



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



In the matter of:)	
)	
REDACTED)	ISCR Case No. 15-00676
)	
Applicant for Security Clearance)	

Appearances

For Government: Benjamin R. Dorsey, Esq., Department Counsel
For Applicant: Jeffrey D. Billett, Esq.

11/22/2016

Decision

MENDEZ, Francisco, Administrative Judge:

On October 30, 2015, the Department of Defense (DOD) Consolidated Adjudications Facility (CAF) sent Applicant a Statement of Reasons (SOR) alleging that her past marijuana use raised security concerns under the drug involvement guideline.¹ Applicant answered the SOR and requested a hearing to establish her continued eligibility for access to classified information.

On November 10, 2016, I convened a hearing. After receipt of the transcript and the record closed, I provided written notice to the parties of my intent to resolve the case through a summary disposition in Applicant's favor. Department Counsel indicated that the Government did not object to my proposed resolution of the matter in this fashion. See Appellate Exhibit I.

Applicant mitigated security concerns raised by her past marijuana use and met her heavy burden of persuasion for continued access to classified information. Over six

¹ This action was taken under Executive Order (E.O.) 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 (AG) implemented by the Department of Defense on September 1, 2006.

years have passed since Applicant last used marijuana. In the intervening years, she has matured immensely, both personally and professionally, and established a track record of responsible behavior, which leads me to conclude that her past conduct is unlikely to be repeated.

Applicant led a somewhat sheltered life primarily focused on her school work. After graduating early from college with honors, she entered the workforce and began socializing with other young working adults. She twice succumbed, while under the influence of alcohol, to peer pressure from former friends and tried marijuana. She credibly testified about the regret she feels for her past poor decision. She has not used marijuana (or any other illegal drug) in over six years. In the past six years, she has married, had a child, and become active in her community. She has also received therapy to help her positively deal with interpersonal relationships. Her therapist provided a favorable recommendation, noting the maturation she has observed in Applicant over time. Applicant's employment record reflects favorably on her work performance, and numerous professional and social references provided letters noting their favorable opinion of her character. Applicant voluntarily revealed her past drug use and other relevant background information (therapy) on her current security clearance application (SCA). She explained at hearing that at the time she was filling out the SCA she was pregnant (or, she and her husband were contemplating having children) and she wanted to set a good example for her future child(ren) by telling the truth no matter the personal repercussions. She submitted a signed statement of intent not to use illegal drugs (or abuse prescription medication) upon automatic revocation of her clearance. She credibly testified that she would not engage in such conduct in the future. After a thorough review of the record evidence, I find that the mitigating conditions listed at AG ¶¶ 26(a) and 26(b) apply.

The security concerns over Applicant's past marijuana experimentation do not create doubt about her current reliability, trustworthiness, good judgment, and ability to protect classified information. In reaching this conclusion, I weighed the evidence as a whole and considered if the favorable evidence outweighed the unfavorable evidence or *vice versa*. I also gave due consideration to the whole-person concept. Accordingly, I conclude that Applicant met her burden of persuasion to show that it is clearly consistent with the national interest to grant her eligibility for continued access to classified information. Applicant's request for a security clearance is granted.

Francisco Mendez
Administrative Judge