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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: December 23, 2025) Case No.: PSH-26-0029
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Issued: April 22, 2026

Administrative Judge Decision

Matthew Rotman, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXXXXXXX (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.”¹ 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 restored.

I. BACKGROUND

The Individual is employed by a DOE contractor in a position requiring that he hold a security clearance. Exhibit (Ex.) 3 at 14.² On December 28, 2022, the Individual signed a Security Acknowledgment in which he acknowledged that his involvement with any illegal drug could result in the loss of his security clearance. Ex. 6 at 24. On February 21, 2023, the Individual completed a Questionnaire for National Security Positions (QNSP) in which he responded “no” when asked if he had illegally used any drugs or controlled substances in the last seven years. Ex. 7 at 82.

On September 16, 2025, the Individual tested positive for marijuana metabolite on a random drug test at work. Ex. 5 at 22.

¹ 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.

² The exhibits submitted by DOE local security office (LSO) were 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 LSO.

On December 2, 2025, the LSO issued the Individual a letter in which it notified him that it possessed reliable information that created substantial doubt regarding his eligibility to hold a security clearance. Ex. 1 at 6–8. In a Summary of Security Concerns (SSC) attached to the letter, the LSO explained that the derogatory information raised security concerns under Guideline H (Drug Involvement and Substance Misuse) of the Adjudicative Guidelines and prohibited him from holding a security clearance pursuant to the Bond Amendment, 50 U.S.C. § 3343(b). *Id.* at 5.

The Individual exercised his right to request an administrative review hearing pursuant to 10 C.F.R. Part 710. Ex. 2. The Director of the Office of Hearings and Appeals (OHA) appointed me as the Administrative Judge in this matter, and I subsequently conducted an administrative hearing. The LSO submitted eight exhibits (Ex. 1–8). The Individual submitted five exhibits (Ex. A–E). At the hearing, the Individual testified on his own behalf and called his best friend and his wife as witnesses. Transcript of Hearing, OHA Case No. PSH-26-0029 (Tr.) at 10, 108, 131. The LSO did not call any witnesses.

II. THE NOTIFICATION LETTER AND THE ASSOCIATED SECURITY CONCERNS

The LSO cited Guideline H as the first basis for its substantial doubt concerning the Individual’s eligibility for access authorization. Ex. 1 at 5. Pursuant to Guideline H,

[t]he 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.

Adjudicative Guidelines at ¶ 24. The LSO cited the Individual’s positive test for marijuana metabolite on September 16, 2025, while holding an active clearance as the basis for its Guideline H concern. Ex. 1 at 5. This allegation justifies the LSO’s invocation of Guideline H. *See* Adjudicative Guidelines at ¶ 25(a)–(b), (f) (specifying three conditions that could raise a Guideline H security concern as “any substance misuse,” “testing positive for an illegal drug,” and “any illegal drug use while granted access to classified information . . .”).

The LSO cited the Bond Amendment as the second basis for its determination that the Individual was ineligible for access authorization. Ex. 1 at 5. Under the Bond Amendment, “the head of a Federal agency may not grant or renew a security clearance for a covered person who is an unlawful user of a controlled substance or an addict” 50 U.S.C. § 3343(b). “Controlled substance” is defined with reference to 21 U.S.C. § 802(6), which defines it to include Schedule I substances under the Controlled Substances Act, such as marijuana. 21 U.S.C. § 812. According to the LSO, the Individual is prohibited by the Bond Amendment from holding a security clearance because he tested positive for marijuana metabolite on September 16, 2025. Ex. 1 at 5. This allegation justifies the LSO’s invocation of the Bond Amendment.

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 of 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).

The 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). The individual is afforded a full opportunity to present evidence supporting his eligibility for an access authorization. The Part 710 regulations are drafted so as to permit the introduction of a very broad range of evidence at personnel security hearings. Even appropriate hearsay evidence may be admitted. *Id.* § 710.26(h). Hence, an individual is afforded the utmost latitude in the presentation of evidence to mitigate the security concerns at issue.

IV. HEARING TESTIMONY

The Individual testified that he smoked marijuana at home, by himself, on Sunday, September 14, 2025. Tr. at 27, 43–44. He stated this was his first and only time using marijuana.³ *Id.* at 58, 96. He had obtained the marijuana from an "associate" at a social gathering the day before. *Id.* at 93–94. Around this time period, the Individual testified, he was under significant stress as a result of work projects and preparations for his upcoming wedding, which would take place in December 2025. *Id.* at 44, 95–96. It was under these stressful circumstances that, despite his "zero tolerance" for marijuana, he "succumbed" to the pressure and made the decision to obtain and use marijuana as "a method of decompressing." *Id.* The Individual admitted that two of his friends used marijuana regularly and had offered it to him before, but he had never accepted it. *Id.* at 93. When he made the decision to obtain marijuana on September 13, 2025, he sought it from someone other than his friends because he was "ashamed" and did not want his friends to know. *Id.* at 93, 96–97.

The following day, using papers he had purchased, the Individual rolled a marijuana cigarette by replicating the steps he had seen in social situations. *Id.* at 97. He then smoked it in his backyard. *Id.* at 100. The Individual lived with his fiancée, but she was away for the weekend. *Id.* at 99. He smoked in the backyard to avoid risking that she would detect a smell when she returned the

³ The Individual submitted a signed written statement, dated March 2026, in which he described the extent of his marijuana use more ambiguously. Ex. D. In this statement, the Individual asserted, "My *last use* occurred on September 14, 2025. I have not used marijuana or any illegal substances since that date." *Id.* at 2 (emphasis added). At the hearing, the Individual clarified, "I meant to say *my last and only* use occurred on September 14, 2025." Tr. at 58 (emphasis added).

following day. *Id.* at 99–100. After he finished the cigarette, the Individual testified, he had no marijuana left in his possession. *Id.* at 103.

The Individual did not reveal his marijuana use to anyone, including his friends and his fiancée. *Id.* at 47. On the morning of September 16, 2025, upon being notified he was called for a random drug test, he informed his fiancée and his best friend that he had been called. *Id.* at 53; *see id.* at 113 (wife’s testimony confirming that he notified her en route to the testing location). This was his first random drug test at work. *Id.* at 97–98. After providing a urine sample for the test, he told his fiancée he believed the result would be positive. *Id.* at 55. Upon receiving the positive test result, he informed his best friend and his four siblings. *Id.* at 76, 137. As of the hearing, the Individual had not informed his parents of the positive drug test, as he did “not want to disappoint them.” *Id.* at 66.

Prior to September 2025, the Individual testified, he viewed marijuana “as something that I wouldn’t do. . . . [I]ike I never thought to use it.” *Id.* at 33. He knew that marijuana use was illegal under federal and state law. *Id.* at 28. He was aware of the rules and responsibilities applicable to clearance holders and that, as a clearance holder, he would be subject to random drug testing. *Id.* at 15. He understood he was required to report any drug use to DOE, but at the time he used marijuana in September 2025, it “wasn’t in [his] thought process,” and thus he had no intention to report his usage. *Id.* at 36, 48. Since that time, however, his sense of responsibility has changed. *Id.* at 42. “I truly understand the responsibility that comes with holding a clearance,” he testified. *Id.* He described his marijuana use as “a deep lapse in judgment” that will never happen again. *Id.* at 41, 44–45.

Following the positive drug test, the Individual was referred by his employer for an evaluation by a treatment counselor, who recommended that he complete a two-hour substance abuse education program.⁴ *Id.* at 60–61. In the education program, the Individual learned about the effects of drug abuse on the body and strategies for managing high-risk decision-making. *Id.* at 61, 69; Ex. B (letter dated October 25, 2025, confirming successful completion of the two-hour program). He learned that whenever he faces a high-risk decision, he should “sit down and write out [his] values,” and consider whether that decision aligns with those values. Tr. at 61–62. If not, he stated, “I cross it off the list, as it’s not something I can even take into account or think about doing.” *Id.* at 62, *see also id.* at 72–73. The Individual explained that he will use this method to maintain his abstinence. *Id.* at 62. He also relies on his support system, which includes his wife and his best friend, and engages in hobbies such as working out and managing his YouTube channel. *Id.* at 62–64, 74; *see also id.* at 109 (wife’s testimony confirming the same).

The Individual attended six therapy sessions with a mental health counselor between October 15 and December 5, 2025. Ex. C at 2 (letter from counselor dated January 7, 2026). According to the

⁴ During the hearing, the DOE counsel asked the Individual whether the treatment counselor inquired how often he used marijuana. Tr. at 69–70. The Individual initially responded that he did not remember, and further, that he did not remember telling the counselor his frequency of use. *Id.* When asked again, however, he revised his answer and admitted that the counselor did ask him how frequently he used marijuana. *Id.* at 70. When asked how he responded to this question, the Individual stated, “I believe it was to the effect of it being a single-time use.” *Id.* at 101. When asked why he qualified his answer with “I believe” given his certainty that he only used marijuana on one occasion, the Individual insisted that “it was a one-time use,” but added, “I don’t remember the exact back-and-forth dialogue between me and [the counselor].” *Id.* at 102.

Individual, he sought therapy because he “wanted a better way to cope” with stress, and he wanted to demonstrate his commitment to seeking help. Tr. at 78. His therapy focused on coping strategies, intrapersonal awareness and cognitive insight, resource strengthening, and substance-use risk mitigation. Ex. C at 2. The Individual testified that he learned to effectively deal with stress using methods such as deep breathing, leaning on his support network, and focusing on life goals. Tr. at 40, 80. Previously, he had coped with stress by “bottl[ing] it up,” leading to “fits of [] unhappiness” and making him “tough to be around.” *Id.* at 102. The strategies he learned from his counselor made a significant difference in his everyday life. *Id.* at 102–03. The counselor reported in her letter that the Individual successfully met all counseling objectives and “posed no risk of further maladaptive behaviors (i.e., substance use).”⁵ Ex. C at 2.

To corroborate his abstinence from marijuana, the Individual submitted negative results from five urine drug tests conducted on October 20, 2025, December 8, 2025, January 20, 2026, February 23, 2026, and March 5, 2026.⁶ Ex. A; Tr. at 11, 58–60. The Individual affirmed that he had no temptation to use marijuana again, and he would “rather chop off [his] own hands” than do so. Tr. at 81; *see also* Ex. D (signed statement of commitment to abstinence). The Individual has instructed his friends who use marijuana not to consume it in his presence. Tr. at 83–84. If he were to ever observe them using marijuana, he testified, he would discontinue contact with them. *Id.* at 85–88. In the meantime, he continues to socialize with them, but “not as much” as before. *Id.* at 84–85.

The Individual’s wife confirmed her understanding that his marijuana use was a “one-time incident” and that he had never used drugs before. *Id.* at 109, 111. She described the Individual as being “very proactive and honest as far as taking responsibility and accountability” for his actions. *Id.* at 109. She stated that she knew the Individual associated with friends who used marijuana, but she did not know their names, as she does not “really hang around his friend group.” *Id.* at 115. She stated that she knows he is practicing abstinence because he had not left the house “that often” since the positive drug test, and she knows he is determined to regain his access authorization to ensure his family’s financial stability. *Id.* at 119, 122. When he goes out alone, she requires him

⁵ Regarding this opinion, the counselor stated as follows:

The client reported cessation of marijuana use since the workplace incident. While verification of abstinence require[s] toxicological testing, behavioral observations, self-report consistency, and clinical presentation across multiple session have shown:

- Stable affect modulation
- Absence of intoxication indicators
- Increased reliance on non-substance-based coping skills
- Responsiveness to structured intervention

These factors collectively suggest positive progress in the elimination of all behavioral risk associated with prior substance use.

Ex. C. at 2.

⁶ Documentation of the test results did not indicate the detection window. “Typically, THC, the psychoactive component of marijuana, is detectable . . . anywhere between 1 day to a month or longer in urine (depending on how often the individual uses it)” American Addiction Centers, *How Long Does Marijuana (Weed) Stay in Your System?*, available at <https://americanaddictioncenters.org/marijuana-rehab/how-long-system-body> (last visited April 20, 2026).

to come home early and check in in periodically. *Id.* at 123. “I know for a fact he won’t let me down again,” she stated. *Id.* at 126.

The Individual’s best friend testified he has known the Individual for 13 years and was the best man at his wedding. *Id.* at 131–32. He was surprised to learn of the Individual’s marijuana use, particularly given their “background” and that the Individual’s mother was a lieutenant for the sheriff’s department. *Id.* at 140. The Individual had not shared with him the circumstances of his marijuana use, where he obtained it, where he used it, or why he made the decision to use it. *Id.* at 140, 149. Nonetheless, he did not express any concerns about the Individual’s reliability or judgment. *Id.* at 133, 144. When asked if he had “ever known” the Individual to use marijuana, he responded, “No, sir, not to be a heavy user of marijuana.” *Id.* at 135. When asked to clarify, he stated, “I know that he has smoked before . . . back some time in early college,” which he attended between 2015 and 2019. *Id.* Upon further questioning, he confirmed that he never witnessed the Individual use marijuana firsthand, but he assumed the Individual used it based on their conversations in which the Individual disclosed that his college roommates used it. *Id.* at 136–37. He stated that the Individual has expressed a “zero tolerance” for marijuana, and he will support the Individual’s effort to remain abstinent. *Id.* at 142, 145.

V. ANALYSIS

A. Guideline H

Conditions that could mitigate security concerns under Guideline H 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.

As to the conditions set forth in paragraph (a), the Individual claims his illegal drug use was a one-time occurrence, that it has not recurred since September 2025, and that it was prompted by

stressful circumstances that he has since learned to manage. As described below, based on the factual record developed in this case, I am unable to credit any of these bases for mitigating the Guideline H concerns.

Regarding the Individual's stressful life circumstances, I have no doubt that work projects and wedding preparations caused him emotional distress around September 2025. However, for several reasons, my concerns related to the Individual's judgment are not lessened because his drug use occurred under these circumstances. First, the circumstances he described are not so extraordinary that he is unlikely to face them again, and while I am encouraged that the Individual has since developed healthy coping mechanisms, he has not yet been tested under similar stressful circumstances. Second, the Individual's drug use was not a result of happenstance or peer pressure; it was a premeditated act, and he took notable efforts to hide it from friends and family. Third, the Individual fully understood that his drug use was illegal and could jeopardize his security clearance at the time he chose to use it. *See* 10 C.F.R. § 710.7(c) (requiring me to consider whether the Individual participated knowledgeably and voluntarily in the behavior). For all these reasons, I conclude that the Individual's drug use did not happen under such circumstances that it is unlikely to recur or does not cast doubt on the Individual's current reliability, trustworthiness, or good judgment.

I next consider whether the security concerns are resolved on the basis that the drug use was sufficiently "long ago" and infrequent. To find them resolved on this basis, I would need to accept the Individual's testimony that his drug use was a one-time lapse that occurred in September 2025. The record precludes me from reaching this conclusion. First, the testimony of his witnesses – including his wife and his best friend – cannot reliably confirm the extent of the Individual's recent drug use, as they were admittedly unaware and surprised to learn that he was using marijuana at all. Second, the coincidental timing of the random drug test – just two days after he purportedly used marijuana the only time in his life – raises some suspicion as to the truthfulness of his account. This suspicion is compounded by the Individual's admission that he would not have reported the drug use had he not been selected for testing, which raises the possibility he had concealed prior instances of drug use as well. Third, the Individual equivocated multiple times when recounting the extent of his drug use, suggesting that he may have used marijuana on occasions prior to September 14, 2025. Finally, the Individual's best friend testified outright that he believes the Individual smoked marijuana in college, contrary to the Individual's sworn testimony and his representation on the QNSP, which diminishes my trust in the accuracy of the Individual's own account. Consequently, I am unable to find the LSO's security concerns resolved by the infrequency of the Individual's drug use or the time elapsed since it occurred.

Turning to the conditions set forth in paragraph (b), the Individual acknowledges he used marijuana. He further provided evidence of actions taken to address the problem, including evidence that he completed two hours of substance abuse education and six counseling sessions, and a signed sworn statement of intent to abstain from all drug involvement. To support his abstinence, he testified, he relies on the coping techniques he learned in counseling, the hobbies he has developed, and the friends and family members who hold him accountable. These facts all weigh in the Individual's favor. Paragraph (b), however, requires additionally that the Individual has established a pattern of abstinence. The Individual has not done so. The record does not establish the detection window of the drug test results he submitted, and therefore, while they may

demonstrate short periods of abstinence, I cannot conclude they establish a continuous pattern. Moreover, while the Individual has made some effort to distance himself from drug-using associates and social settings where drugs are used, such efforts carry little weight considering his admitted marijuana use occurred when he was home alone. Finally, although the Individual and his witnesses claim emphatically that his drug use was an isolated occurrence, the unreliability of their testimony – for the reasons noted in the previous paragraph – precludes me from assigning it much weight. Accordingly, the Individual has failed to mitigate the security concerns pursuant to the conditions in paragraph (b).

The conditions set forth in paragraph (c) do not apply in this case, since the LSO has not alleged that the Individual abused prescription drugs.

As to the conditions set forth in paragraph (d), the Individual has not completed a prescribed drug treatment program. The educational program and counseling sessions the Individual attended, while undoubtedly beneficial, were not designed or intended to treat the Individual for drug abuse. Even supposing they were, the Individual has not received a favorable prognosis by a duly qualified medical professional. The record contains no indication that his counselor is a medical professional, and her opinion stating that the Individual poses “no risk” of further substance use cannot be fully credited considering the unreliability of the Individual’s self-reporting, as described above. Because the counselor was not made available as a hearing witness, the basis for her opinion could not be questioned, and I therefore do not afford it significant evidentiary weight. For these reasons, I am unable to find the security concerns mitigated pursuant to paragraph (d).

The Individual has failed to resolve the concerns raised by the LSO under Guideline H.

B. Bond Amendment

DOE’s guidance for application of the Bond Amendment provides as follows:

- a. An unlawful user of a controlled substance is any person who uses a controlled substance and has lost the power of self-control with reference to the use of the controlled substance or who is a current user of the controlled substance in a manner other than as prescribed by a licensed physician. Such use is not limited to the use of drugs on a particular day, or within a matter of days or weeks before, but rather that the unlawful use occurred recently enough to indicate the individual is actively engaged in such conduct.
- b. An addict of a controlled substance is as defined in 21 U.S.C. § 802(1), which is any individual who habitually uses any narcotic drug so as to endanger the public morals, health, safety, or welfare; or is so far addicted to the use of narcotic drugs as to have lost the power of self-control with reference to his or her addiction.

DOE O 472.2A, Appendix C: Adjudicative Considerations Related to Statutory Requirements and Departmental Requirements, at Page C-1 (June 10, 2022). The Individual has failed to present sufficient evidence that proves the LSO applied the Bond Amendment improperly. He insists that his drug use was a one-time event that occurred six months prior to the hearing, but for the reasons

described above, I question the truthfulness of his claim. Even supposing it were true, the Individual effectively acknowledged in his testimony that he “lost the power of self-control” when he decided to procure marijuana for personal use, in spite of the known risks. That fact alone is enough to establish that the Individual is an “unlawful user of a controlled substance” prohibited from holding a security clearance pursuant to the Bond Amendment, 50 U.S.C. § 3343(b).

VI. CONCLUSION

In the above analysis, I found that there was sufficient derogatory information in the possession of DOE to raise security concerns under Guideline H of the Adjudicative Guidelines and to support the LSO’s invocation of the Bond Amendment. After considering all the relevant information, 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 Summary of Security Concerns under Guideline H or to establish that the Bond Amendment does not bar him from holding a security clearance. Accordingly, I have determined that the Individual’s access authorization should not be restored. This Decision may be appealed in accordance with the procedures set forth at 10 C.F.R. § 710.28.

Matthew Rotman
Administrative Judge
Office of Hearings and Appeals