



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



In the matter of:)	
)	
)	ISCR Case No. 11-04200
)	
Applicant for Security Clearance)	

Appearances

For Government: Candace Garcia, Esquire, Department Counsel
For Applicant: *Pro se*

07/23/2012

Decision

HENRY, Mary E., Administrative Judge:

Based upon a review of the pleadings, exhibits, and testimony, Applicant's eligibility for access to classified information is denied.

Statement of the Case

Applicant signed an Electronic Questionnaire for Investigations Processing (e-QIP) on November 8, 2010. The Defense Office of Hearings and Appeals (DOHA) issued Applicant a Statement of Reasons (SOR) on January 6, 2012, detailing security concerns under Guideline H, drug involvement. The action was taken under Executive Order 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the *Adjudicative Guidelines For Determining Eligibility for Access to Classified Information* (AG) implemented on September 1, 2006.

Applicant received the SOR on January 23, 2012, which he answered in February 2012. Applicant requested a hearing before an administrative judge, which DOHA received on February 17, 2012. Department Counsel was prepared to proceed on April 2, 2012, and I received the case assignment on May 1, 2012. DOHA issued a Notice of Hearing on May 17, 2012, and an Amended Notice of Hearing on May 25, 2012. I convened the hearing as scheduled on June 7, 2012. The Government offered exhibits (GE) marked as GE 1 through GE 3, which were received and admitted into evidence without objection. Applicant testified. He submitted exhibits (AE) marked as AE A through AE F, which were received and admitted into evidence without objection. The record closed on June 7, 2012. DOHA received the hearing transcript (Tr.) on June 22, 2012.

Procedural and Evidentiary Rulings

Notice

Applicant received the amended hearing notice less than 15 days before the hearing. I advised Applicant of his right under ¶ E3.1.8 of the Directive to receive the notice 15 days before the hearing. Applicant affirmatively waived his right to the 15-day notice. (Tr. 22.)

Motion to Amend

At the start of the hearing, Department Counsel made an oral Motion to Amend the SOR. After discussion of this request, Applicant did not object to amending the SOR as requested. (Tr. 9-22) The following SOR paragraphs are amended and now allege as follows:

- 1.c You have used LSD between August 2002 and August 2010.
- 1.d You have purchased LSD and nitrous oxide.
- 1.f You used Ecstasy (MDMA) from approximately the spring of 2007 to at least October 2008.
- 1.g You have used psilocybin mushrooms between August 2002 and April 2012.

The Motion to Amend adds the following allegations under Guideline H of the SOR:

- 1.p You have used at times nitrous oxide from approximately fall of 2003 to the fall of 2008.
- 1.q You have used ether in approximately the fall of 2006.

- 1.r You have engaged in the illegal manufacture of DMT in approximately the spring of 2004.
- 1.s You sold LSD approximately two times in around January of 2009.

In addition to these amendments, Department Counsel sought to add new allegations under Guideline E, personal conduct. Since this is a new Guideline, Applicant was advised of his due process rights to receive notice of the new guideline prior to the hearing. Department Counsel advised that she had told Applicant about a week prior to the hearing of her intent to add allegations of falsification under Guideline E. Applicant acknowledged that he had received notice from Department Counsel of her intent. He did not object to the addition of the Guideline E allegations, which are as follows:

- 2.a You falsified your Electronic Questionnaire for Investigations processing executed by you on November 8, 2010, in which you stated you last used LSD in April 2010 and had not purchased it when, in fact, you had purchased it and last used it in August 2010.
- 2.b You falsified your Electronic Questionnaire for Investigations processing, e-QIP, executed by you on November 8, 2010, in which you said you used one Adderall pill without a prescription in the summer of 2009, when in fact you used three Adderall pills in April 2010.
- 2.c You falsified your Electronic Questionnaire for Investigations processing executed by you on November 8, 2010, in which you said you had never sold any drugs when, in fact, you sold LSD at least two times in approximately January 2009.
- 2.d You falsified your e-QIP executed by you on November 8, 2010. Your statements to an authorized DOD [Department of Defense] investigator on November 30, 2010, and your responses to interrogatories signed by you before a notary on November 14, 2011, in which you failed to disclose your use and purchase of nitrous oxide from approximately the fall of 2003, through the fall of 2008.

Findings of Fact

In his Answer to the SOR, Applicant admitted all the factual allegations of the SOR. His admissions are incorporated herein as findings of fact. He also provided additional information to support his request for eligibility for a security clearance. He

also admitted allegations 2.a through 2.d. After a complete and thorough review of the evidence of record, I make the following additional findings of fact.

Applicant, who is 28 years old, works as an optical engineer for a Department of Defense contractor. He began his employment with this company as a college intern in the summer of 2005. He started full-time employment as a contractor in 2006, and a year later, he became a full-time company employee.¹

Applicant graduated from high school in 2002. He attended college from August 2002 until June 2006, when he graduated with a bachelor's degree in chemical engineering from a major United States university. Applicant is single and has no children. Applicant's father became addicted to cocaine and heroin when Applicant was in middle school, and he died when Applicant was a senior in high school as a result of a drug overdose. Because of his drug problem, Applicant's father lived in and out of the family home during Applicant middle school and high school years.²

Applicant started smoking marijuana and drinking alcohol when he was 14 years old and a freshman in high school. For two years, he smoked marijuana and drank alcohol one or two weekends a month. During his last two years of high school, he increased his usage of marijuana and his consumption of alcohol to once a weekend. He used the prescription drugs, Soma, Percocet, Vicodin, and codeine, each at least once in the last two years of high school. He also purchased marijuana in his junior year of high school. After the death of his father in December 2001, his use of marijuana and alcohol increased to two or three times a week.³

During his first year of college, Applicant lived in a "counter-culture" dorm where drug use was rampant. Initially, he smoked only marijuana, even though many other drugs were also available. Once, he accidentally ingested methamphetamine because it was contained in the marijuana he smoked. During his freshman year of college, he met his girlfriend for a weekend visit. She suggested he try psilocybin mushrooms, which he did. Until this time, he had refused to use "hard" drugs of any type. After his weekend visit with his girlfriend, he started using hallucinogenic drugs as he viewed them as less severe because these drugs were not physically addictive. He continued to refuse to use methamphetamine, cocaine, and heroin because he did not want to become an addict. Through the rest of his college years, he used LSD, psilocybin mushrooms, ketamine, opium, nitrous oxide, prescription drugs, and the psychedelic drugs 2C-B, 2C-T-7, 2C-T-2. He used these drugs in varying amounts and by his senior year of college, he had decreased the frequency of his usage. He purchased LSD on one occasion. In the spring of 2004, he and his roommate attempted to manufacture DMT

¹GE 1; Tr. 32.

²Response to SOR; GE 2; Tr. 32-34.

³Response to SOR; GE 2; GE 3; Tr. 33-34.

(dimethyltryptamine, a psychedelic drug), but failed in their effort to manufacture this drug.⁴

After college, Applicant decreased his drug use, but did not cease it. Between 2006 and 2010, he smoked marijuana once, used LSD five or six times, used Adderall four times, used nitrous oxide twice, inhaled diethyl ether twice, and used ecstasy three times, but he did not use ketamine, opium, unauthorized prescription drugs, or the psychedelic drugs 2C-B, 2C-T-7, 2C-T-2. He also purchased and sold LSD on at least one occasion in 2009 and 2010. After 2010, he never intentionally used or purchased any illegal drug or abused prescription drugs. In April 2012, Applicant attended a three-day rock concert. He made plans to meet three college friends and their girlfriends on one evening of the concert. When he met them, he realized immediately that they were under the influence of drugs and learned that they had taken psilocybin mushrooms. He visited with them for another hour or so. One of the girlfriends offered a chocolate bar, which looked like a Hersey bar. He accepted it and ate it. While eating the chocolate bar, he realized it tasted peculiar. He was told it contained psilocybin mushrooms. The small dosage had no effect on him. His friends left shortly thereafter, and he did not see them again.

Despite his use of illegal drugs, Applicant successfully performed his class work in high school. He graduated with honors, scored high on his advance placement test, served in the student government organization, lettered in two varsity sports, and entered piano competitions. In college, he studied and achieved good grades. He also joined a social fraternity, serving as its rush chairmen and house manager. He believes his success in school and his outside activities helped keep a check on his drug use.⁵

From 2006 until 2008, he lived with two high school friends. These friends continued to be involved with illegal drugs, which were used in their house. He admits that he did participate in their illegal drug use, but states that his illegal drug use was rare. His housemates from 2008 until 2010 occasionally used illegal drugs. During this period of time, he also used illegal drugs eight or nine times and sold LSD twice. His housemates for the last two years are not illegal drug users. He has abstained from any intentional illegal drug use since 2010. He acknowledges having friends who still use illegal drugs, but stays away from them during times when they are actively using illegal drugs. Illegal drugs are not allowed in his house. In his answer to the SOR, Applicant stated that he did not intend to use illegal drugs in the future. He also signed a statement of intent not to use illegal drugs and acknowledged his clearance could be revoked if he did.⁶

⁴Response to SOR; GE 2; GE 3; Tr. 33-34.

⁵Response to SOR; Tr. 36-37.

⁶Response to SOR; GE 2; Tr. 38-39, 71-72.

During his sophomore year of college, Applicant sought mental health counseling at school to cope with his emotions related to his father's death and the end of a three-year relationship with his girlfriend. For the next three years, he met with a board-certified psychiatrist, who works in the college setting. Through this counseling, Applicant gained insight into the relationship between his emotions and drug use. The counseling helped him control his drug use in college. Applicant does not believe he is or was addicted to any drugs. He never used drugs before going to work. He is aware that his employer has a drug policy at his work, but he is not subject to random drug testing. He passed three drug screening tests for his jobs as an intern, contractor, and employee.⁷

Applicant submitted a letter from his psychiatrist, after updating the doctor about his drug use after college. The doctor indicated that, initially, he was concerned that Applicant would develop a serious substance abuse problem because he had some risk factors. Over time however, the doctor was reassured that Applicant would not develop such a problem because

[h]e never engaged in drug seeking behavior and did not organize himself around obtaining or using substances. As well he was always forthcoming about his use and adhered to limits he set for himself. It appeared that the substance use was largely defined by context. He lived in a dormitory that was notorious for heavy substance abuse and the use of other substances besides alcohol; and then within a fraternity which had a similar reputation. All the substance abuse that I was aware of was in the context of social situations and with peers. At no point did [Applicant] ever engage in any kind of criminal activity or deal with any nefarious persons as a way of acquiring substances. It appeared at that time (and I think this is borne out in retrospect as well) that the majority of his substance abuse was a way of coping with the overwhelming affect and despair that he faced as a result of both the loss of a father and girlfriend, but also faced in looking back at the disruption of his childhood and teenage years because of the heavy impact of an actively substance abusing parent. . .

The doctor never saw Applicant as a person out of control. Applicant was always honest and forthright. By his senior year of college and after college, Applicant had learned to control his substance use. The doctor did not diagnose a mental health condition and concluded that Applicant was not a threat to national security.⁸

Applicant's functional manager describes him as a person of integrity and intellectual honesty. Applicant has fine technical skills and is a team player. He praises Applicant's skills as an engineer and recommends Applicant for a security clearance. He did not mention any knowledge of Applicant's history of drug use. The principal engineer

⁷Response to SOR; Tr. 63-67.

⁸AE D.

in Applicant's work group also praised Applicant's work and intellectual skills, work ethic, leadership abilities, and professional behavior. He is fully aware of Applicant's past history of drug use as he and Applicant discussed it extensively. He verified that Applicant never showed signs of habitual drug or alcohol use at work. He is confident that Applicant will never be a drug abuser in the future because of his father and that Applicant will never use illegal drugs again. He recommends Applicant for a security clearance.⁹

Two friends, who have known Applicant for 15 years, also wrote letters of recommendation. One friend lives with him and the other friend was also his girlfriend for three years. Both know about his past drug use. Neither friend views him as a drug abuser. His former girlfriend, who has extensive knowledge of his drug use, describes his early college use as semi-frequent and notes that his use diminished by his senior year. She states that he sought therapy and that his change in his negative behavior was voluntary. She opines that two years ago, Applicant stated his intent to abstain from future drug use. She also indicates that Applicant is a person of great integrity, honesty and reliability. Both recommend him for a security clearance.¹⁰

When Applicant completed his security clearance application in November 2010, he acknowledged extensive drug use between August 1998 and September 2010. He acknowledged his use of marijuana, LSD, codeine opium, Percocet, Vicodin, Adderall, Soma, psilocybin mushrooms, ketamine, methamphetamine, MDMA, 2C-7, 2C-T-2 and 2C-B. He admitted purchasing marijuana and LSD in college, but denied purchasing any other drugs. He also denied selling or manufacturing any drugs. In his interview with an Office of Personnel Management (OPM) investigator, Applicant describes his drug use, outlining the variety and extent of his drug use.¹¹

On May 22, 2012, Applicant wrote a letter to Department Counsel stating that there were a number of inconsistencies and omissions in his prior statements about his drug history. He then outlined the inconsistencies and omissions, which resulted in an amendment to the SOR, previously described. Concerning his failure to identify and list all his drug use, Applicant said:

I deeply regret having concealed and distorted parts of my drug history. In all cases, the deliberate omissions and falsifications were made in an attempt to conceal the extent and recency of my involvement with drugs. At the outset of my clearance application I intended to be completely forthcoming in all of my statements. I attempted to recollect the dates and circumstances of all of my drug use and faithfully relate them in my statement to the best of my knowledge. However, as I started recounting

⁹AE E; AE F.

¹⁰AE B; AE C.

¹¹GE 1; GE 2.

my drug history I began to downplay the role of drugs in my life in order to portray myself as less involved with drugs than I was. What started as an attempt to portray myself in a a more positive light culminated in my deliberately falsifying some details and willfully omitting others. I rationalized my disingenuousness by convincing myself that the specific content of my disclosures was unimportant as long as the gist of the statements was accurate. Since the initial application in October 2010, these omissions and falsifications have weighed heavily on my conscience. That moral crisis became especially acute in recent months as I have asked friends and colleagues to write letters attesting to my honesty and good character. I realize now that I can't harbor these lies and half-truths while asking my peers to defend me as an honest man. I deeply regret having deceived you and the investigators and I am further regretful at having taken so long to come forward with this information.

He also said:

. . . I have come to the conclusion that only by being utterly forthcoming can I truly eliminate the influence of drugs from my life. I have not willfully used drugs since prior to starting the clearance application process. However, in lying about my drug involvement I have allowed drugs to continue their influence in my life through the lies they had engendered. This statement thus represents the final step I must take to eliminate drugs from my life once and for all. . .

Concerning the April 2012 concert and his inadvertent use of psilocybin mushrooms, Applicant noted that he promptly failed to leave when he realized his friends were under the influence of drugs. He opined:

While this situation was discouraging in that I inadvertently failed to keep my commitment to abstain from drugs, it was a learning experience. I now recognize the vigilance that a person with my former associations must exercise in order to completely avoid drugs. This experience was a sharp reminder of the importance of eschewing *any* situation in which people are on drugs.¹²

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 used in evaluating an applicant's eligibility for access to classified information.

¹²GE 3.

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with the factors listed in 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 access to classified information will be resolved in favor of national security." In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record.

Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, an applicant is responsible for presenting "witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by applicant or proven by Department Counsel. . . ." An applicant has the ultimate burden of persuasion for obtaining 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 an applicant may deliberately or inadvertently fail to protect or safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified information.

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

Analysis

Guideline H, Drug Involvement

AG ¶ 24 expresses the security concern pertaining to drug involvement:

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.

(a) Drugs are defined as mood and behavior altering substances, and include:

(1) Drugs, 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), and

(2) inhalants and other similar substances;

(b) drug abuse is the illegal use of a drug or use of a legal drug in a manner that deviates from approved medical direction.

AG ¶ 25 describes the disqualifying conditions that could raise security concerns. I have considered the disqualifying factors in AG ¶ 25(a) through 25(g) and the following are potentially applicable:

(a) any drug abuse (see above definition); and

(c) illegal drug possession, including cultivation, processing, manufacture, purchase, sale, or distribution; or possession of drug paraphernalia.

Applicant acknowledges a 12-year history of drug use. During this time, he used or experimented with multiple drugs, particularly hallucinogenic drugs and marijuana. He purposely declined to use drugs, such as cocaine and heroin, which were physically addictive because he knew and appreciated the dangers of these drugs. To use the drugs, Applicant had to possess the drugs. He also purchased illegal drugs for his and others use, and on one occasion he tried, but failed, to manufacture the psychedelic drug DMT. He also sold LSD on several occasions. AG ¶¶ 25(a) and 25(c) apply.

The Drug Involvement guideline also includes examples of conditions that can mitigate security concerns. I have considered mitigating factors AG ¶ 26(a) through 26(d), and 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) 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.

While it has been two years since Applicant last knowingly used any illegal drug, this is insufficient time for AG ¶ 26(a) to apply because Applicant's drug use was not under unusual circumstances or so infrequent as not to cast doubt on his current reliability and good judgment. Applicant is given credit for his signed statement of intent not to use illegal drugs in the future. Two years ago, he decided not to use illegal drugs and with one exception, he has followed his decision. He, however, continues to have contact with friends who use illegal drugs. This contact resulted in his unintentional ingestion of psilocybin mushrooms three months ago when he chose to remain with his friends even though upon his arrival, it was readily apparent to him that his friends were on illegal drugs, and he knew they had used the psilocybin mushrooms. Applicant is given partial mitigation credit under AG ¶ 26(b) because of his declared intent not to use drugs in the future and his two-year effort to remain abstinent.

Guideline E, Personal Conduct

AG ¶ 15 expresses the security concern pertaining to personal conduct:

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 the disqualifying conditions that could raise security concerns. I have considered the disqualifying factors in AG ¶ 16(a) through 16(g) and the following are potentially applicable:

(a) deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine security clearance eligibility or trustworthiness, or award fiduciary responsibilities; and

(b) deliberately providing false or misleading information concerning relevant facts to an employer, investigator, security official, competent medical authority, or other official government representative.

For AG ¶¶ 16(a) and 16(b) to apply, Applicant's omission must be deliberate. By Applicant's own statement in his May 22, 2012 letter, the Government established that Applicant omitted material facts from his November 2010 e-QIP, when he failed to list

and identify all his drug use between 1998 and 2010. This information is material to the evaluation of Applicant's trustworthiness and honesty. In his May 22, 2012 letter and at the hearing, Applicant admitted that he intentionally falsified his answers on his e-QIP and intentionally failed to provide full disclosure of his drug use to the OPM investigator. Based on Applicant's admissions, the Government has met its burden of proving an intentional falsification. These disqualifying conditions apply.

The Personal Conduct guideline also includes examples of conditions that can mitigate security concerns. I have considered mitigating factors AG ¶ 17(a) through 17(g), and the following are potentially applicable:

- (a) the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts; and
- (e) the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress.

Because Applicant did not admit to his intentional falsification for more than 18 months, his notification in May 2012 is not considered prompt. He is given some credit for his belated efforts to correct his falsification. By fully disclosing his intentional falsification, Applicant has started to take positive steps to reduce or eliminate his vulnerability to exploitation, manipulation, or duress. His decision in November 2010 to leave out information about the extent of his drug use reflects poor judgment, which he is now working to improve. AG ¶¶ 17(a) and 17(e) are partially applicable. Given the lateness of his decision to provide full disclosure, he has not mitigated the security concerns raised by his personal conduct at this time.

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 an applicant's conduct and all relevant circumstances. The 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.

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. The decision to grant or

deny a security clearance requires a careful weighing of all relevant factors, both favorable and unfavorable. In so doing, an administrative judge must review all the evidence of record, not a single item in isolation, to determine if a security concern is established and then whether it is mitigated. A determination of an applicant's eligibility for a security clearance should not be made as punishment for specific past conduct, but on a reasonable and careful evaluation of all the evidence of record to decide if a nexus exists between established facts and a legitimate security concern.

In reaching a conclusion, I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case. Applicant started using marijuana as a high school freshman. By the end of his freshman year in college, he had expanded his drug use to include many varieties of psychedelic drugs, but not physically addictive drugs, such as cocaine and heroin. His one-time use of methamphetamine in 2004 was accidental, not by his choice. He used these multiple illegal drugs regularly, although by his senior year of college his use had declined significantly. He has not used some drugs since college. He continued to periodically use LSD and smoke marijuana until the end of the summer in 2010. His only use of any illegal drug in the last 22 months was unintentional. He also purchased and sold some drugs he used. Applicant appears committed to abstaining from all illegal drug use in the future. He has been open about his past illegal drug use and his reasons for intentionally falsifying the extent of his drug use on his e-QIP. He is remorseful about his conduct, and he recognizes the error of his ways. He is given credit for his frankness about his conduct and his recent recognition that he must exercise due care about the individuals with whom he associates because of his background. However, given his long history of drug use and his decision less than two years ago to intentionally hide the extent of his drug use when he applied for his security clearance and when he met with the OPM investigator, enough time has not passed to warrant the granting of his application for a security clearance.

Overall, the record evidence leaves me with questions or doubts as to Applicant's eligibility and suitability for a security clearance. For all these reasons, I conclude Applicant has not mitigated the security concerns arising from his drug involvement under Guideline H and his personal conduct under Guideline E.

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 I:	AGAINST APPLICANT
Subparagraphs 1.a-1.g:	Against Applicant
Subparagraphs 1.h-1.o:	For Applicant
Subparagraph 1.p:	Against Applicant
Subparagraphs 1.q-1.r	For Applicant
Subparagraph 1.s:	Against Applicant

Paragraph 2, Guideline 2: AGAINST APPLICANT

Subparagraphs 2.a-2.d: Against Applicant

Conclusion

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

MARY E. HENRY
Administrative Judge