



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



In the matter of:)
)
) ISCR Case No. 18-00281
)
Applicant for Security Clearance)

Appearances

For Government: Jeff A. Nagel, Esq., Department Counsel
For Applicant: *Pro se*

08/07/2018

Decision

LOUGHRAN, Edward W., Administrative Judge:

On March 2, 2018, the Department of Defense (DOD) issued a Statement of Reasons to Applicant detailing security concerns under Guidelines G (alcohol consumption) and H (drug involvement and substance misuse).¹ Applicant responded to the SOR on March 14, 2018, and elected to have the case decided on the written record in lieu of a hearing. Department Counsel requested a hearing on April 8, 2018. The case was assigned to me on May 8, 2018. The hearing was held as scheduled on July 11, 2018. On July 27, 2018, I proposed to the parties that this case was appropriate for a summary disposition in Applicant's favor. Department Counsel did not object.

Applicant is a 27-year-old custodian for a defense contractor. She has worked for her current employer since May 2016. She lives with a cohabitant, and she has a six-year-old child.

¹ This case is adjudicated 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), which became effective on June 8, 2017.

Applicant was born and raised in a community where drug and alcohol abuse was common. She fell into the same habits as most of the individuals around her, and she smoked marijuana and drank alcohol to excess. Her substance abuse led to academic probation in college and employment issues. She was terminated from employment on three occasions: for testing positive for marijuana in 2010, and in 2013 and 2015 for attendance issues related to her drinking. She was arrested for public intoxication in 2015.

Applicant wanted to break the cycle of drug and alcohol abuse and provide a better life and future for her child. She moved to another state. She obtained a job with a good company, where she has worked for more than two years. She has not smoked marijuana since February 2016. She credibly testified that she will not do so again. She still drinks alcohol occasionally, but only in moderation, and she has not had any additional alcohol-related incidents.

The disqualifying conditions under AG ¶¶ 22(a), 22(b), 22(c), 25(a), 25(b), and 25(c) have been raised by the evidence. However, I find that Applicant has demonstrated a clear and established pattern of modified alcohol consumption. I further find that she has abstained from illegal drug use for an appropriate period, and that illegal drug use is unlikely to recur. The mitigating conditions under AG ¶¶ 23(a), 23(b), 26(a), and 26(b) are applicable.

The concerns over Applicant's alcohol and marijuana abuse 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 grant her eligibility for access to classified information. This case is decided for Applicant.

Edward W. Loughran
Administrative Judge