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

In the Matter of:	Personnel Security Hearing	)	
		)	
Filing Date:	April 10, 2026	)	Case No.: PSH-26-0094
		)	
		)	

Issued: October 1, 2026

Administrative Judge Decision

Diane L. Miles, 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 be restored.

I. Background

The Individual is employed by a DOE Contractor, in a position that requires that he hold a security clearance. In March 2007, the Individual was interviewed by the DOE in connection with a request for an access authorization (Personnel Security Interview (PSI)). Ex. 6 at 132–33.² During the PSI, the Individual explained that he had used marijuana while he was in college, and that he had not used marijuana since July 2006. *Id.* at 163–72, 179–83. He further explained that he understood that the use of marijuana was illegal, that he did not intend to use marijuana in the future, and if the DOE granted him a security clearance, he would not use the drug. *Id.* at 192–201.

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 DOE's exhibits were combined and submitted in a single, 436-page PDF workbook. Many of the exhibits are marked with page numbering that is inconsistent with their location in the combined workbook. This Decision will cite to the DOE's exhibits by reference to the exhibit and page number within the combined workbook regardless of any internal pagination.

On January 8, 2026, the Individual was selected for a random drug test by his employer, the result of which was positive for marijuana metabolite “Delta9–[tetrahydrocannabinols (THCC)].” Ex. 4 at 125. On January 20, 2026, the Individual told the DOE that from November 7, 2025, to January 6, 2026, he used a cannabidiol (CBD) product that may have contained THC to help him manage pain he experienced from a surgical procedure on his shoulder. Ex. 5 at 129.

Due to the security concerns raised by the Individual’s positive drug test, the Local Security Office (LSO) informed the Individual, in a Notification Letter, 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 Notification Letter, the LSO explained that the derogatory information raised security concerns under Guideline H (Drug Involvement) of the Adjudicative Guidelines. *Id.* at 5. The SSC also explained that the Individual was subject to the Bond Amendment, which provides that “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.” *Id.* (quoting 50 U.S.C. § 3343(b)).

The Individual requested an administrative hearing, and the LSO forwarded the Individual’s request to the Office of Hearings and Appeals (OHA). Ex. 2. The Director of OHA appointed me as the Administrative Judge in this matter. At the hearing I convened on August 19, 2026, pursuant to 10 C.F.R. § 710.25(d), (e), and (g), I took testimony from four witnesses: the Individual, the Individual’s wife, the Individual’s supervisor, and the Individual’s psychologist. *See* Transcript of Hearing, OHA Case No. PSH-26-0094 (Tr.). Counsel for the DOE submitted 9 exhibits, marked as Exhibits 1 through 9. The Individual submitted eight exhibits, marked as Exhibits A through H.³

II. The Summary of Security Concerns

A. The Bond Amendment

The relevant provisions of the Bond Amendment provide that “the head of a [f]ederal 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); *see also* DOE Order 472.2A, Personnel Security, Appendix C: Adjudicative Considerations Related to Statutory Requirements and Departmental Requirements (June 10, 2022). A “controlled substance” is any substance listed as a controlled substance by 21 U.S.C. § 802. 50 U.S.C. § 3343(a)(1); DOE O 472.2A, Attachment 8 at 8-2; *see also* 21 U.S.C. § 812 (listing tetrahydrocannabinols (THC) as a controlled substance, except for THC in hemp, as defined under 7 U.S.C. § 1639o).⁴ An “addict” is defined as an “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

³ The Individual’s exhibits included six letters, from current colleagues, former colleagues, and friends of the Individual. Ex. A at 27–36. These exhibits were admitted into the record but will not be specifically referenced in the Decision because they do not address the specific allegations listed in the SSC.

⁴ Hemp products are further defined as products from “the plant *Cannabis sativa* L. . . . with a delta-9 [THC] concentration of not more than 0.3 percent on a dry weight basis.” 7 U.S.C. § 1639o(1).

to his addiction.” 50 U.S.C. § 3343(b) (incorporating by reference the definition found at 21 U.S.C. § 802(1)); *see also* DOE O 472.2A, Appendix C at ¶ 2 (citing the Bond Amendment).

In invoking the Bond Amendment, the LSO cited the Individual’s January 8, 2026, drug test, administered by his employer, the result of which was positive for “marijuana metabolite (Delta9–THCC).” Ex. 1 at 5. The LSO also cited the Individual’s January 20, 2026, admission that he used marijuana products between November 7, 2025, and January 6, 2026. *Id.* The LSO also noted that the Individual’s use of marijuana occurred while in possession of a DOE security clearance, which he was granted on September 14, 2009. *Id.*

B. Guideline H (Drug Involvement and Substance Misuse)

Under Guideline H of the Adjudicative Guidelines, 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.” Adjudicative Guidelines at ¶ 24. Conditions that could raise a security concern under Guideline H include “any substance misuse,” “testing positive for an illegal drug,” and “any illegal drug use while granted access to classified information or holding a sensitive position.” *Id.* at ¶ 25(a)–(b), (f). In invoking Guideline H of the Adjudicative Guidelines, the LSO cited the Individual’s January 8, 2026, drug test, administered by his employer, the result of which was positive for “marijuana metabolite (Delta9–THCC).” Ex. 1 at 5. The LSO also noted that during a March 2007 PSI, the Individual was made aware of DOE’s security concerns and policy regarding illegal drug use, and the Individual expressed his intent to not use illegal drugs in the future. *Id.* Despite this stated intent, the Individual admitted that from November 7, 2025, to January 6, 2026, he used marijuana products, while in possession of a DOE security clearance, which was granted to him on September 14, 2009. *Id.*

Considering the conduct described above, I find the LSO’s invocation of Guideline H of the Adjudicative Guidelines and the Bond Amendment to be justified.

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 Department 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 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.* § 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 and Hearing Testimony

In May 2007, while employed by a DOE Contractor, the Individual underwent a PSI in connection with an application for a DOE security clearance. Ex. 6. During the PSI, the Individual explained that in high school, he started using marijuana. *Id.* at 163–64. He explained that he used marijuana from 1995 until July 2006. *Id.* at 165–68. The interviewer explained the DOE’s concerns related to the use of illegal drugs, that such use casts doubt upon a person’s judgment, and that the DOE considers the behavior to be a security concern. *Id.* at 195. The interviewer asked the Individual what assurances he could give the DOE that he would not use marijuana again if he were granted a security clearance. *Id.* at 197–98. The Individual expressed that he would not use marijuana in the future and that he would not do so while in possession of a security clearance. *Id.* at 197–98, 200–01. On September 14, 2009, the DOE granted the Individual a security clearance. Ex. 1 at 5.

In November 2025, the Individual had shoulder surgery. Tr. at 66, 69; Ex. A at 95–96; Ex. F at 112. At the hearing, he described experiencing a very painful and difficult recovery from the surgery. Tr. at 66. He stated that after the surgery, he was in “an excruciating level of pain,” which left him unable to lay down and caused him to go several days without being able to sleep. *Id.* The Individual’s wife stated that the Individual was unable to lay in their bed, so he tried to sleep in a recliner, which was also painful, he tried using a wedge pillow, which did not work, and he was getting one to two hours of sleep each night. *Id.* at 16, 18. The Individual also experienced nerve pain in three fingers after receiving a nerve block for surgery, and he was unable to grip objects with his right hand. *Id.* at 36; Ex. G at 114. During a post-surgery meeting with his physician, the Individual declined his physician’s offer to increase his dosage of opioid medication. Tr. at 68, 96–97. He explained that he did not want to risk becoming addicted to the medication, because of the severity of his pain, and he had also experienced side effects from the medication, including nausea and constipation. *Id.* at 97–98. His physician told him to manage his pain using Tylenol and ibuprofen. *Id.* at 68, 96–97.

In mid-November 2025, the Individual’s wife suggested that the Individual use CBD products to relieve his pain. Tr. at 17, 67. The Individual’s wife went to a tobacco store near their home and purchased two jars of CBD gummies and a vape pen. *Id.* at 18, 27–28, 67, 71, 100; Ex. A at 6–8. She did not purchase them from a marijuana dispensary. Tr. at 71. She stated that the store sold tobacco and CBD products, and it did not advertise itself as a dispensary or as a store that sold marijuana.⁵⁵ *Id.* at 72; Ex. A at 6. The Individual consumed the CBD gummies before bed and he used the vape device to consume the CBD, as needed, to manage his pain. Tr. at 72–74. He stated that the CBD products relieved some of his pain and allowed him to sleep. *Id.* at 67. The Individual

⁵⁵ The Individual’s wife also submitted a letter, in which she explained that the Individual has always been careful to follow rules and regulations, and is a person of “strong moral character and sound judgment.” Ex. A at 38–39.

considered the CBD products to be an “over-the-counter supplement,” and not something he needed to discuss with his physician before consuming. *Id.* at 68. He believed that CBD products were legal, over-the-counter supplements that were available for anyone to buy. *Id.* at 71. The last time he used the CBD products was on January 6, 2026. *Id.* at 76.

On January 7, 2026, the Individual’s supervisor notified the Individual that he was selected for drug testing. Tr. at 52. After having received the email notification, the Individual told his wife that he would need the family car so he could drive to a testing site. *Id.* at 77, 89–90. His wife asked him if he was concerned about his use of CBD products, and after thinking about it, he looked online to see if CBD products contained THC. *Id.* at 77. The Individual read articles online and learned that CBD products could be contaminated with THC because they are derived from hemp. *Id.* at 24–25, 77. He realized that his use of CBD products could be harmful to his status as a clearance-holder and he did not want to have the products in his possession, so he threw the remaining CBD products away. *Id.* at 25, 75. He did not consider saving the packaging to show to his employer and the DOE. *Id.* at 76.

On January 8, 2026, the Individual underwent drug testing. Ex. 4 at 125. On January 9, 2026, the Individual notified his supervisor, by telephone that there may be an issue with his drug test because he had used CBD products, which may have contained THC. Tr. at 47–48, 55–59, 79–80. After the telephone discussion, the Individual’s supervisor asked him to send him an e-mail memorializing what they discussed by telephone. *Id.* at 54, 80. On January 14, 2026, the Individual sent his supervisor an email explaining how he came to use CBD products. Ex. 9 at 2. He and the Individual have been in constant contact about his security clearance since the positive test. Tr. at 47. The Individual’s supervisor stated that, from his own experience recovering from knee surgery, he understood that pain can make a person make bad decisions. *Id.* at 59. He stated that he believes the Individual made “a big mistake,” and that he believes this was an isolated incident. *Id.* at 50, 59. The Individual’s supervisor submitted two letters in support of the Individual and his decision to be transparent with him about his use of CBD products. Ex. A at 25–26.

The Individual explained that he regretted not conducting research about what was in CBD products his wife purchased before using them. Tr. at 78. He explained that where he lives, there are dispensaries that sell marijuana products and there are smoke shops; two different types of stores that sell different products. *Id.* He did not consider that the CBD products could contain THC because they were legal products from a tobacco shop, not a marijuana dispensary. *Id.* He believed that as long as he “stayed away from what was in the dispensary,” what he was buying and consuming was legal under federal law, and he did not need to be concerned about using it. *Id.* at 78–79, 100–01. He could not recall receiving any training or guidance from the DOE, or his contractor-employer, as to the use of CBD products before he consumed them. *Id.* at 100–01. On January 20, 2026, the Individual learned that his drug test was positive for marijuana. Ex. 4 at 122–23. After he learned his test result, the Individual submitted a report to the DOE explaining the circumstances of his positive test result. Tr. at 81.

The Individual submitted the negative results of seven drug tests, taken from March 2026 to July 2026, to support his testimony that he has not used marijuana, or any other illegal substance since

his positive drug test. Tr. at 83–84; Ex. A at 97–101; Ex. B; Ex. C; Ex. D; Ex. E.⁶ His wife also testified that she has not observed the Individual use any CBD products since his positive drug test in January 2026. Tr. at 26–27. The Individual did not believe he had lost the power of self-control as to the CBD products and he did not believe he had developed any tolerance to an illegal substance. *Id.* at 87. Since ceasing his use of the CBD products in January 2026, he has not had any cravings for the products. *Id.*

In March 2026, the Individual was evaluated by a psychologist, who issued a report of his findings. Ex. H; Tr. at 85, 107. The report indicated that during the evaluation, the Individual summarized his prior use of marijuana, from 1998 until 2006. Ex. A at 104; Tr. at 110. He also summarized his November 2025 shoulder surgery and the painful recovery that led him to use CBD products. Tr. at 112–13; Ex. A at 104. Based on his evaluation of the Individual, the psychologist believed that the Individual used marijuana while enrolled in college, discontinued all drug use in 2006, and did not display, or report experiencing, any withdrawals from, or cravings for, the drug. Tr. at 105, 119. He also believed the Individual’s contention that he had not, intentionally, used THC for nearly 20 years, until his use between November 2025 and January 2026. *Id.* He further believed that the Individual did not display evidence of “functional impairment across personal and professional social occupational lines.” Tr. at 111–12, 117–18, 120, 129; Ex. A at 105. The psychologist opined that the Individual did not meet the *Diagnostic and Statistical Manual of Mental Disorders (DSM)* criteria for a drug-related use disorder. Tr. at 129; Ex. A at 105. He also opined that the Individual’s use of CBD did not appear to be motivated by any “psychological condition or defect,” and the Individual did not display any psychiatric issues during the evaluation. Ex. A at 104–05; Tr. at 117–18. Finally, the psychologist explained that because the Individual did not have a substance use disorder, he did not need any form of treatment. Tr. at 121–22.

The Individual’s psychologist did not ask the Individual to undergo a drug test before or after the evaluation. Tr. at 99, 108. He explained that if he had a reason to suspect that the Individual was using an illegal drug at the time of the evaluation, he would have asked him to take a drug test. *Id.* at 108. He reviewed the Individual’s January 2026 positive drug test and the negative result of a drug test the Individual took closer in time to the evaluation, but he could not remember the exact date of the test. *Id.* at 108–09, 133. Because he saw the results of a recent drug test, he did not suspect the Individual was currently using an illegal drug and did not ask him to undergo additional testing. *Id.* at 108–09, 133. The psychologist likely viewed the results of the Individual’s March 11, 2026, drug test, which was taken one week before the evaluation. Ex. A at 98–99.

The Individual recalled the PSI he underwent in 2007, before the DOE granted him a security clearance, and the discussion of his prior use of marijuana. Tr. at 65. He also recalled signing a document affirming that he would not use marijuana or other illegal substances in the future. *Id.* at 65–66. He explained that he had every intention to keep that commitment. *Id.* at 86. He also stated that 20 years ago, when he made that commitment, he did not know that CBD products

⁶ The Individual’s drug tests were dated March 11, 2026, March 24, 2026, April 4, 2026, April 30, 2026, May 28, 2026, June 25, 2026, and July 23, 2026. Ex. A at 97–101; Ex. B; Ex. C; Ex. D; Ex. E. The record does not establish the detection window for the drug tests the Individual underwent, so I am unable to determine the extent to which the results establish his continuous abstinence between March and July 2026.

existed. *Id.* at 101. The Individual stated that his intense pain and sleeplessness affected his judgment and he apologized for his lapse in judgment in using the CBD products. *Id.* He admitted that he was not as cautious as he should have been, and he should have researched the ingredients of the CBD products before consuming them. *Id.* He also stated that in March 2026, he learned of DOE-issued guidance that included information about the use of CBD. *Id.* at 101.

On April 6, 2026, the Individual signed a statement of intent to not be involved in, or use, CBD products, and he acknowledged that any future use of CBD products or any other substance that would cause a positive drug test would result in an immediate revocation of his security clearance. Tr. at 85–86; Ex. A at 102. He intends to honor this commitment by never using CBD products again. Tr. at 86–87. In the future, he will not take any substances, or supplements, outside of a treatment regimen that is recommended by his doctor. *Id.* at 88–89. After consulting with his physician, he was put on a new treatment plan, which involved three different types of medication, for his pain and his inability to sleep. *Id.* at 25–26, 68, 70.

V. Analysis

As an initial matter, I find the Individual credible as to the circumstances of his consumption of THC. The Individual admitted that he used CBD products, while in possession of a security clearance, to relieve the excruciating pain he felt while recovering from a surgical procedure. The Individual submitted medical documentation that establishes he suffered a shoulder injury and underwent surgery in November 2025. Where the Individual resides, there are dispensaries, which sell marijuana and THC products, and there are tobacco stores, which sell nicotine products, CBD, and other *legal* products. The Individual admitted that he suffered a lapse in judgment by not conducting research on the ingredients of the CBD products before consuming them to see if they contained THC. The Individual displayed a clear and confident demeanor during the hearing. His testimony as to the circumstances of his use, and his actions after coming to appreciate that the CBD products may contain THC, were corroborated by his wife and his supervisor. Finally, the Individual was forthcoming about his prior use of marijuana 20 years ago to the DOE. Taken together, these factors, considered in the context of the record as a whole, provide sufficient basis for me to find the Individual’s testimony credible and is deserving of weight.

The Bond Amendment

The Bond Amendment provides that 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); *see also* DOE O 472.2A, Appendix C. The DOE policy implementing the Bond Amendment defines “an unlawful user of a controlled substance” and an “addict” 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 at ¶ 2 (citing the Bond Amendment).

I cannot conclude that the Individual is an “unlawful” user of a control substance, as defined above. The Individual used CBD products containing THC, nightly, for two months, from November 2025 until January 2026. After undergoing shoulder surgery, the Individual used CBD products to relieve his pain, and to avoid the side effects of, and risk of becoming addicted to, opioid pain medication. Because he purchased the CBD products from a local tobacco store, and not from a marijuana dispensary, he did not believe the CBD products he used could contain THC, an illegal substance. Although the Individual used CBD products containing THC, I find that his use of THC was unintentional and inadvertent.

I find that the Individual did not lose self-control with regard to his use of THC. His last use of the drug occurred on January 6, 2026, seven months before the hearing. The Individual also testified that he has not experiencing cravings for, or withdrawals from, the drug, since he stopped consuming the CBD products in January 2026. I am also persuaded by the testimony of the Individual’s psychologist, who evaluated the Individual and opined that he did not suspect that the Individual was using THC in March 2026, and that the Individual did not have a substance use disorder.

Finally, the Individual submitted the results of seven negative drug tests, taken from March 2026 to July 2026, which provides some support for his testimony that he had not used THC for the four months before the hearing. Based on my assessment of the evidence, he is not a current user of THC. The Individual, and his wife, testified that the Individual only used the CBD products at night, to relieve his pain and help him sleep. Based on my crediting of the Individual’s testimony, I do not find that he habitually used the CBD products, or that his use endangered the public morals, health, safety, or welfare. Therefore, the Individual does not meet the definition of an “addict” under the Bond Amendment.

Based upon the foregoing, I find that the Bond Amendment does not prohibit the Individual from holding a security clearance.

The Adjudicative Guidelines

The Adjudicative Guidelines provide that 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 ¶ 26.⁷

After due deliberation, I have determined that the Individual has mitigated the Guideline H security concerns under ¶ 26(a) of the Adjudicative Guidelines.

Although the Individual's use of CBD products containing THC occurred seven months before the hearing, and involved nightly consumption of the products, I find that the Individual's use of CBD products containing THC occurred under circumstances that are unlikely to recur. As explained above, in November 2025, the Individual underwent shoulder surgery, from which he experienced excruciating pain, an inability to sleep, and an inability to grip objects with his right hand. He chose to use CBD products to relieve his pain, rather than continue with his prescribed opioid medication, because he wanted to avoid certain side effects of his prescription medication and he wanted to avoid becoming addicted to his opioid medication. Although the Individual did not submit the packaging of the CBD products he consumed, I credit his testimony that he disposed of the CBD packaging because he did not want to be in possession of an illegal substance, after realizing his CBD products may contain THC. I find his testimony credible that he believed he was consuming a product that did not contain an illegal substance, because his wife purchased the CBD products from a tobacco store, and not from a marijuana dispensary, where one would assume the products contain illegal substances.

In addition, the Individual admitted that his intense pain and sleeplessness after his surgery affected his judgment and he apologized for his lapse in judgment in using CBD products before researching the ingredients of the products. He testified that since his positive drug test, he is following a new regimen, with his medical provider, to relieve his pain, and he stated his commitment to never use CBD products in the future. I find that the Individual's use of CBD

⁷ The security concerns raised by the LSO do not involve an allegation that the Individual abused prescription drugs, and there is no evidence that the Individual was recommended to, or completed, a drug-treatment program. Therefore, the mitigating factors found at subparagraphs (c) and (d) are not applicable to this case and will not be discussed.

products containing THC occurred under circumstances that are unlikely to recur and his prior use of these products no longer cast doubt on his current reliability, trustworthiness, or good judgment. Accordingly, the Individual has mitigated the Guideline H security concerns under ¶ 26(a) of the Adjudicative Guidelines.

VI. Conclusion

For the reasons set forth above, I conclude that the LSO properly invoked Guideline H of the Adjudicative Guidelines and the applicable provisions of the Bond Amendment. After considering all the evidence 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 Bond Amendment does not bar the DOE from restoring the Individual's security clearance. I further find that the Individual has successfully resolved the security concerns raised under Guideline H of the Adjudicative Guidelines. Accordingly, the Individual has demonstrated that restoring his security clearance would not endanger the common defense and security and would be clearly consistent with the national interest. Therefore, I find that the Individual's access authorization should be restored.

This Decision may be appealed in accordance with the procedures set forth at 10 C.F.R. § 710.28.

Diane L. Miles
Administrative Judge
Office of Hearings and Appeals