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**United States Department of Energy  
Office of Hearings and Appeals**

In the Matter of: Personnel Security Hearing )  
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Filing Date: July 30, 2025 ) Case No.: PSH-25-0193  
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Issued: February 13, 2026

## Administrative Judge Decision

Andrew Dam, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXX (the Individual) to hold an access authorization under the United States Department of Energy's (DOE) regulations, set forth at 10 C.F.R. Part 710, "Procedures for Determining Eligibility for Access to Classified Matter and Special Nuclear Material or Eligibility to Hold a Sensitive Position."<sup>1</sup> As discussed below, after carefully considering the record before me in light of the relevant regulations and the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (June 8, 2017) (Adjudicative Guidelines), I conclude that the Individual's access authorization should not be granted.

## I. BACKGROUND

The Individual estimated she originally obtained access authorization in 2015, in conjunction with her employment with a DOE contractor. Exhibit (Ex.) 7 at 126, 153 (January 2025 Questionnaire for National Security Positions (QNSP)).<sup>2</sup> In August 2024, the Individual entered a Limited Area at her worksite with her husband's vehicle. Ex. 6 at 92 (April 2025 response to Letter of Interrogatory (LOI)) (April 2025 LOI Response). The Individual was unaware that an electronic location device was in the vehicle, which triggered a security incident. *Id.* Due to the security incident, the DOE contractor's employees conducted a forensic review of her cell phone and found several text messages referencing her use of illegal drugs while holding a clearance. *See* Ex. 5 at 33–70. Throughout the period she used illegal drugs and held a clearance, she failed to self-report her illegal drug use as required by *DOE Order 472.2A, Personnel Security, Attachment V – Reporting Requirements*: “The following occurrences/actions must be reported to the appropriate CPSO [Cognizant Personnel Security Offices] immediately, but in no event later than three (3)

<sup>1</sup> The regulations define access authorization as “an administrative determination that an individual is eligible for access to classified matter or is eligible for access to, or control over, special nuclear material.” 10 C.F.R. § 710.5(a). This Decision will refer to such authorization as “access authorization” or “security clearance.”

<sup>2</sup> Exhibits 1 through 10 submitted by the DOE were submitted as a single PDF, Bates numbered in the upper right corner of each page. This Decision will refer to the Bates numbering when citing to exhibits submitted by the DOE.

working days after the occurrence: . . . The use of any Federally illegal drug . . . .” DOE O 472.2A, Attach. 5 ¶ 6(e). She also failed to report such drug use when completing a QNSP in April 2020. *Compare, e.g.*, Ex. 6 at 81 (admitting in her April 2025 LOI Response that she had used cocaine in March 2020) *with* Ex. 8 at 169 (responding “No” when asked in the April 2020 QNSP if she had illegally used any drugs or controlled substances within the last seven years).

In September 2024, the DOE contractor terminated the Individual because of the various instances of drug use described in the text messages. Ex. 7 at 127.<sup>3</sup> The Individual “negotiated voiding [the] termination” with the DOE contractor, and the DOE contractor reinstated her employment on “January 13th[,] 2025.” *Id.* at 126. The Individual submitted another QNSP on January 17, 2025, wherein she admitted to some drug use but clearly continued obscuring the full extent of her drug use. *Compare id.* at 150–51 (January 2025 QNSP in which she only admitted to using a hallucinogenic “on one occasion” in September 2022) *with* Ex. 5 at 33 (Individual’s March 2020 text messages about using “molly”<sup>4</sup> and “mushrooms” at a birthday party “last night”) *and* Ex. 6 at 81–83 (admitting to taking “MDMA” in March 2020 and August 2022; cocaine in March 2020; and hallucinogenic mushrooms “a handful of times” between the “beginning of COVID” and a September 2022 concert).

Given her apparent drug use and related failures to report, the Local Security Office (LSO) subsequently issued to the Individual a Notification Letter advising her that it possessed reliable information creating substantial doubt regarding her eligibility for access authorization. Ex. 1 at 7–9. In a Summary of Security Concerns (SSC) attached to the letter, the LSO explained that the derogatory information raised security concerns under Guidelines E and H of the Adjudicative Guidelines. *Id.* at 5–6.

The Individual exercised her right to request an administrative review hearing pursuant to 10 C.F.R. Part 710. Ex. 2 at 11–15. The Director of the Office of Hearings and Appeals (OHA) appointed me as the Administrative Judge in this matter, and I conducted an administrative hearing. The LSO submitted ten exhibits (Ex. 1–10). The Individual submitted nine exhibits (Ex. A–I).<sup>5</sup> Neither party objected to the admission of the other’s exhibits. The Individual testified and offered the testimony of one other witness, her supervisor (“Supervisor”). Tr. at 3.

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<sup>3</sup> The Individual’s security clearance was administratively withdrawn at the time of her termination. *See* DOE O 472.2A ¶ 4(s) (“In all instances, security clearances must be administratively withdrawn when there is termination of employment . . . .”); Ex. 3 at 17 (“Subject was granted a DOE Q clearance from 10/1/2015 to 9/20/2024.”).

<sup>4</sup> The Individual explained that molly is also known as MDMA. Hearing Transcript, OHA Case No. PSH-25-0193 (Tr.) at 133. MDMA is short for 3,4-Methylenedioxymethamphetamine. *See, e.g.*, *United States v. Heard*, 62 F.4th 1109, 1112 (8th Cir. 2023) (“Federal law prohibits . . . 3,4-methylenedioxymethamphetamine (MDMA).””)

<sup>5</sup> The Individual’s exhibits were submitted as a single PDF file. This Decision will refer to the exhibit letter and PDF page number when citing to the Individual’s exhibits.

## II. THE SECURITY CONCERNS

### a. Guideline H

Guideline H relates to the illegal use of controlled substances, including prescription and non-prescription drugs. Adjudicative Guidelines at ¶ 24. “The illegal use of controlled substances . . . can raise questions about an individual’s reliability and trustworthiness . . . 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.” *Id.*<sup>6</sup> Conditions that could raise a security concern under Guideline H include “any substance misuse”; “illegal possession of a controlled substance . . .”; and “any illegal drug use while granted access to classified information or holding a sensitive position[.]” *Id.* at ¶ 25(a), (c), (f). In citing Guideline H, the LSO relied upon the Individual’s admissions that she (1) in March 2020 consumed cocaine; (2) in March 2020 and August 2022 consumed MDMA; and (3) from the start of COVID to September 2022 consumed hallucinogenic mushrooms a handful of times. Ex. 1 at 6 (citing Ex. 6 at 81–83). Accordingly, there is sufficient derogatory information in the DOE’s possession to raise security concerns under Guideline H.

### b. Guideline E

Guideline E relates to questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations. Adjudicative Guidelines at ¶ 15. The refusal to be truthful and honest during the administrative review process is especially concerning. *Id.* Conditions that could raise a concern under Guideline E include the “deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire . . .” and “deliberately providing false or misleading information; or concealing or omitting information, concerning relevant facts to an employer, investigator, [or] security official . . . involved in making a recommendation relevant to a national security eligibility determination . . .” *Id.* at ¶ 16(a)–(b). In citing Guideline E, the LSO relied upon the Individual’s (1) acknowledgment that she used illegal drugs while holding a clearance despite knowing the ramifications on her ability to hold a clearance; (2) failure to report any of her illegal drug use within three days, as required by DOE O 472.2; (3) failure to report her drug use in the April 2020 QNSP; and (4) failure to fully report her drug use in the January 2025 QNSP. Ex. 1 at 5–6.<sup>7</sup> Accordingly, there is sufficient derogatory information in the DOE’s possession to raise security concerns under Guideline E.

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<sup>6</sup> “Controlled substance means any ‘controlled substance’ in 21 U.S.C. [§] 802.” Adjudicative Guidelines at ¶ 24 (formatting in original). The schedules of controlled substances include psilocybin, MDMA, and cocaine. *See generally* 21 U.S.C. § 812 (cited in 21 U.S.C. § 802); *Advanced Integrative Med. Sci. Inst., PLLC v. Garland*, 24 F.4th 1249, 1253 (9th Cir. 2022) (“Psilocybin is a hallucinogenic substance obtained from certain mushrooms[ ] and is a Schedule I drug . . .”).

<sup>7</sup> The SSC incorrectly states that the Individual “answered ‘no’” in the January 2025 QNSP when asked if she had used illegal drugs in the last seven years. Ex. 1 at 6. However, the Individual acknowledged that she intentionally documented her drug use inaccurately in the January 2025 QNSP. Ex. 7 at 150–51; Tr. at 47–48; Ex. 6 at 86 (admitting she “answered [the January 2025 QNSP] incorrectly because she left off her use of cocaine and MDMA as well as understating her use of hallucinogenic mushroom . . . out of concern for her position”). Accordingly, notwithstanding the factual error in the SSC, the LSO properly raised Guideline E security concerns associated with the Individual’s inaccurate reporting of her drug use in the January 2025 QNSP.

### III. REGULATORY STANDARDS

A DOE administrative review proceeding under Part 710 requires me, as the Administrative Judge, to issue a Decision that reflects my comprehensive, common-sense judgment, made after consideration of all the relevant evidence, favorable and unfavorable, as to whether the granting or continuation of a person's access authorization will not endanger the common defense and security and is clearly consistent with the national interest. 10 C.F.R. § 710.7(a). The regulatory standard implies that there is a presumption against granting or restoring a security clearance. *See Dep't of Navy v. Egan*, 484 U.S. 518, 531 (1988) ("clearly consistent with the national interest" standard for granting security clearances indicates "that security determinations should err, if they must, on the side of denials"); *Dorfmont v. Brown*, 913 F.2d 1399, 1403 (9th Cir. 1990) (strong presumption against the issuance of a security clearance).

An individual must come forward at the hearing with evidence to convince the DOE that granting or restoring access authorization "will not endanger the common defense and security and will be clearly consistent with the national interest." 10 C.F.R. § 710.27(d). An individual is afforded a full opportunity to present evidence supporting his or her eligibility for an access authorization. The Part 710 regulations are drafted to permit the introduction of a very broad range of evidence at personnel security hearings. Even appropriate hearsay evidence may be admitted. *Id.* at § 710.26(h). Hence, an individual is afforded the utmost latitude in the presentation of evidence to mitigate the security concerns at issue.

### IV. FINDINGS OF FACT

#### a. Individual's Background

The Individual attended college from 2004 to 2009. *See* Ex. 7 at 124; Ex. E at 43. In college, the Individual engaged in some marijuana use and consumed and grew hallucinogenic mushrooms. Tr. at 100–02, 117–19, 154–55; Ex. 6 at 82 (admitting to using hallucinogenic mushrooms in 2006); Ex. 5 at 53 (text message stating, "Plus the spores are legal, right? . . . [My friend] does it [growing mushrooms] now[,] and I did it in 2006"). At the hearing, she could not specify when she last used drugs in college. Tr. at 101–02. The Individual maintains that she never used illegal drugs from her last use in college until March 2020. *Id.* at 159–60.

The Individual submitted her first QNSP in November 2014 and estimates that she obtained her clearance sometime in 2015. Ex. 10 at 325–66 (2014 QNSP); Ex. 7 at 153. The 2014 QNSP made clear that illegal drug use was a concern to the agency: "**In the last seven (7) years**, have you illegally used any drugs or controlled substances?" Ex. 10 at 356 (emphasis in original). The Individual marked, "No" and maintained at the hearing that her drug use in college fell outside the 2014 QNSP's seven-year reporting window. *Id.*; Tr. at 101–02.

The Individual married her husband ("Husband") in 2021, though they began cohabitating in about October 2019. Ex. 7 at 130; Ex. 8 at 163–64.

**b. Individual's Admitted Drug Use in March 2020 While Holding a Security Clearance and Her Failure to Report Such Drug Use**

The Individual's April 2025 LOI Response provided the following regarding her March 2020 drug use:

In or around March 2020, [the Individual] was at a friend's house celebrating another friend's birthday in the very early days of COVID. This occurred at a small gathering of friends and was the only time she used cocaine.

...

The first time she took MDMA was in March 2020, at the same gathering as the cocaine use, at the beginning of COVID.

...

Ex. 6 at 81, 83. Three text messages dated March 28, 2020, sent from the Individual's phone also reflect that she had hallucinogenic mushrooms that night: (1) "We were celebrating [a friend's] birthday in secrecy last night. I had a lot of margaritas and molly"; (2) "And a little bit of mushrooms"; (3) "And also a little bit of coke now that I think of it." Ex. 5 at 33–34.

In her April 2025 LOI Response, she answered, "Yes" when asked if she was "aware at the time that illegally using drugs while holding a clearance/sensitive position was not allowed[.]" Ex. 6 at 88 (formatting omitted). At the hearing, the Individual admitted that she knew she should have reported her drug use within three business days but acknowledged that she had not. Tr. at 42. About a month after her March 2020 drug use, in April 2020, the Individual completed another QNSP, wherein she affirmatively provided false information about her drug use. Ex. 8 at 169 (responding, "No" when asked if she had "[i]n the last seven (7) years, . . . illegally used any drugs or controlled substances") (formatting omitted).

When asked about her mindset at the time she used three different illegal drugs in March 2020, she testified that she had been "drinking," there was "COVID," and she was "stressed." Tr. at 160. She further indicated that the illegal drugs were "just there" and at the time she was "seeing no harm done" and thought, "what is the big deal." *Id.* at 161. She also attributed her drug use to the company that she kept at the time: "[T]here's a lot of . . . I don't put myself with anymore, . . . but before that I was hanging out with those people." *Id.*

**c. Individual's Continued Illicit Drug Involvement and Continued Failures to Report**

According to the Individual, "[t]he last time she took MDMA, half a pill was offered to her at a friend's house after a concert in August 2022." Ex. 6 at 83. Her friends gathered for either a "small get-together" or "barbeque." Tr. at 39. Again, "[s]he was curious to try the drug" when she took it. Ex. 6 at 83. Then, only a month later, in September 2022, she consumed hallucinogenic

mushrooms at another concert with her Husband and her father. *Id.* at 82. This time, her father had offered her the drugs. *Id.*; Tr. at 71–72.

The Individual represented that the September 2022 concert was the last time she consumed hallucinogenic mushrooms. Ex. 6 at 82; Tr. at 36. The Individual represented that she only consumed psychedelic mushrooms a “handful” of times—an estimated “five or six times”—between “COVID” and the September 2022 concert. Ex. 6 at 82; Tr. at 151. The text messages that the Individual sent suggest that these representations minimized her mushroom use and that the Individual even went so far as to cultivate and distribute psychedelic mushrooms.

Before reviewing some of the text messages, I must address the probative value of these messages, which the Individual’s attorney has challenged. At various points, including at the hearing, the Individual claimed that she was not afforded an opportunity to review the text messages that precipitated the concerns about her drug use and dishonesty. *See, e.g.*, Ex. 6 at 82 (complaining that the DOE contractor’s employees “went around the room reading copies of [the Individual’s] text messages out loud to her and asked her to explain them with little to no context” and that the Individual “wasn’t provided with a copy to reference at any point”); Tr. at 87 (testifying at the hearing that this was the “first time I’m seeing several of these [text messages]”). The Individual’s attorney then argued in closing that the text messages should be given less evidentiary weight given that the text messages purportedly lacked context, in part because her client lacked an opportunity to review the text messages from years ago. Tr. at 166–67.

I find this argument unpersuasive. To start, the Individual’s attorney received the DOE exhibit notebook more than two weeks before the hearing. The Individual and her attorney had sufficient opportunity to review the exhibits and to prepare to discuss these text messages evincing her drug use and related dishonesty. Furthermore, the DOE contractor found these text messages in the Individual’s phone in September 2024. Since 2024, the Individual could have reviewed her own phone records to determine which of her own messages referenced drug use. The Individual and her counsel cannot claim the record lacks sufficient “context” about the text messages and attempt to benefit from that purported lack of “context” when they failed to prepare such “context” for entry into the record. More importantly, at face value, many of the text messages and text message threads need no further context; as discussed further below, many of the messages have no other plausible context except for as evidence of drug use. For those reasons, I find the protestation as to the probative value of the text messages unavailing and, as explained throughout, I assign the Individual’s text messages their due value.

The record includes ample evidence that the Individual and her Husband consumed and even grew mushrooms over an extended period. To start, the Individual exchanged no less than seventeen text messages with her Husband on September 19, 2020, wherein they discussed the purchase of mushroom spores from the “dark web” and their plans to grow mushrooms in their home. Ex. 5 at 50–54. When confronted with these messages, the Individual claimed that she and her Husband were simply “joking” or being “sarcastic or snarky.” Tr. at 103.

However, the extensiveness of the messages and the level of detail—wherein they discussed the logistics of acquiring spores, growing them into psychedelic mushrooms, legal risks, and future

consumption—undermines any claim that such a conversation was merely a joke. *See, e.g.*, Ex. 5 at 51 (text from Husband to the Individual stating, “Lol spores are legal to sell/buy/possess bc [sic] they don’t contain any illegal substances, in all but 3 states. [Our home state] is one of them”), 52 (text from the Individual to her Husband emphasizing, “We need some [mushrooms] ready to go ASAP and some on the back burner, cooking”), 54 (text from the Individual to her Husband stating, “So next time he [our friend] orders spores, ask if he can get us one?”).

Numerous text messages sent to and from the Individual after this September 2020 discussion further suggest that she cultivated mushrooms in her home and distributed them to her friends, further undermining any claim that she and her Husband were merely “joking.” For example, the Individual sent her Husband a March 2021 text message with a link to a blog on growing “magic” mushrooms: “This is closure [closer] to how I was taught the [sic] grow. [http://www.zamnesia.com/blog-how-to-grow-magic-mushrooms-indoors-n2060\[.\]](http://www.zamnesia.com/blog-how-to-grow-magic-mushrooms-indoors-n2060[.])” *Id.* at 56 (emphasis added).<sup>8</sup> Later, on May 16, 2021, the Individual’s friend texted her that she was also “trying to think of a space in [her] house that would work to grow [mushrooms]” and suggested that she and the Individual could “eventually just barter strains ;) [winky face]”—evincing that the Individual had been cultivating and distributing her own “strain” of mushrooms. *Id.* at 45.<sup>9</sup>

The text messages continue: On February 22, 2021, she informed her Husband that she had “picked a couple mushrooms”; later, on May 22, 2021, the Individual and her Husband discussed that their “new batch” of mushrooms had been “so potent”—both statements implying that she had been growing “batches” of mushrooms that she would “pick.” *Id.* at 55, 57. I also consider that the Individual, in a text thread with her friends, referred to herself as a “shroom mom” in April 2022 and admitted to having previously grown psychedelic mushrooms in college. Ex. 5 at 53, 67.

I also cannot credit that the Individual’s last psychedelic mushroom use occurred in September 2022, as claimed, given the below text message thread between the Individual and her Husband on August 26, 2023:

- Individual to Husband: “Did you want to take mushrooms?”
- Husband to Individual: “If it [sic] wasn’t on cali [sic].”
- Husband to Individual: “I’m already not in the best shape I’d [sic] I do get called into work.”

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<sup>8</sup> The Individual gave an unreliable alternative explanation for sending her Husband the blog about growing magic mushrooms: “That [blog] would have been for gardening . . . shiitakes . . . but not for illegal growing.” Tr. at 106. *But see id.* at 139 (testifying that she and Husband had not grown even non-psychedelic mushrooms in their home).

<sup>9</sup> The Individual testified that she had never grown psychedelic mushrooms, never bought them online, and never bought them from a dispensary. Tr. at 141–42. She testified that she simply “[didn’t] recall” how she procured the psychedelic mushrooms. *Id.* However, the text messages clearly indicate that she was providing mushrooms to her friends. Ex. 5 at 46 (Individual’s text messages asking a couple if they would like her to bring mushrooms to an October 2021 gathering). The Individual provided no coherent explanation as to how she could have not engaged in any of the aforementioned methods of procuring psychedelic mushrooms yet somehow have had them on hand for distribution. Tr. at 141–42. This major inconsistency numbers among many others in the record and further suggests that the Individual has failed to provide fully forthcoming testimony about her drug involvement.

*Id.* at 59. The Individual offering her husband mushrooms in 2023 is probative of continued, regular drug use. When confronted with these text messages at the hearing, the Individual offered that she and her Husband may have been talking about ordering a “side dish” of mushrooms for eating. Tr. at 152–53.

I find this explanation dubious. First, considering plain language, people conventionally refer to using psychedelic mushrooms as “taking mushrooms”—not eating food. *See, e.g., Estate of Robinson ex rel. Irwin v. City of Madison*, 15-cv-502-jdp, 2017 U.S. Dist. LEXIS 20733, at \*46 (W.D. Wisc. Feb. 13, 2017) (using the phrase “taking mushrooms” to refer to drug use); *Bowman v. Yates*, No. C 06-3901 CRB, 2008 U.S. Dist. LEXIS 120258, at \*13 (N.D. Cal. May 7, 2008) (using the phrase “taking mushrooms” in conjunction with “intoxication”). This explanation also lacks credibility given the context of those messages: her Husband immediately responded he was “already not in the best shape[,]” implying some level of impairment and thus the use of psychedelic mushrooms. Her explanation ignores both plain language and context, adding yet another piece of testimony undermining her reliability.

The cumulative record demonstrates the Individual remains, as of the hearing date, an unreliable narrator of her drug use and even suggests cultivation and distribution of illegal drugs to friends. In reaching that determination, I consider the various text messages discussed above and her dubious explanations when confronted with those text messages at the hearing. I must also consider the lack of honesty she demonstrated at various points prior to the hearing: (1) first, during her time as a clearance holder from 2020 to 2024;<sup>10</sup> (2) then, during the 2024 security incident leading to her termination; and (3) finally, as a clearance applicant in 2025, discussed further in Section IV(d).

**d. Individual’s September 2024 Termination and Further Provision of False Information in the January 2025 QNSP**

In August 2024, the Individual entered a Limited Area at her worksite with an electronic location device in her Husband’s vehicle, triggering a security incident. Ex. 6 at 92. Due to the security incident, the DOE contractor’s employees conducted a forensic review of her cell phone and found several text messages referencing some of the illegal drug use discussed in Section IV(b)–(c). *See* Ex. 5 at 33–70. At the hearing, the Individual testified that the DOE contractor’s employees conducted an interview of the Individual in connection with the security incident. Tr. at 68–69. At the beginning of the interview, they asked her questions about her illegal drug use, and she denied any illicit drug use. *Id.* at 66, 69–70.

When the DOE contractor’s employees confronted her with the text messages to the contrary, the Individual then admitted to only “some” illegal drug use. *Id.* at 69–70. This admitted illegal drug

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<sup>10</sup> The Individual testified that her drug use and failure to report her drug use “nagged at [her] frequently” and that she “wouldn’t go more than a couple weeks without thinking about it . . . .” Tr. at 163. However, despite that feeling, she ultimately failed to report her drug use because she “felt like it was too late to report it.” *Id.*

use resulted in her termination in September 2024. Ex. 7 at 127. Contemporaneously, the DOE contractor provided the text messages to the LSO attached to an Incident Report dated September 18, 2024. Ex. 5 at 27–74.

Eventually, the Individual “negotiated voiding [the] termination” with the DOE contractor in January 2025. Ex. 7 at 126. As stated before, the Individual subsequently submitted and certified her January 2025 QNSP, wherein she admitted to some drug use but continued obscuring the full extent of her drug use. *Compare* Ex. 7 at 117, 150–51 (only admitting to using a hallucinogenic “on one occasion” in September 2022) *with* Sec. IV (b)–(c). The Individual testified that she reported her drug use incorrectly on the January 2025 QNSP “[b]ecause [she] felt like [she] had to be consistent with what [she] had told [her] employer . . . .” Tr. at 125. The Individual admitted that she had no confusion about the drug-related questions in the QNSP when she provided false information. *Id.* at 126–27. The Individual testified that she did not “think that [providing false information was] the right thing to do” and that she “really wished [she] had not . . . .” *Id.* at 129.

A February 11, 2025, Case Evaluation Sheet from the LSO reflects that the January 2025 QNSP’s inconsistency with the text messages on record led to the issuance of the LOI. Ex. 4 at 23–25. In the April 2025 LOI, the Individual admitted to more extensive drug use than had been reported in the January 2025 QNSP. *Compare* Ex. 7 at 150–51 (only admitting to using a hallucinogenic “on one occasion” in September 2022) *with* Ex. 6 at 82–83 (admitting to taking “MDMA” in March 2020 and August 2022; using cocaine in March 2020; and using hallucinogenic mushrooms “a handful of times” between the “beginning of COVID” and a September 2022 concert).

#### **e. Character Evidence and Other Documentary Evidence**

The Individual provided a written letter, dated December 2025, from the Individual’s licensed professional counselor (“Counselor”). Ex. B at 45. The Counselor indicated that they had 17 counseling sessions since January 2018 and generally stated that she does not believe the Individual to have “drug or alcohol addiction” and that the Individual is “trustworthy, truthful, and authentic[.]” Ex. B at 45. However, the letter provides no specifics as to whether the Individual was ever evaluated for any drug addiction. *Id.* The letter also does not clarify if the Individual’s drug use or dishonesty were ever discussed in their 17 sessions. *Id.* At the hearing, the Individual testified that she does not currently see the Counselor. Tr. at 55–56. The Individual provided no indication that they discussed her drug use. *Id.*

The Individual also submitted written character references from her coworkers and her sister-in-law. *See* Ex. C at 48–51. None indicated any awareness of the security concerns at issue, specifically that she used illegal drugs multiple times and obscured that truth multiple times. *Id.* In fact, her sister-in-law specifically disclaimed, “I am not privy to the specific details surrounding the event that led to this investigation . . . .” *Id.* at 49.

At the hearing, the Individual’s Supervisor offered that the Individual was “very honest and open.” Tr. at 19. He testified that he was aware that the Individual had used “mushrooms” some “years ago” but lacked specific details as to the extent of her usage. *Id.* at 22–23; *see also id.* at 27 (stating that he was unaware of any other drugs aside from mushrooms or dates of usage). The Individual’s Supervisor admitted that he does not socialize with the Individual outside of work. *Id.* at 19.

The Individual submitted positive work performance appraisals, performance awards, and a list of her workplace achievements. Ex. D at 53–54; Ex. E at 56–58; Ex. G at 62–63; Ex. I at 73. She also submitted a list of volunteer activities she engages in. Ex. F at 60.

Last, as evidence of her abstinence from drugs, the Individual submitted a signed declaration of her “intent not to use or be involved with illegal drugs in the future” dated April 25, 2025. Ex. E at 37. The Individual also submitted Certificates of Completion demonstrating her attendance in (1) a 4-hour Drug and Alcohol Awareness Class and (2) a Behavior Modification Class—both of which she attended on April 18, 2025. *Id.* at 39, 41. In terms of drug testing, the Individual submitted the results from urine samples collected on December 20, 2024; November 7, 2025; and December 29, 2025. Ex. H at 65–71 (the latter two tests completed by Quest Diagnostics). The December 20, 2024, test was negative for all tested drugs. *Id.* at 71. The latter two tests were negative for all tested drugs except for amphetamines, which the Individual testified is attributed to her prescribed Adderall. *Id.* at 65–70; Tr. at 55.

I note that the drug tests offer little probative value for the Individual’s abstinence from hallucinogenic mushrooms given that they did not test for hallucinogenic mushrooms. Ex. H at 65–71. Additionally, according to Quest Diagnostics, urine tests only detect “recent drug use in the previous 24 to 72 hours[,]” which hardly supports any purported long term drug abstention. *Frequently Asked Questions: Urine Drug Testing, QUEST DIAGNOSTICS*, <https://www.questdiagnostics.com/content/dam/corporate/restricted/documents/employer-solutions/urine-drug-testing-collateral/Quest-urine-drug-tesing-FAQ23.pdf> (last visited on Feb. 11, 2026).

## **V. ANALYSIS**

Based on the record before me, I do not find that the Individual has mitigated the LSO’s security concerns. I first address the Guideline H concerns and then the Guideline E concerns.

### **a. Guideline H**

Conditions that could mitigate Guideline H security concerns include:

- (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;
- (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;
- (c) Abuse of prescription drugs was after a severe or prolonged illness during which these drugs were prescribed, and abuse has since ended; and
- (d) Satisfactory completion of a prescribed drug treatment program, including, but not limited to, rehabilitation and aftercare requirements, without recurrence of abuse, and a favorable prognosis by a duly qualified medical professional.

Adjudicative Guidelines at ¶ 26.

Regarding mitigating condition (a), I cannot determine how “long ago” the drug use occurred given that the Individual lacks credibility and provides an unreliable accounting of drug use. For example, she claimed her last psychedelic mushroom use occurred in September 2022, despite 2023 text messages that strongly suggest otherwise. I also cannot find the drug use to have occurred infrequently given the Individual’s unreliability. By her own account, she recounted three specific instances of illegal drug use in March 2020, August 2022, and September 2022, which overlapped with illegal mushroom use “five or six times.” This seems rather frequent. As outlined thoroughly in Section IV, (1) the many text messages she sent and received from 2020 to 2023; (2) her numerous contradictory statements and implausible explanations; and (3) her admitted history of growing mushrooms in college strongly suggest that she also cultivated illegal mushrooms for consumption and distribution starting at some point in 2020, which evinces an even higher level of involvement with illicit substances. Taken together, I cannot find her drug use infrequent.

I also cannot find her drug use to have occurred under the type of circumstances that would mitigate the concern. The Individual’s admitted drug use occurred in mundane circumstances, specifically at social gatherings and concerts and in the presence of family and friends. For the reasons stated above, mitigating condition (a) does not apply.

Regarding mitigating condition (b), the Individual acknowledged some of her drug involvement and substance misuse and has generally claimed she avoids environments where drugs are used. However, I again emphasize that the Individual clearly has not acknowledged the full extent of her drug use as of the date of the hearing and continues to be an unreliable narrator as to the extent of her drug use. Furthermore, her submitted laboratory testing hardly provides an “established” pattern of abstinence. As stated above, the laboratory testing took place sporadically in December 2024, November 2025, and December 2025—with a limited 24-to-72-hour detection windows. I must also consider that the tests do not account for hallucinogenic mushrooms, a major illegal drug at issue in this case.

Last, the Individual provided an April 2025 signed statement about her intention to abstain from drug use. I have no reason to believe that such a signed statement would prevent her from further drug use. Only four months prior to this April 2025 signed statement, the Individual certified the accuracy of her January 2025 QNSP while affirmatively providing false information. I simply cannot credit the April 2025 statement of intent. Mitigating condition (b) does not apply where she

so clearly continues to provide untruthful accounts of her drug involvement—with little evidence of actions taken to overcome the problem and with little evidence to establish a pattern of abstinence.

Mitigating condition (c) lacks application, as the concerns raised do not include prescription drugs.

Mitigating condition (d) does not apply. I have no evidence that the Individual was prescribed a drug treatment program by any professional, including by her Counselor. Furthermore, I do not consider her 4-hour drug education and awareness course and the 4-hour behavioral modification course to be either a drug treatment program or sufficient to address the Individual's extensive, multi-year drug involvement. She also lacks a favorable prognosis from a duly qualified medical professional. Given the above, the Individual has not resolved the security concerns asserted by the LSO under Guideline H.

**b. Guideline E**

Guideline E concerns may be mitigated if:

- (a) The individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;
- (b) The refusal or failure to cooperate, omission, or concealment was caused or significantly contributed to by advice of legal counsel or of a person with professional responsibilities for advising or instructing the individual specifically concerning security processes. Upon being made aware of the requirement to cooperate or provide the information, the individual cooperated fully and truthfully;
- (c) The offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;
- (d) The individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that contributed to untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur;
- (e) The individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress;
- (f) The information was unsubstantiated or from a source of questionable reliability; and
- (g) Association with persons involved in criminal activities was unwitting, has ceased, or occurs under circumstances that do not cast doubt upon the individual's

reliability, trustworthiness, judgment, or willingness to comply with rules and regulations.

Adjudicative Guidelines at ¶ 17.

Regarding mitigating condition (a), I repeat my serious reservation about the Individual's accounting of her drug use. Even assuming *arguendo* that she only used various illegal drugs in March 2020, August 2022, and September 2022, in addition to illegal mushrooms five or six times during that same period—she tried obscuring the extent of her drug use in her January 2025 QNSP after having already been confronted by the DOE contactor and terminated in September 2024. At this point, she had tried to mislead the agency over approximately five years, which precludes any finding that she corrected her deceptive behavior promptly. Alarmingly, she only admitted to further drug use in her April 2025 LOI response upon being confronted a second time. Mitigating condition (a) does not apply.

Regarding mitigating condition (b), the Individual's behavior cannot be attributed to the advice of legal counsel or a person with relevant professional responsibilities.

Regarding mitigating condition (c), by the Individual's own account, she first used illegal drugs while having a clearance in March 2020. She failed to report that illegal drug use and her subsequent illegal drug use until confronted with it after the August 2024 security incident, during which she continued to obscure the whole truth from the DOE contractor. Then, when re-instated to her position, the Individual continued to provide false information to the agency in her January 2025 QNSP. Clearly, this dishonesty occurred frequently—essentially every day over a five-year period.

The Individual maintains that she fully corrected the record of her drug use in her April 2025 LOI Response. However, as stated above, I believe she continues to obscure her full illegal drug involvement as of the hearing date. Assuming *arguendo* that she told the whole truth of her drug use in her April 2025 LOI Response—a finding I do not make—I cannot find her dishonesty to have happened “so long ago” when her corrections were received less than a year ago.

I also cannot consider the offense to be “minor.” The Individual acknowledged that, at the time of her illegal drug use, she knew that such behavior and concealment conflicted with her responsibilities as a clearance holder and clearly understood the severity of her behavior given that she would worry about her dishonesty every “couple [of] weeks.” Mitigating condition (c) does not apply.

Regarding mitigating condition (d), the Individual acknowledged her reporting failures; however, I believe she continues to obscure the full extent of her drug use and continued to engage in dishonesty at the hearing. I acknowledge she has taken some steps to alleviate the circumstances that contributed to her untrustworthiness—for example, she took a 4-hour behavioral modification course. However, that 4-hour behavioral course provides little assurance when considering the “nature, extent, and seriousness of the conduct; the circumstances surrounding the conduct, to include knowledgeable participation; [and] the frequency and recency of the conduct . . .” 10 C.F.R. § 710.7(c). By her own account, she engaged in dishonesty every day over a five-year

period, starting in March 2020. When presented the opportunity to tell the truth at multiple junctures—in the April 2020 QNSP, during the August 2024 security incident, and in the January 2025 QNSP—the Individual affirmatively chose to misinform her employer and the agency. I cannot find the Individual unlikely to engage in dishonest behavior given the above and given the clear indication that she continues to obscure the full extent of her drug involvement. Without full acknowledgment of her dishonest behavior at the hearing and given the likelihood of recurrence, I cannot find mitigating condition (d) to apply.

Regarding mitigating condition (e), the LSO did not raise any concerns regarding personal conduct that could result in vulnerability to exploitation, manipulation, or duress. Mitigating condition (e) lacks application.

Regarding mitigating condition (f), there exists no dispute as to the reliability of the information raised in the SSC because the Individual admitted to the dishonest behavior in her April 2025 LOI Response and at the hearing. Mitigating condition (f) lacks application.

Regarding mitigating condition (g), the concerns raised by the LSO did not involve the Individual's association with those involved in criminal activities. Accordingly, mitigating condition (g) also lacks application.

For the aforementioned reasons, I find that none of the mitigating conditions are applicable to the facts of this case and that the Individual has not resolved the security concerns asserted by the LSO under Guideline E.

## **VI. CONCLUSION**

In the above analysis, I found that there was sufficient derogatory information in the DOE's possession to raise security concerns under Guidelines E and H of the Adjudicative Guidelines. After considering all the relevant information, both favorable and unfavorable, in a comprehensive, common-sense manner, including weighing all the testimony and other evidence presented at the hearing, I find that the Individual has not brought forth sufficient evidence to resolve the security concerns set forth in the Notification Letter under Guidelines E and H. Accordingly, I find the Individual has not demonstrated that granting her security clearance would not endanger the common defense and would be clearly consistent with the national interest. This Decision may be appealed in accordance with the procedures set forth at 10 C.F.R. § 710.28.

Andrew Dam  
Administrative Judge  
Office of Hearings and Appeals