



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



In the matter of: )  
)  
) ISCR Case No. 15-07585  
)  
Applicant for Security Clearance )

**Appearances**

For Government: Chris Morin, Esq., Department Counsel  
For Applicant: William Savarino, Esq.

05/01/2017  
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**Decision**  
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RICCIARDELLO, Carol G., Administrative Judge:

On May 31, 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 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 June 23, 2016, and requested a hearing before an administrative judge. The case was assigned to me on January 24, 2017. The hearing was held as scheduled on April 18, 2017. On April 24, 2017, I proposed to the parties that this case was appropriate for a summary disposition in Applicant's favor. Department Counsel did not object.

Applicant self-reported using marijuana on three separate occasions from November 2014 to March 2015, after returning from deployment. She held a security clearance at the time.

Applicant has worked for a defense contractor since about 2003 and has held a security clearance since then. In 2013, she worked with the military in Afghanistan for a year. She lived and worked in a war zone. Her compound was often targeted by bombs, some that exploded in her vicinity. She carried a weapon, and there was constant concern about the loyalty of local nationals. On the day she returned to the United States, she was notified that a convoy that she regularly participated in while in Afghanistan was attacked and 16 people were killed, including her former military supervisor.

In 2016, Applicant sought mental health counseling due to her uncharacteristic behavior and was diagnosed with a form of post-traumatic stress disorder. She has continued counseling.

Applicant was aware that her husband used marijuana in college and occasionally used it later, but never in their home or in her presence. When she returned from deployment, his drug use was more prevalent. Despite her request that he discontinue his drug use, he continued, and she recently filed for divorce. Applicant is remorseful. She signed a statement of intent with automatic revocation of clearance for any future violation.

Based on the record evidence as a whole, I conclude that the security concerns raised under Guideline H are mitigated under the following conditions: AG ¶¶ 26(a) and 26(b).

The concerns over Applicant's past drug use 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. I also gave due consideration to the whole-person concept. Accordingly, I conclude that she met her ultimate burden of persuasion to show that it is clearly consistent with the national interest to continue her eligibility for access to classified information. This case is decided for Applicant.

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Carol G. Ricciardello  
Administrative Judge