



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



**In the matter of:**

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## Applicant for Security Clearance

ISCR Case No. 24-00204

## Appearances

For Government: Alison O'Connell, Esq., Department Counsel

For Applicant: *Pro se*

04/03/2025

## Decision

HOGAN, Erin C., Administrative Judge:

Applicant mitigated the concerns raised under drug involvement, and criminal conduct. Access to classified information is granted.

## **History of the Case**

Applicant submitted a security clearance application (SCA) on May 22, 2023. On April 11, 2024, the Defense Counterintelligence and Security Agency Consolidated Adjudication Services (DCSA CAS) issued a Statement of Reasons (SOR) alleging security concerns under Guideline H, Drug Involvement and Substance Misuse, and Guideline J, Criminal Conduct. Applicant answered the SOR on April 18, 2024, and requested a hearing before an administrative judge (Answer). The case was assigned to me on December 9, 2024. On December 19, 2024, the Defense Office of Hearings and Appeals (DOHA) notified Applicant that the hearing was scheduled for January 29, 2025. I convened the hearing as scheduled via video teleconference.

Department Counsel offered six exhibits which were admitted as Government Exhibits (GE) 1-6. During the hearing, Applicant testified, called three witnesses and offered six exhibits which were admitted without objection as Applicant Exhibits (AE) A – F. The record was held open until February 12, 2025, to allow Applicant to submit additional documents. He timely submitted a one-page document which was admitted as AE G, without objection. I received the transcript (Tr.) on February 10, 2025, and the record closed on that date.

In the interests of Applicant's privacy some of the information in the decision has been referred to in general terms. The full information can be found in the record evidence.

### **Findings of Fact**

In his response to the SOR, Applicant admits to all of the allegations.

Applicant, age 44, is a prospective employee of a Department of Defense contractor. He will be hired if he obtains a security clearance. This is his first time applying for a security clearance. For the past seven years, he has owned and operated a small business. If hired by the DOD contractor, he intends to continue operating the business on his days off. He dropped out of high school at age 18 before graduating. He is divorced. Three children were born during his marriage - a daughter who passed away in infancy and twins – a boy and girl who are now 15. (GE 1; Tr. 33)

The SOR allegations under the Drug Involvement concern include: Applicant abused marijuana on various occasions between at least 1996 and March 2024 (SOR ¶ 1.a: GE 1 at 27-28; GE 2 at 7, 11); he abused prescription pain pills, including fentanyl, on various occasions between approximately 2008 until October 2015. (SOR ¶ 1.b: GE 2 at 11); and he used heroin on various occasions between approximately 2010 and October 2015. (SOR ¶ 1.c: GE 92 at 11)

The SOR allegations under the Criminal Conduct concern include: Applicant was arrested in September 2004 and charged with Larceny. He was convicted of this offense and sentenced to one year in jail, suspended, and three years of probation (SOR ¶ 2.a: GE 2 at 14; GE 6 at 12-14); in July 2010, he was arrested and charged with larceny. He was convicted of this offense and was sentenced to 30 days in jail, suspended, and one year probation (SOR ¶ 2.b: GE 2 at 6, 14; GE 3; GE 6 at 10); in July 2013, he was charged with Felony Criminal Damage to Property. In January 2016, he was convicted of this offense and sentenced to five years in jail, all but two years suspended, and five years' probation (SOR ¶ 2.c: GE 2 at 4; GE 3; GE 4; GE 5; GE 6 at 7); and in approximately April 2023, he was charged with Violation of Probation. (GE 2 at 5, 14; GE 5; GE 6 at 9)

## **Guideline H – Drug Involvement**

Applicant started using marijuana in 1996 when he was 15-years-old. He admits to using marijuana daily for most of his life. He did not smoke marijuana during the depths of his addiction. The last time he used marijuana was two weeks before the hearing. Marijuana is legal in the state where he resides. He has a medical marijuana card for treating post-traumatic stress disorder. He claims that the medical personnel of his potential employer, the DOD contractor, told him that the use of marijuana for medicinal purposes was allowed as long as the medical card is presented. They did not tell him that he needed to stop using medical marijuana in order for him to get a security clearance. They told him to carry on with his marijuana use as long as he had his medical marijuana card. He is aware that marijuana use remains illegal under federal law. He is willing to stop using marijuana if the use of medical marijuana is not allowed. (Tr. 34-37; GE 1 at 27-28; GE 2 at 7, 11)

Applicant began to use harder drugs around 2009. His daughter was born in September 2008. He had knee surgery on the day she was born and was prescribed pain medication. About a month after his daughter was born, the doctors diagnosed her with a rare disease. They told him that she had approximately 12 months to live. His daughter passed away in his arms when she was four months old. After she passed, Applicant claims he “jumped off a cliff.” He began to abuse the pain medications Vicodin and Percocet, which the doctors prescribed related to his knee surgery. He eventually began to buy drugs on the street to include fentanyl and eventually heroin. (Tr. 37-39; GE 2 at 11-13)

Applicant first attended detox in 2010. He believes he attended two detoxes before he attended an inpatient treatment program. Applicant testified that the last time he abused drugs, other than marijuana, was October 9, 2015. On that date, he checked himself into a detox unit for about a week. He attended an inpatient program at Treatment Center A. He claims it was horrible. Patients would be openly doing drugs during the program. He was able to get transferred to Treatment Center B. It was a locked-in facility. He attended the program for about 60-90 days. When he completed the program, he visited his children for one night and turned himself into the courthouse the next day to serve his period of incarceration related to his conviction and sentence for Felony Criminal Damage to Property, which is alleged in SOR ¶ 1.c. (Tr. 40 – 41; GE 2 at 12)

After he was released from prison, Applicant moved to a halfway house for about 60 to 90 days. After he was released, he voluntarily moved to a sober house. He lived in the sober house for about a year. He was also employed during his stay in the sober house. After his stay in the sober house, he wanted to work on himself some more so he

moved away from his hometown and family and worked for a company from 2018 to 2019. He eventually became homesick and moved back home. He lived with his sister and her husband for a while and now lives with his parents. His mother has dementia. He and his father take care of her. He has cut off all contact with his former drug using friends. (Tr. 43; GE 1 at 6-12)

After the hearing, Applicant submitted a signed statement of intent to abstain from all illegal drug involvement, to include marijuana, and substance misuse. He acknowledged that any future illegal drug involvement or misuse is grounds for revocation of his national security eligibility. (AE G)

#### **Guideline J - Criminal Conduct**

The Criminal Conduct concerns involved several arrests and convictions in Applicant's past. He was first arrested in September 2004 and charged with Larceny. Applicant testified that he was hanging out with wrong crowd. He was caught taking rims and tires off a car. He pled guilty and was sentenced to one year in jail, suspended, and one year probation. (Tr. 44-46; GE 2 at 14)

In July 2010, Applicant was arrested for robbing a business where he used to work. He knew where the money was kept because he worked there. One night he broke into the business to steal money to support his drug habit. He stole between \$1,000 or \$2,000. The local police caught him while he was leaving the place of business. He was found guilty of Felony Burglary, 3<sup>rd</sup> Degree. He was sentenced to six months incarceration, three years' probation, and ordered to pay restitution. He was incarcerated from September 2010 to March 2011. He was on probation from March 2011 to March 2014. (Tr. 26; GE 2 at 6; GE 4)

On July 31, 2013, Applicant was arrested and charged with Criminal Damage to Property, First Degree, a felony. He was convicted on January 25, 2016. The following is a summary of the background leading to his July 2013 arrest. In March 2012, Applicant and his family rented a house from Mr. K. Applicant was under the belief that he had a rent-to-own agreement and that he could remodel the house. Mr. K. stated in the police report that he only allowed Applicant to cut the kitchen countertop so he could put in a stackable washer and dryer. There was no written agreement about remodeling Mr. K.'s home while renting the property. (GE 1 at 25-26; GE 2 at 4-5, 14; GE 5 at 4)

In September 2012, Mr. K. drove by the house Applicant was renting and noticed plaster piled up in the driveway. He stopped to speak with Applicant, who told him that he attempted to take paneling off a wall and the plaster came down as well. Mr. K. told him he had no right to remove the paneling. Applicant was allegedly advised not to make any further repairs or renovations to the residence without approval. (GE 5 at 5)

Later in September 2012, Mr. K. underwent an operation and was in recovery for several months. In June 2013, Mr. K. scheduled a visit with Applicant because he was considering refinancing the mortgage of the house Applicant was renting. When he walked through the house, Mr. K. discovered copper piping was missing in the basement and throughout the house and called the police. Applicant claims he had permission to renovate the house. He replaced some copper piping with pex piping. Applicant claims that he was in the process of renovating the house, but ran out of money to complete the repairs when Mr. K. came to inspect the property. He claimed Mr. K. was upset with him because it was taking so long for him to remodel the house. Applicant believed that he was not damaging anything. Mr. K. suspected Applicant took out the copper piping to sell for salvage. Applicant claims he put the copper piping in Mr. K.'s dumpster. There is no proof in the file that Applicant sold the copper piping. (Tr. 50-55; GE 5 at 6)

Mr. K. arranged for a plumbing company and another mechanical company to inspect the house. They concluded the estimated cost of labor and materials to complete the repairs to the house was roughly \$7,500 for repairs and \$12,500 for a new boiler. The mechanical company discovered that the entire baseboard heating system in the house was cut out by Applicant. The house also needed a new boiler. The piping that was alleged to be pex pipe was just plastic tubing and the pipes were not connected to anything. Mr. K. claimed Applicant did no repairs to the residence and caused a lot of damage. As a result, a warrant was issued for Applicant's arrest. (GE 5 at 6)

On January 25, 2016, Applicant pled and was found guilty of the offense. He was sentenced to five years in jail, with three years suspended and five years' probation. He was also ordered to pay \$16,000 in restitution to Mr. K. He served his period of incarceration and probation. (GE 2 at 4-5; GE 3; GE 5)

In April 2023, Applicant was charged with Violation of Probation. He was arrested by his probation office. Applicant was to pay the entire amount of the \$16,000 in restitution to the victim by December 2022. He made payments but was unable to completely satisfy the debt. He owed approximately \$1,400 to \$1,500. He did not have to go to court because he borrowed money from his parents in order to pay the remaining balance owed for the restitution. The Probation Violation charge was then dismissed. (Tr. 60; GE 2 at 5, 14)

Mr. B., Applicant's probation officer, provided a letter verifying that Applicant's probation began on August 30, 2017, and ended on April 4, 2023. He remained employed during his probation period. Mr. B. became his probation officer in February 2019. He notes Applicant displayed "a strong work ethic, bettering himself, and successfully providing for his family." (AE D) Applicant has not had any subsequent arrests since his arrest in 2013. (Tr. 61)

## **Whole-Person Factors**

Three witnesses testified on Applicant's behalf. Mr. T. has known Applicant since childhood. He is aware of Applicant's past bad decisions as well as his struggles with addiction. Mr. T. said, "Addiction is real. It brings you to a dark place. He had a lot of people trying to pull him out of it." Applicant did drugs for a number of years. He cleaned up and did his time. He is a very close friend of the family. Mr. T's kids love him. Applicant and his children are at his house all of the time. He knows he is not using drugs. Applicant has a solid character and is always willing to help people. He has worked hard at getting his business going. His sons have worked for Applicant on certain jobs. He is very trustworthy. (Tr. 19 – 26)

Mrs. T, is Mr. T's wife. She has known Applicant for over 23 years. They worked at the same place of business in early 2003. She remained friends with him during his period of addiction. He has been clean for about nine years. They see him every day. They consider him a part of the family. She is also aware of his past criminal history. He has not engaged in criminal conduct in over five years. After he served his jail sentence, they welcomed him with open arms. He has always been there for her family. She describes him as trustworthy, reliable, a great friend and father, and a hard worker. He has his own business. (Tr. 25-28)

Mr. M. has known Applicant for over 20 years. He grew up with Mr. M.'s daughter. He considers him a friend. Mr. M. is a retired federal police officer. He was aware that Applicant was battling addiction. He was aware of what he was going through when he lost his baby daughter. His addiction started after his daughter passed away. He was aware of his past criminal arrests. He has seen a change in him over the past ten years since he became drug free. He has become a great young man. He is a great father and an excellent friend to everyone. (Tr. 29-32)

Several friends also wrote letters on Applicant's behalf. Ms. E. is an employee at the DOD contractor where Applicant hopes to be employed. She recommended him for the position. Applicant owns a repair and remodeling business. She met him when he did some work for her on her home. She says Applicant "went above and beyond to communicate every step of the process." He kept her informed about what he was doing and never hesitated to answer questions. She stated, ". . . his responsibility, integrity and passion shown its brightest." He has since become a close friend. He has helped her with additional renovations to her house and lets her dogs out if her schedule is running outside of normal hours. He donated a \$1,000 gift certificate from his business for a raffle benefit that was held for her late father. He has become a pillar of the community. He is always available to sponsor local kids sporting events. She believes he would be an asset at her place of employment if given the chance to fully accept his position. (AE A at 3)

Mr. J.D. has worked for Applicant's future employer for over nine years. He is aware of the level of integrity that his company looks for in its employees and the high expectations that await new hires. He personally recommends Applicant for the position. He met him in August of 2022 when Mr. D's sister-in-law brought him to a cookout. Applicant was full of charisma and extremely good-natured. He was upfront about his troubled past. Mr. J.D. states that the fact that he was so honest and upfront about it was how he knew that he was no longer that person. Applicant has become one of his closest friends. He has helped him renovate his house. He has integrity and is very responsible. He watched him build his business. He never leaves a job unless the customer is satisfied. Applicant would be a great asset to any organization. He believes he has every qualification that the company looks for in their core values. (AE B)

Ms. H.G. has known Applicant for over 20 years when they worked together. They have since reconnected because their children play football together. She states that he is actively working at growing his business, remaining successful in recovery, and continuing to overcome the challenges of his prior life choices. He has become a better role model for his children and is ever present in their lives. With great confidence, she recommends him for any opportunity because he maintains the motivation and the sheer determination to be successful. He embodies the desired work ethic and drive, coupled with the determination to move beyond his past. (AE C)

Mr. D.D., Applicant's uncle, wrote a letter acknowledging his past legal troubles. He states Applicant has paid his debt to society. His life is much better today. He started a small business and has become a reliable, hardworking, and responsible individual. (AE E) Ms. K.M. has known Applicant for three years. She considers him a good friend who has always shown a degree of integrity, ambition and responsibility. When she met him, he was honest about his past. He has not let it define him. Rather, it has given him the drive to better himself and move forward. He goes above and beyond for his customers and has a willingness to keep learning to improve. He is an amazing friend, dad, and person. He is always helping people and is someone you can rely on. (AE F)

## Policies

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.

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

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, administrative judges apply the guidelines 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 national security eligibility will be resolved in favor of the national security."

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

Section 7 of EO 10865 provides that adverse 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 and Substance Misuse**

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

The illegal use of controlled substances, to include the misuse of prescription and non-prescription drugs, and the use of other substances that cause physical or mental impairment or are used in a manner inconsistent with their intended purpose can raise questions about an individual's reliability and trustworthiness, both because such behavior may lead to physical or psychological impairment and because it raises questions about a person's ability or willingness to comply with laws, rules, and regulations. *Controlled substance* means any "controlled substance" as defined in 21 U.S.C. 802. *Substance misuse* is the generic term adopted in this guideline to describe any of the behaviors listed above.

AG ¶ 25 describes conditions that could raise a security concern and may be disqualifying. Those that are potentially applicable in this case include:

- any substance misuse (see above definition); and
- (c) illegal possession of a controlled substance, including cultivation, processing, manufacture, purchase, sale, or distribution; or possession of drug paraphernalia.

Applicant has a lengthy history of illegal drug use. He used marijuana on a regular basis from 1996 to at least January 2025. While marijuana is legal in the state where Applicant resides and he has marijuana medical card, it remains illegal under federal law. He abused Vicodin, Percocet, Fentanyl and Heroin on various occasions from approximately 2009 to October 2015. AG ¶ 25(a) and AG ¶ 25(c) apply.

The burden shifted to Applicant to prove mitigation of the resulting security concerns. AG ¶ 26 provides conditions that could mitigate security concerns in this case:

- (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) the individual acknowledges his or her drug involvement and substance misuse, provides evidence of actions taken to overcome this problem, and has established a pattern of abstinence, including, but not limited to:
  - (1) disassociation from drug-using associates and contacts;
  - (2) changing or avoiding the environment where drugs were used; and

(3) providing a signed statement of intent to abstain from all drug involvement and substance misuse, acknowledging that any future involvement or misuse is grounds for revocation of national security eligibility.

Applicant had a serious drug addiction beginning around 2009. By his own admission, he struggled with addiction issues for years. He finally attended drug rehabilitation around 2015 before he was incarcerated for Felony Criminal Damage to Property. Applicant has stopped using Vicodin, Percocet, Fentanyl and Heroin since October 9, 2015. Since that time, he spent one year after being released from prison in a sober house, he started his own business seven years ago, and he has custody of his children for 50 percent of the time. AG ¶ 26(a) applies.

Applicant admitted that he used marijuana approximately two weeks before the hearing. He has a medical marijuana card for PTSD. He used marijuana in the evenings. This was legal in the state where he resides. In fact, he was led to believe that he could continue using marijuana as long as he had a medical prescription for it. (This is not the first time I have been informed that Applicant's potential employer has an accommodation for medical marijuana. See ISCR 24-00373). Applicant is aware that marijuana is illegal under federal law and is willing to stop using marijuana. He no longer associates with his former drug-using associates and contacts. His focus is on his family and his business. I allowed him the opportunity to provide a signed statement of intent to declare that he intends to abstain from all illegal drug involvement and substance misuse. He submitted the statement of intent after the hearing. While his medical marijuana use was concerning, he mistakenly believed that he could continue to use marijuana as long as he had a medical marijuana card. Once he realized his mistake, he stopped using marijuana. He has made great progress in dealing with his drug addiction. AG ¶ 26(a) applies.

Applicant mitigated the drug involvement and substance abuse security concern. He is warned that subsequent illegal drug use or substance misuse to include marijuana after January 29, 2025, the date he signed his Statement of Intent, will result in the revocation of his security clearance.

#### **Guideline J: Criminal Conduct**

AG ¶ 30 describes the security concern about criminal conduct, "Criminal activity creates doubt about a person's judgment, reliability, and trustworthiness. By its very nature, it calls into question a person's ability or willingness to comply with laws, rules, and regulations."

AG ¶ 31 lists two conditions that could raise a security concern and may be disqualifying in this case:

- (a) a pattern of minor offenses, any one of which on its own would be unlikely to affect a national security eligibility decision, but which in combination cast doubt on the individual's judgment, reliability, or trustworthiness;
- (b) evidence (including, but not limited to, a credible allegation, an admission, and matters of official record) of criminal conduct, regardless of whether the individual was formally charged, prosecuted, or convicted; and
- (c) violation or revocation of parole or probation, or failure to complete a court-mandated rehabilitation program

Since September 2004, Applicant has been arrested and convicted on four occasions. The 2004 arrest occurred when he was 20. The arrests in 2010 and 2013 occurred when he was dealing with serious addiction issues. While it does not justify his criminal conduct, it did influence his actions especially pertaining the 2010 arrest when he burglarized his former employer searching for money to buy drugs. He pled guilty to Felony, Criminal Damage to Property in 2015, which resulted in his incarceration. AG ¶¶ 31(a), and 31(b) are established.

AG ¶¶ 31(c) applies because Applicant was arrested for Probation Violation after the end of his probation in 2023, because he had not fully repaid restitution owed to his former landlord. While technically this was a probation violation, he immediately paid the balance owed after borrowing money from his parents.

AG ¶ 32 describes two conditions that could mitigate security concerns in Applicant's case including:

- (a) so much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment; and
- (d) there is evidence of successful rehabilitation; including, but not limited to, the passage of time without recurrence of criminal activity, restitution, compliance with the terms of parole or probation, job training or higher education, good employment record, or constructive community involvement.

AG ¶ 32(a) applies because more than ten years have passed since Applicant's last criminal offense. He was arrested in July 2013 and was convicted in January 2016. Since that time, Applicant has successfully dealt with his addictions to pain killers and opiates. He started a business which he has managed successfully for over seven years and he has become more responsible.

AG ¶ 32(d) applies because Applicant has presented clear evidence of successful rehabilitation. He successfully completed probation and paid full restitution to his former landlord. Since his release from incarceration, he created and established a business. Friends and family members either testified or wrote letters attesting to how he has turned his life around. He is involved with his children's activities and volunteers in the community.

Overall, Applicant mitigated the security concerns raised under criminal conduct.

### **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 the applicant's conduct and all relevant circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(d):

- (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. I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case. I have incorporated my comments under Guidelines H and J in my whole-person analysis.

I considered Applicant's history of drug abuse, in particular his addiction to pain killers and opiates. I considered his criminal history. I also considered he served his time, made restitution and successfully completed his probation. I considered that he has no additional criminal offenses since 2015. I also considered Applicant's favorable character

evidence, including the statements from his friends and family. Many of whom who attest to how far Applicant has come since overcoming his addiction. I considered Applicant has successfully run his own business for the past seven years. While Applicant's last use of marijuana was fairly recent, he had a medical marijuana card which is legal in the state where he resides. He was under the mistaken belief that this would not be an issue, which belief was erroneously reinforced by his potential employer. Once he discovered it was an issue, he stopped using marijuana and signed a Statement of Intent to abstain from illegal drug use and substance misuse. Applicant has made a lot of progress over the past ten years. He has mitigated the concerns raised under drug involvement and criminal conduct. Applicant is warned that any future illegal drug abuse or substance misuse or criminal conduct will likely result in the revocation of his security clearance.

### **Formal Findings**

I make the following formal findings on the allegations in the SOR:

Paragraph 1, Guideline H: FOR APPLICANT

Subparagraphs 1.a -1.c: For Applicant

Paragraph 2, Guideline J: FOR APPLICANT

Subparagraphs 2.a -2.d: For Applicant

### **Conclusion**

I conclude that it is clearly consistent with the interests of national security of the United States to grant or continue Applicant's national security eligibility for access to classified information. Eligibility for access to classified information is granted.

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ERIN C. HOGAN  
Administrative Judge