



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



In the matter of: )  
)  
) ISCR Case No. 15-07286  
)  
Applicant for Security Clearance )

**Appearances**

For Government: Andrea Corrales, Esq., Department Counsel  
For Applicant: *Pro se*

01/31/2017  
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**Decision**  
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COACHER, Robert E., Administrative Judge:

On June 16, 2016, the Department of Defense (DOD) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline H, drug involvement. The action was taken under Executive Order (EO) 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 the DOD on September 1, 2006.

Applicant responded to the SOR on July 12, 2016, and requested a hearing before an administrative judge. The case was assigned to me on September 28, 2016. The hearing was held as scheduled on January 12, 2017. On January 18, 2017, I proposed that this case was appropriate for a summary disposition in Applicant's favor. Department Counsel did not object.

Applicant self-reported using marijuana three times between January 2010 and August 2014 while holding a security clearance. Applicant credibly testified that he is an Army combat veteran with multiple deployments. He experienced domestic difficulties with two marriages and a long-term relationship. While working for a defense contractor

and holding a security clearance, he smoked marijuana on three occasions when he was visiting his brother in another state. His brother is a disabled combat veteran who associated with an unsavory group of friends at the time. Applicant's brother has since moved away from that location and no longer associates with those people. Applicant has not used any drugs since his last marijuana use in 2014 and does not associate with the former friends of his brother. He also provided a signed, sworn statement of intent not to use drugs in the future with the understanding that the consequences of future use would be automatic revocation of his clearance. Applicant's admitted marijuana use is remote and happened under circumstances unlikely to recur. He also demonstrated his intent not to abuse drugs in the future. Based on the record evidence as a whole, I conclude that the security concerns are mitigated under the following mitigating conditions: AG ¶¶ 26(a) and 26(b).

The concerns over Applicant's infrequent marijuana use does not create doubt about his 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. I also gave due consideration to the whole-person concept. Accordingly, I conclude that he met his ultimate burden of persuasion to show that it is clearly consistent with the national interest to grant his eligibility for access to classified information. This case is decided for Applicant.

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Robert E. Coacher  
Administrative Judge