2011 were not credible.

AG ¶ 17(c) is not fully established for Applicant’s use of marijuana while holding a security clearance. His conduct was a serious breach of trust and occurred on four separate occasions spanning almost five years. However, his use of marijuana ended in December 2011, almost three years ago.

AG ¶ 17(d) is established for Applicant’s marijuana use. He has acknowledged his conduct, stopped using marijuana, and entered into a committed relationship with his fiancée, who is opposed to illegal drug use. He has placed himself on probation by submitting a statement of intent in accordance with AG ¶ 26(b)(4). This mitigating condition is not established for Applicant’s falsification of his October 2004 SCA, for the reasons set out in the above discussion of AG ¶ 17(c).

AG ¶ 17(e) is established. Applicant has admitted falsifying his October 2004 SCA, and he made full disclosure of his previous marijuana use during his August 2012 PSI. The circumstances of his October 2011 possession of marijuana are a matter of public record.

Whole-Person Concept

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. In applying the whole-person concept, an 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. An administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(a):

- (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 H and E in my whole-person analysis. Some of the factors in AG ¶ 2(a) were addressed under those guidelines, but some warrant additional comment.

Applicant grew up in an environment where marijuana use was tolerated. He never knew his father, and his mother smoked marijuana until about ten years ago. His high school and college friends smoked marijuana, often in conjunction with alcohol consumption. When Applicant submitted his first SCA, he was about 21 years old, with no experience with the security clearance process. However, he lived a lie for almost eight years after submitting his first SCA, and he did not fully disclose the extent of his marijuana use in his most recent SCA.

The record reflects that Applicant and his friends began to accept the responsibilities of adulthood in 2012, when they realized that their marijuana use was incompatible with the responsibilities of the workplace. However, Applicant's lack of candor during the security clearance process raises serious doubts about his trustworthiness, reliability, and good judgment.

After weighing the disqualifying and mitigating conditions under Guidelines H and E, and evaluating all the evidence in the context of the whole person, I conclude Applicant has mitigated the security concerns based on drug involvement, but he has not mitigated the security concerns raised by his personal conduct. Accordingly, I conclude he has not carried his burden of showing that it is clearly consistent with the national interest to continue his eligibility for access to classified information.

Formal Findings

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

Paragraph 1, Guideline H (Drug Involvement):	FOR APPLICANT
Subparagraphs 1.a-1.c:	For Applicant
Paragraph 2, Guideline E (Personal Conduct):	AGAINST APPLICANT
Subparagraph 2.a:	For Applicant
Subparagraph 2.b:	Against Applicant

Conclusion

I conclude that it is not clearly consistent with the national interest to continue Applicant eligibility for a security clearance. Eligibility for access to classified information is denied.

LeRoy F. Foreman
Administrative Judge