

In January 2026, the Individual completed a second Questionnaire for National Security Positions (2026 QNSP). *Id.* at 104. In the 2026 QNSP, the Individual answered “No” when asked if he had used any illegal drugs in the last seven years. *Id.* at 96. When two of the Individual’s college friends were interviewed regarding his background, they independently told the investigator that the Individual had used marijuana socially on several occasions while in college. *Id.* at 111–13. As a result of this discrepancy, the DOE Local Security Office (LSO) asked the Individual to complete a letter of interrogatory (February LOI), which the Individual did on February 27, 2026. Ex. 4. In the February LOI, the Individual admitted to using marijuana in spring 2021. *Id.* at 216. At the request of the LSO, the Individual completed a second letter of interrogatory (March LOI) on March 3, 2026. Ex. 3. In the March LOI, the Individual admitted that he had used marijuana socially beginning in March 2018 an unknown number of times and also that he had used marijuana on social occasions after completing his March 2023 QNSP and drug test, but before he was told he had received his security clearance. *Id.* at 214.

The LSO subsequently issued the Individual a Notification Letter advising him that it possessed reliable information that created substantial doubt regarding his eligibility for access authorization. Ex. 1 at 2–4. In a Summary of Security Concerns (SSC) attached to the letter, the LSO explained that the derogatory information raised security concerns under Guideline E and Guideline H of the Adjudicative Guidelines. *Id.* at 5–7.

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 conducted an administrative hearing. The LSO submitted six exhibits (Ex. 1–6). The Individual submitted six exhibits (Ex. A–F). The Individual testified on his own behalf. Tr. at 9.

II. THE SECURITY CONCERNS

Under Guideline E, “[c]onduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual’s reliability, trustworthiness, and ability to protect classified or sensitive information.” Adjudicative Guidelines at ¶ 15. In citing Guideline E, the LSO relied upon the Individual’s repeated omissions from his QNSPs and from security officials in his response to the February LOI. Ex. 1 at 5–6. The information cited by the LSO justifies its invocation of Guideline E. *See* Adjudicative Guidelines at ¶ 16(a) (indicating that deliberate omission . . . of relevant facts from any personnel security questionnaire” may raise a security concern under Guideline E); *see also id.* at ¶ 16(b) (indicating that “deliberately providing false or misleading information . . . to an investigator . . . [or] mental health professional involved in making a recommendation relevant to a national security eligibility determination” may raise a security concern under Guideline E).

Guideline H, under which the LSO raised additional security concerns, relates to security risks arising from drug involvement and substance misuse. “The illegal use of controlled substances, . . . 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.” *Id.* at ¶ 24. Conditions that can raise a security concern include: “any substance misuse.” *Id.* at ¶ 25(a). In

citing Guideline H, the LSO relied upon the Individual's admission that he used marijuana from 2018 to 2023.⁴ Ex. 1 at 7. The information cited by the LSO justifies its invocation of Guideline H.

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 their 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

The Individual first used marijuana when he was in college in the spring of 2018. Ex. 3 at 214. He continued to use marijuana inconsistently in social settings. *Id.*; Tr. at 31–32 (explaining that sometimes he would use marijuana socially once a weekend and other times he would go several weeks between uses). In spring of 2021, the Individual was caught using marijuana by campus police at his university. Ex. 4 at 216. When asked about his marijuana use in the February LOI, the Individual stated that he had "forgotten" that this incident happened. *Id.* at 217. As a result of the incident, the Individual was required to take a one-hour drug and alcohol education course provided by his university. *Id.* In the February LOI he stated that this incident "concluded [his] use of marijuana since then." *Id.* However, in the March LOI, the Individual stated that after being caught by campus police, he stopped using marijuana for several months, but began to use it again in social settings during the summer of 2021. Ex. 3 at 214. He continued to use marijuana until about late autumn of 2022, when he decided to stop using marijuana in preparation for drug testing that he anticipated he would have to complete when applying for full-time jobs after completing graduate school. *Id.*

⁴ The SSC also mentions that the Individual used marijuana "while his security clearance was in process, despite having signed the DOE Security Acknowledgment." Ex. 1 at 7. As the Individual was not "granted access to classified information or holding a sensitive position" at that time, these facts do not raise a security concern separately from the other concerns raised in paragraph 25(a) of the Adjudicative Guidelines. Adjudicative Guidelines at ¶ 25(a), (f).

The Individual completed his 2023 QNSP in March 2023. Tr. at 14. In that QNSP he answered “No” when asked if he had used any illegal drugs in the last seven years. *Id.* at 17. He underwent a pre-employment drug screen that included testing for marijuana use that same month. Ex. 6 at 222. That test came back negative for any drug use. *Id.* Shortly after this test, the Individual signed a DOE Security Acknowledgment form, which stated that “[his] involvement with any illegal drug[] could result in the loss of [his] DOE access authorization.” Ex. 5.

In the March LOI, the Individual stated that he used marijuana socially on “a few social occasions” after he received his job offer and completed his pre-employment drug screen. Ex. 3 at 214. At the hearing, the Individual explained that he was told that even though he had the job offer from the DOE Contractor, it was still possible he would not be able to get the security clearance necessary for the job, and he would not ultimately end up working for them. Tr. at 14–15. When he was told he had received his clearance in June 2023, he stopped using the marijuana completely because he realized that continuing to use marijuana would be “reckless and irresponsible.” *Id.* at 15. He further testified that he did not use marijuana at any point after he received his clearance. *Id.*

The Individual completed the 2026 QNSP in January 2026. Ex. 2 at 102. The Individual answered “No” when asked if he had used any illegal drugs in the last seven years. *Id.* at 96. In his enhanced subject interview (ESI) related to this investigation in February 2026, the Individual did not disclose his marijuana use. *Id.* at 110. At the hearing, the Individual testified that he did not disclose his marijuana use in his 2026 QNSP or in the subsequent ESI because he had an “extreme fear that changing [his] answer would quite possibly jeopardize [his] security clearance.” Tr. at 17. When two of the Individual’s college friends were interviewed regarding his background, they independently told the investigator that the Individual had used marijuana socially on several occasions while in college. Ex. 2 at 111–13.

In February 2026, the Individual completed the February LOI. Ex. 4. In the February LOI, the LSO noted that a source had disclosed that the Individual used marijuana while in college. *Id.* at 218. As noted above, in the February LOI, the Individual only admitted to marijuana use in spring of 2021 and claimed to have forgotten about the drug use during his ESI. *Id.* at 216–27. At the hearing, the Individual testified that he did not respond “rationally” to the February LOI, and the response came “out of intense fear.” Tr. at 29. In the March LOI, the LSO noted that his background investigation revealed that the Individual had used marijuana on “several occasions,” and, in his response, the Individual admitted to additional marijuana use while he was in both college and graduate school, until he was about twenty-four years old. Ex. 3 at 214.

The Individual provided a hair follicle test⁵ that was administered on May 4, 2026. Ex. B. That test came back negative for the use of marijuana, among other drugs tested. *Id.* The Individual also

⁵ The testing company’s website indicates that for this test it collects a sample of hair about 1.5 inches in length from the subject’s scalp. *Hair Follicle Drug Testing*, <https://www.fastestlabs.com/individual/drug-testing/hair/> (last accessed July 14, 2026). The website states that this test screens for drug use in the past ninety days. *Id.*

signed a pledge vowing to abstain from drug involvement and stating that he understood that future drug involvement would be grounds for revocation of his national security eligibility.⁶ Ex. C.

V. ANALYSIS

A. Guideline E

Conditions that can mitigate security concerns based on personal conduct include the following:

- (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.

⁶ The Individual underwent an independent substance evaluation in May 2026 and presented the resulting report as evidence. Ex. A. The psychologist who completed the evaluation determined that the Individual did not meet the criteria for any substance abuse disorders. *Id.* at 6. As there was no allegation that the Individual had a substance abuse disorder, I do not discuss this report.

The Individual has not resolved the security concerns raised under Guideline E. As to mitigating factor (a), the Individual did not admit to his past marijuana usage until after he was confronted about it in the February LOI and March LOI. His first false statement regarding his marijuana use occurred in March 2023, and he did not provide a full accounting of his marijuana use until March 2026. Therefore, I cannot say he made “prompt, good-faith efforts to correct the omission.”

Next, the Individual has not alleged that his omissions and falsifications were caused by the advice of legal counsel or of a person with professional responsibilities for advising or instructing him regarding security processes. Therefore, he has not mitigated the concerns pursuant to mitigating factor (b).

The omissions and falsifications at issue here were repeated and recent. The Individual had at least four opportunities to provide information about his marijuana use via QNSPs and investigatory interviews prior to being confronted about the issue in the February LOI, wherein he still provided incomplete information in an attempt to mislead the LSO. On each occasion, he failed to provide the relevant information, and, on multiple occasions, he provided explicitly false information. The most recent omission, in response to the February LOI, occurred approximately four months prior to the hearing. The Individual’s efforts to hide drug use that he perceived could cost him his clearance were blatant and he has not identified any unique circumstances under which they occurred. Therefore, I cannot say that the offenses were so minor, so much time has passed, they were infrequent, or they happened under unique circumstances such that they do not cast doubt on the Individual’s trustworthiness, reliability, and good judgment. As such, the security concerns are not mitigated pursuant to mitigating factor (c).

The Individual did acknowledge his poor behavior at the hearing. However, he did not provide any evidence that he obtained counseling or took other positive steps related to untruthfulness such that I can conclude that he is unlikely to hide derogatory information in the future. Therefore, the security concerns are not mitigated pursuant to mitigating factor (d).

The LSO did not allege that the Individual engaged in conduct that placed him at special vulnerability to exploitation, manipulation, or duress. As such the security concerns are not resolved pursuant to mitigating factor (e).

There is no indication here that the security concerns were unsubstantiated, so mitigating factor (f) is not applicable.

Finally, there is no allegation that the Individual associates with people involved in criminal activities. Therefore, mitigating factor (g) is not applicable.

Therefore, the Individual has not resolved the security concerns raised pursuant to Guideline E.

B. Guideline H

An individual may be able to mitigate security concerns under Guideline H through the following conditions:

- (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.

The Individual was able to provide evidence that he had not consumed marijuana from about February to May of 2026. However, the only other evidence that he presented regarding his drug use between spring of 2023 and the time of the hearing was his own testimony. Given the Individual's repeated omissions and falsifications throughout the security process, it is impossible for me to credit his testimony without some kind of corroboration. As such, I am unable to say that the marijuana use was so long ago, so infrequent, or happened under circumstances that it is unlikely to recur. I am also unable to say that the marijuana use does not cast doubt on the Individual's current reliability, trustworthiness, or good judgment. As such, he has not mitigated the security concerns pursuant to mitigating factor (a).

Next, the Individual did not resolve the security concerns pursuant to mitigating factor (b). While the Individual acknowledged his drug involvement and substance misuse, he did not provide evidence of actions taken to overcome his problem and only provided evidence of about three months of abstinence from marijuana use. As discussed above, while the Individual testified that he has not used marijuana since spring of 2023, his behavior and documented interactions with security officials have made it impossible for me to credit his testimony without additional corroboration.

Mitigating factor (c) does not apply because there is no allegation that the Individual was abusing prescription drugs.

Mitigating factor (d) does not apply for several reasons. First, there is no evidence that the Individual enrolled in a “prescribed drug treatment program.” Second, while the Individual testified that he completed a one-hour drug and alcohol safety course while he was in college, he did not present any evidence that there were treatment components of that program or even that the program was facilitated by a qualified medical professional.

Therefore, I find that the Individual has not mitigated the security concerns raised under Guideline H.

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 E and Guideline H of the Adjudicative Guidelines. 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. 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.

Erin C. Weinstock
Administrative Judge
Office of Hearings and Appeals