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September 29, 2009

DEPARTMENT OF ENERGY
OFFICE OF HEARINGS AND APPEALS

Hearing Officer's Decision

Name of Case: Personnel Security Hearing

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Case Number: TSO-0764

This decision concerns the eligibility of XXXXXXXXXXXX ("the Individual") for a DOE access authorization.¹ This Decision will consider whether, based on the testimony and other evidence presented in this proceeding, the Individual's suspended access authorization should be restored. For the reasons detailed below, it is my decision that the Individual's suspended access authorization should be restored.

I. BACKGROUND

This administrative review proceeding began with the issuance of a notification letter by a Department of Energy (DOE) local security office (LSO), informing the Individual that information in the possession of the DOE created a substantial doubt pertaining to her eligibility for an access authorization.² *See* Notification Letter, March 19, 2009.

The Notification Letter cites the Individual's past use of illegal drugs as raising security concerns under 10 C.F.R. § 710.8(k) (Criterion K).³ *Id.* Specifically, the letter refers to the Individual's one-time use of marijuana in July 2003, her frequent use of crack cocaine between 1989 and 1994, her one-time illegal use of a prescription medication in 1994, and her use of other illegal drugs in the late 1970s. *Id.* The Notification Letter further cites security concerns under 10 C.F.R. § 710.8(l) (Criterion L).⁴ In addition to the Individual's drug use itself, the Notification Letter cites

¹ Decisions issued by the Office of Hearings and Appeals (OHA) are available on the OHA website located at <http://www.oha.doe.gov>. The text of a cited decision may be accessed by entering the case number of the decision in the search engine located at <http://www.oha.doe.gov/search.htm>.

² Access authorization, also known as a security clearance, is an administrative determination that an individual is eligible for access to classified matter or special nuclear material. 10 C.F.R. § 710.5.

³ Criterion K pertains to information indicating that an individual has "trafficked in, sold, transferred, possessed, used, or experimented with" illegal substances. *See* 10 C.F.R. § 710.8(k).

⁴ Criterion L concerns refer to conduct tending to show that the Individual is "not honest, reliable, or trustworthy, or which furnishes reason to believe that the individual may be subject to pressure, coercion, exploitation, or duress which may cause the individual to act contrary to the best interests of the national security." 10 C.F.R. § 710.8(l).

as security concerns the fact that the Individual used marijuana one time in 2003 despite (1) having previously stated during a November 1998 personnel security interview her intentions to refrain from illegal drug use, (2) signing DOE Security Acknowledgement forms in 1998, 1999, and 2004 indicating her understanding that illegal drug use could result in the loss of her access authorization, and (3) completing a Drug Certification form in 1998 on which she certified that she would not use or be involved with illegal drugs while in possession of a DOE access authorization. *Id.*

Upon receipt of the Notification Letter, the Individual requested a hearing in this matter. At the hearing, the Individual, represented by counsel, presented her own testimony, as well as the testimony of her husband, two psychiatrists, and four co-workers. The DOE counsel did not present any witnesses.

II. HEARING TESTIMONY

A. The Individual

The Individual stated that she has held a security clearance since 1998. Hearing Transcript (“Tr.”) at 52. Since she has held a security clearance, the Individual has used illegal drugs one time, in approximately July 2003, while on a camping trip.⁵ Tr. at 52-53. She stated that the camping trip occurred “within a couple of weeks” of her having her thyroid gland removed and learning that she had thyroid cancer. The trip occurred after her diagnosis, but prior to her having any knowledge of the disease or a treatment plan in place, and she “was in a really bad state of mind.” Tr. at 53, 55. One evening during the trip, the Individual’s friend produced a marijuana cigarette and began smoking it. Tr. at 58. She offered the Individual the cigarette and the Individual took one puff of the cigarette. Tr. at 59. The Individual immediately realized that smoking marijuana was a mistake and told her friend to dispose of it.⁶ *Id.*

The Individual signed a Drug Certification form as a precondition to obtaining her security clearance in 1998, indicating her intention to abstain from any future use of or involvement with illegal drugs, and subsequently signed Security Acknowledgement forms in 1999 and 2004, acknowledging that future illegal drug use could result in the loss of her security clearance. Tr. at 66. She understood the importance of the Drug Certification form when she signed it and “had every intention” of honoring her promise to the DOE to refrain from future illegal drug use. Tr. at 67. The Individual has honored the commitment she made on the form, with the exception of the one instance during the 2002 camping trip. Tr. at 68. The Individual added, “I was in a weak moment, I was feeling sorry for myself, but as soon as I did it, it’s like I was so disgusted with myself ... I just knew that I had the clearance and I needed to stop it immediately.” *Id.* The

⁵ After the hearing, the Individual submitted a statement indicating that, during the hearing, she was mistaken that her cancer diagnosis and the camping trip occurred in 2003. After checking her medical records, she realized that the diagnosis occurred in July 2002. Despite the error in the date, both the Individual and her husband affirmed that the camping trip during which the Individual smoked marijuana took place almost immediately after the diagnosis and her misstatement of the year in which those events took place was an inadvertent error. *See* Affidavits of Individual and Individual’s Husband, dated August 12, 2009. The camping trip is hereinafter referred to as “the 2002 camping trip.”

⁶ The Individual disclosed her marijuana use during her interview with an Office of Personnel Management (OPM) investigator in connection with her re-investigation for her security clearance in 2005. Tr. at 83, DOE Ex. 4.

Individual was surprised that her friend had marijuana because she did not know that she used drugs. Tr. at 87.

The Individual stated that had she not been in “that horrible state of mind” following her cancer diagnosis, she never would have touched the marijuana. Prior to the one-time marijuana use during the 2002 camping trip, she had not used any illegal drugs since 1994, approximately four years before signing the Drug Certification form, and she has not used any illegal drugs since the trip. Tr. at 67, 69. The Individual knew she had to be forthcoming with the DOE about her one-time marijuana use, regardless of the possible consequences. Tr. at 77. She felt “terrible” about having violated the terms of the Drug Certification and Security Acknowledgement forms and felt like she “probably disappointed a lot of people.” Tr. at 78.

Following the removal of her thyroid gland, the Individual endured significant physical side effects, such as sharp mood swings, weight gain, and altered eating habits. Tr. at 57. The Individual is currently taking synthetic thyroid medication and her thyroid level is “where [her] oncologist wants it to be.” Tr. at 56. She added that she has undergone periods of stress since her cancer diagnosis and treatment, such as the death of her father and this administrative review proceeding, and she has been able to handle the stress without resorting to any illegal drug use. Tr. at 69, 86. The Individual believes she is “more aware of things that [she is] doing and not doing, and shouldn’t be doing.” Tr. at 73. The Individual cannot imagine any situation in which she would resume illegal drug use. She stated that she is in “a different place” in her life and has a strong group of friends she can lean on to help her deal with stressful situations. *Id.* The Individual does not associate with anyone who uses illegal drugs. Tr. at 88. Her brother has had a drug-use problem in the past, but she and her brother do not have a close relationship, live in different states, and exchange only periodic phone calls. Tr. at 89. The Individual intends to never use illegal drugs again in the future. *Id.*

B. The Individual’s Husband

The Individual and her husband have known each other for 30 years and have been married for 24 years. Tr. at 14. The Individual loves her job and is very dedicated to it. Tr. at 16. The Individual’s husband described the Individual as being very generous, outgoing, and friendly. Tr. at 20. For example, the Individual often bakes for her co-workers because she likes “to brighten their day.” *Id.* The Individual and her husband spend most of their time outside of work being together at home, going for walks, tending to their dogs, and doing other everyday tasks. Tr. at 22. The Individual spends most of her time with her husband and her co-workers. Tr. at 23. They live in a fairly remote location and only occasionally socialize with others outside of work. Tr. at 24. The Individual’s husband believes the Individual is an honest and loyal person. Tr. at 33, 35.

The Individual’s husband did not recall the exact date of the Individual’s cancer diagnosis, but described the diagnosis as “pretty traumatic” for the Individual. Tr. at 25, 27. The Individual was “emotionally distraught” when she first learned she had cancer because she did not know “what the outcome was going to be.” Tr. at 27. Initially, the Individual thought her thyroid cancer was life-threatening. Tr. at 29. Her personality changed “a little bit” and she became more emotional. Tr. at 28. Over time, as they learned more about the cancer and began the treatment process, the

Individual began adjusting to having the illness. *Id.* Over six years have passed since the diagnosis, and it appears that the Individual is now cancer-free. *Id.*

In addition to her cancer, the Individual has had other stressful periods in her life. For example, there is a history of alcoholism in her family. Tr. at 30. The Individual has handled her family problems by not dwelling on them too much. Her husband added, “She recognizes [the family issues] and, you know, strives to be different.” *Id.*

The Individual’s husband did not learn of the Individual’s use of marijuana on the 2002 camping trip until she told him about the incident when her security clearance was suspended. Tr. at 30. He told the Individual that it was “a poor decision on her part.” Tr. at 31. The Individual deeply regrets her decision to use marijuana on the camping trip. Tr. at 41. She attributed her decision to smoke marijuana that night to “her emotional state at the time ... she was pretty upset and worried about this whole thing about the cancer.” Tr. at 36. The Individual’s husband did not remember the exact date of the camping trip, but recalled it was “around the same time” as the Individual’s cancer diagnosis. Tr. at 44. He did not observe any other lapses in judgment or bad decisions by the Individual following her cancer diagnosis. Tr. at 32. The Individual’s husband has not seen the Individual turn to drugs in other times of stress. Tr. at 33.

The Individual’s husband was also unaware of the Individual’s cocaine use between 1989 and 1994 at the time she was using it. Tr. at 39. At the time the Individual used cocaine, he and the Individual worked opposite shifts and, therefore, only saw each other on weekends. Tr. at 46-47. He would not have known if she used drugs in the time they did not see one another. *Id.* He believes, however, that if she were to use drugs in the future he would know because he would notice changes in her personality and behaviors. Tr. at 33. Now that they work similar hours, they drive to and from work together and spend most of their time outside of work together. Tr. at 21, 47. Further, he and the Individual do not associate with anyone who uses illegal drugs. Tr. at 45-46. He added that if they had known that the friend accompanying them on the camping trip was a drug user, they would not have gone on the trip with her. Tr. at 48.

C. The Psychiatrists

The Individual was examined by two psychiatrists in connection with this administrative review proceeding. Both psychiatrists agreed that undergoing a thyroidectomy – or removal of the thyroid gland – can cause physiological changes in the patient, such as hypothyroidism (minimal or no production of the thyroid hormone). This in turn can affect mood, anxiety, and other behavioral problems. Tr. at 99-100; 120.

In the Individual’s case, after the removal of her thyroid, she developed hypothyroidism and it “took some time for it to get under control.” Tr. at 100-01. Psychiatrist 1 stated that at the time of the 2002 camping trip shortly after her thyroidectomy, she was likely already experiencing the effects of hypothyroidism. Tr. at 101. He added, “there was clearly anxiety and depression of a situational nature, both from a psychological point of view and very likely from a physiological point of view at that point in time, and that would create some vulnerability in judgment.” Tr. at 101. Psychiatrist 2 concurred that the Individual’s “thyroid disturbance could have affected her mood.” Tr. at 120. Psychiatrist 1 further opined that now that the issues associated with the

psychological and physiological stress caused by her thyroid cancer are under control, the Individual is capable of exercising good judgment. Tr. at 107. He pointed to the fact that the Individual has maintained a steady work history throughout her adult life, despite a “dysfunctional [family] background,” and, after getting involved with drugs in the past, was able to make the decision to quit on her own and stick to it. Tr. at 107. Psychiatrist 2 also noted that the issues related to the Individual’s thyroid imbalance were a one-time stressor, and not necessarily indicative of how the Individual will react to stress in the future. Tr. at 125.

Psychiatrist 1 stated that, while there were some issues in the Individual’s past which would have met the criteria for a psychiatric diagnosis, the Individual does not presently meet the criteria for any diagnosis. Tr. at 104. Psychiatrist 2 added that, while the Individual’s marijuana use during the 2002 camping trip might, at the time, have been considered “a clinically significant event and might have at that time given her an active diagnosis of marijuana abuse,” a significant amount of time has passed and the Individual would no longer meet any criteria for an active diagnosis of marijuana abuse. Tr. at 123-124. Both psychiatrists believe it is highly unlikely that the Individual will use illegal drugs again in the future. Tr. at 114, 124. Psychiatrist 2 stated, “I think she kind of learned her lesson and saw ... in practice the implications of even a one-time use.” Tr. at 124. Psychiatrist 2 also believes the Individual has a support system, particularly her strong relationship with her husband, adequate to help her handle future stressful situations. Tr. at 132. He also noted that the Individual was able to deal with the death of her father without resorting to any substance abuse. *Id.*

D. The Individual’s Friends and Co-Workers

Friend 1, the Individual’s neighbor, has known the Individual and her husband for over ten years and sees them about once per week. Tr. at 136, 140. They socialize occasionally at events such as dinners at each other’s homes, barbecues, or hunting trips. Tr. at 139. The Individual and her husband spend most of their free time together. Tr. at 141. Friend 1 has never known the Individual to use illegal drugs and has never seen any drugs or drug paraphernalia in her home. *Id.* Friend 1 trusts the Individual and has even given her and her husband a key to his home, since they watch his dogs and home for him when he is away. Tr. at 143. He believes the Individual to be honest “to a fault” and is very “forward and upfront” about things. Tr. at 144. The Individual told him about her past drug use and her one-time use of marijuana during the 2002 camping trip. Tr. at 142. She described it to him as a “big mistake” which should never have happened. *Id.*

Friend 2 is one of the Individual’s co-workers. He met the Individual approximately nine years ago through a mutual work colleague. Tr. at 155. They began working together in 2006 and became friends. *Id.* Friend 2 currently sees the Individual everyday at work, they meet for breakfast several times per week, and often attend dinners with their work group. Tr. at 157-158. The Individual’s work is very important to her. Tr. at 160. She is very dedicated to her job and is “just a very determined person.” Tr. at 161. The Individual is very well-liked at work and treats her co-workers like friends and family. *Id.* She relied on her friends for support when her father died. Tr. at 163. Friend 2 has never known the Individual to be dishonest. Tr. at 164. The Individual told him about the circumstances surrounding her use of marijuana following her cancer diagnosis. She told him that she had been “going through a tough time with her diagnosis” at the time and she regretted her mistake. Tr. at 168. The Individual told him she wished she had

not smoked the marijuana, but she did not make excuses for her behavior. *Id.* Friend 2 believes the Individual to be extremely trustworthy and he would trust her to look after his son. Tr. at 169. He believes the Individual handles stress well and does not engage in destructive behaviors in time of stress. Tr. at 172-173.

Friend 3 is also currently the Individual's supervisor. They met through work ten years ago, later became close friends, and have worked on the same team for about two years. Tr. at 177-178. Friend 3 and the Individual socialize together frequently and consider themselves part of each other's families. Tr. at 178. Friend 3 described the Individual as "loyal," "detail-oriented," "honest," and "very protective." Tr. at 180-181. She has never tried to hide her mistakes. *Id.* The Individual spends most of her time outside of work with her husband. Tr. at 184-185. Friend 3 knew the Individual during her cancer diagnosis. Tr. at 185. The Individual was scared after her diagnosis, and became unusually quiet and withdrawn. Tr. at 185-186. Eventually, after her treatment, her personality returned to normal. *Id.* The Individual has had other times of stress since her cancer treatment, such as the death of her father and the current administrative review proceeding. Tr. at 186-187. She coped well with both situations. *Id.* The Individual "does an awful lot of baking," "walks the dogs a lot," and "reads" when she is under stress. Tr. at 187, 194. The Individual told her that she smoked marijuana during the 2002 camping trip. Friend 3 was surprised because "it's not the [Individual] I know. She bakes. If she shows up with a bunch of cookies on Monday, she had a bad weekend. I would have been surprised that she would have used [marijuana] as a stress mechanism." Tr. at 188-189. The Individual described the marijuana incident as "stupid" and regrets her mistake. Tr. at 191. Friend 3 has never known or suspected that the Individual uses illegal drugs. Friend 3 noted the consistency of the Individual's work performance, the lack of any unusual absences, and no signs of drugs or drug paraphernalia in the Individual's home or property, as evidence that the Individual is not a drug user. Tr. at 189-190.

Finally, Friend 4 met the Individual through work about three years ago and knows her through their work interactions. Tr. at 196-197. He considers the Individual to be honest and conscientious, based on his experiences with her at work. Tr. at 200-201. The Individual told him about her cancer diagnosis and treatment. Tr. at 204. They did not get in to much detail, but he is aware that it was a "scary" time for her. Tr. at 205. He has never known the Individual to use any illegal drugs. Tr. at 206. The Individual told him about the circumstances surrounding her marijuana use during the 2002 camping trip following her cancer diagnosis. Tr. at 207. Given "the circumstances with the cancer diagnosis and then also [the Individual's] subsequent behavior," it did not change his opinion of the Individual in general, or her trustworthiness in particular. Tr. at 207-208.

III. STANDARD OF REVIEW

The regulations governing the Individual's eligibility for an access authorization are set forth are 10 C.F.R. Part 710, "Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material." An individual is eligible for access authorization if such authorization "would not endanger the common defense and security and would be clearly consistent with the national interest." 10 C.F.R. § 710.7(a). "Any doubt as to an individual's access authorization eligibility shall be resolved in favor of the national security." *Id.* See generally *Dep't of the Navy v. Egan*, 484 U.S. 518, 531 (1988) (the "clearly consistent with the

interests of national security” test indicates that “security clearance determinations should err, if they must, on the side of denials”).

Under Part 710, the DOE may suspend an individual’s access authorization where “information is received that raises a question concerning an individual’s continued access authorization eligibility.” 10 C.F.R. § 710.10(a). Derogatory information includes, but is not limited to, the information specified in the regulations. 10 C.F.R. § 710.8. Once a security concern is raised, the individual has the burden to bring forward sufficient evidence to resolve the concern.

In considering whether an individual has resolved a security concern, the Hearing Officer considers various factors, including the nature of the conduct at issue, the frequency or recency of the conduct, the absence or presence of reformation or rehabilitation, and the impact of the foregoing on the relevant security concerns. 10 C.F.R. § 710.7(c). The decision concerning eligibility is a comprehensive, common-sense judgment based on a consideration of all relevant information, favorable and unfavorable. 10 C.F.R. § 710.7(a). In order to reach a favorable decision, the Hearing Officer must find that “the grant or restoration of access authorization to the individual would not endanger the common defense and security and would be clearly consistent with the national interest.” 10 C.F.R. § 710.27(a).

IV. ANALYSIS

A. Criterion K – Drug Use

It is beyond dispute that involvement with illegal drugs raises security concerns under Criterion K. *See Revised Adjudicative Guidelines for Determining Eligibility for Access to Classified Information* (issued on December 29, 2005 by the Assistant to the President for National Security Affairs, The White House) (Adjudicative Guidelines), Guideline H, ¶ 24 (“Use of an illegal drug ... can raise questions about an individual’s reliability and trustworthiness, both because it may impair judgment and because it raises questions about a person’s ability or willingness to comply with laws, rules, and regulations.”); *see also Personnel Security Hearing*, Case No. VSO-0113 (1997) (“The drug user puts his own judgment above the requirements of the laws, by picking and choosing which laws he will obey or not obey. It is further the concern of the DOE that the drug abuser might pick and choose which DOE security regulations he will obey or not obey with respect to protection of classified information.”).

In this case, I find that the Individual has mitigated the security concerns raised by her past use of illegal drugs. I believe that the Individual and the other witnesses testified honestly and candidly. The Individual testified that, other than one puff of a marijuana cigarette in 2002, she has not used any illegal drugs since 1994, 15 years prior to the hearing. She described her use of marijuana during the 2002 camping trip as a lapse in judgment, attributable to her fragile state of mind following her diagnosis of thyroid cancer, a condition which she believed to be life-threatening. She also stated that she has a good support system in her friends and family to help her cope with stressful situations, and she intends to never use illegal drugs in the future. Her husband and close friends corroborated her assertion that her cancer diagnosis was very traumatic. In addition, her husband and friends testified that the Individual does not currently use illegal drugs and they have not seen any evidence of drug use on the part of the Individual, such as poor work performance or

the presence of drug paraphernalia in her home or workspace. Finally, their testimony supported the Individual's position that she is now able to handle stress well and has a good support system in place to help her.

The Adjudicative Guidelines set forth various factors which may serve to mitigate security concerns raised by an individual's use or involvement with illegal drugs. Among those factors are that "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." Adjudicative Guidelines, Guideline H, ¶ 26. In this case, the Individual's most recent sustained drug use was a period of cocaine use between 1989 and 1994, approximately 15 years prior to the hearing. The Individual's most recent use or involvement with any illegal drug occurred over six years ago, when she reportedly took one puff of a marijuana cigarette during the 2002 camping trip. That marijuana use occurred under such extraordinary circumstances – dealing with the aftermath of being diagnosed with a serious health condition, but not yet having information about the illness, treatment, or prognosis – that I believe it is unlikely to recur in the future. In addition, other than that one brief use during the 2002 camping trip, a significant amount of time has passed since the Individual's period of drug use, and she no longer associates with anyone who uses illegal drugs. These factors support my conclusion that the Individual is no longer a user of illegal drugs. Therefore, I find that she has resolved the security concerns cited under Criterion K in the Notification Letter.

B. Criterion L – Unusual Conduct

Criterion L concerns refer to conduct tending to show that the Individual was "not honest, reliable, or trustworthy, or which furnishes reason to believe that the individual may be subject to pressure, coercion, exploitation, or duress which may cause the individual to act contrary to the best interests of the national security." 10 C.F.R. § 710.8(l). In this case, the Criterion L concerns stem primarily from the Individual's violation of the Drug Certification form she signed in November 1998. The signing of a Drug Certification form represents a personal commitment by an individual to DOE to refrain from the use of illegal drugs and reflects an understanding by the individual that, but for the employee's personal commitment to refrain from drug use in the future, his prior drug use would have precluded him from holding a clearance. *See Personnel Security Hearing, Case No. TSO-0555 (2008)*. There is no question that a violation of a written commitment to DOE raises security concerns. *See Adjudicative Guidelines, Guideline E, ¶¶ 15, 16(f)*.

The Individual disclosed that she smoked marijuana in 2002, violating the terms of the Drug Certification form she signed four years earlier. She explained that she was in a fragile state of mind following her thyroidectomy and subsequent cancer diagnosis and was not thinking clearly. She stated that as soon as she took one puff on the marijuana cigarette, she immediately knew it was a mistake and did not touch it again. The psychiatrists both opined that the Individual's mental state, including her mood and judgment, may have been significantly affected by the removal of her thyroid gland which caused a physiological imbalance. In addition, the Individual recognized the seriousness of her mistake and expressed remorse for it, both when describing the incident to her husband and friends and while testifying at the hearing. All of the evidence in the record, particularly the testimony of her husband and friends, supports a finding that the Individual

is an honest, trustworthy, and determined person who overcame her difficult family background to become a productive adult, conquered a past drug problem on her own, and had a lapse in otherwise solid judgment while under extreme emotional distress due to a serious health crisis, which has since been successfully treated.

According to the Adjudicative Guidelines, among the factors which may serve to mitigate a security concern raised by an individual's dishonesty or violation of a written commitment are that a significant period of time has passed, the behavior was 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." Adjudicative Guidelines, Guideline E, ¶ 17(c); *see also Personnel Security Hearing*, Case No. TSO-0324 (2007) (Criterion L concern mitigated after individual established that unique circumstances surrounding his violation of a Drug Certification form were unlikely to recur and the lapse in judgment was an isolated incident). In this case, a significant period of time has passed since both the Individual's 2002 marijuana use (over six years) and her disclosure of that use (over four years). *See* DOE Ex. 4, Tr. at 83. The circumstances which resulted in the Individual's one-time use of marijuana during the 2002 camping trip were extraordinary and unlikely to recur. The Individual's thyroid condition has been treated and the hormonal imbalance which likely affected her mental state is now stabilized. The Individual no longer associates with any users of illegal drugs, including the person who had marijuana during the 2002 camping trip. In addition, the Individual has learned other methods of handling stress, as noted above, and has experienced subsequent stressful situations without resorting to any illegal substances as a coping mechanism.

After considering all of the above factors, I conclude that the Individual's violation of the Drug Certification form was an isolated lapse in judgment attributable to the extraordinarily difficult circumstances she was facing at the time. I find that it is highly unlikely that the Individual will exercise in the future the poor judgment and unreliability she demonstrated in using marijuana during the 2002 camping trip. Accordingly, I find that the Individual has mitigated the security concerns raised under Criterion L in the Notification Letter.

V. CONCLUSION

Upon consideration of the record in this case, I find that there was evidence that raised doubts regarding the Individual's eligibility for a security clearance under Criteria K and L. I also find that the Individual has presented sufficient information to fully resolve those concerns. Therefore, I conclude that restoring the Individual's access authorization "would not endanger the common defense and security and would be clearly consistent with the national interest." 10 C.F.R. § 710.7(a). Accordingly, I find that the Individual's suspended access authorization should be restored.

Diane DeMoura
Hearing Officer
Office of Hearings and Appeals

Date: September 29, 2009