

DHS Must Face Bias Suit Over Candidate's Ayahuasca Use



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The [U.S. Department of Homeland Security](#) can't escape a lawsuit alleging it unlawfully nixed an applicant's job offer because her religious practice includes consuming the psychoactive tea ayahuasca, a Florida federal judge ruled Friday, rejecting the agency's assertion that the court can't review its hiring decisions on national security grounds.

U.S. District Judge Aileen M. Cannon on Friday [denied](#) the motion to dismiss Juliana Reis' lawsuit alleging DHS violated Title VII when it revoked her tentative job offer because of her religious use of ayahuasca and refused to offer an accommodation. Reis also alleged that the federal government violated the Administrative Procedure Act and her First Amendment rights, but Judge Cannon tossed these claims for being duplicative.

DHS in a [November motion](#) noted the [U.S. Supreme Court](#)'s ruling in [Navy v. Egan](#), which held that courts don't have the power to review the substance of security clearance determinations.

But Judge Cannon said Reis' allegations don't show that DHS made the type of national security or classification decision that's beyond the court's scope. Rather, the notice Reis received said the Office of Professional Responsibility deemed her unsuitable based on federal regulations outlining how to judge an applicant's fitness for federal government work, the opinion said.

"Further, nothing in the allegations shows that CBP made a predictive judgment about whether Reis might compromise classified information," Judge Cannon wrote. "Rather, plaintiff alleges that CBP applied a blanket policy disqualifying anyone who used a Schedule I substance within three years of application."

The judge also shot down the federal government's argument that Reis had lodged a complaint with an equal employment opportunity counselor too late. According to the opinion, DHS didn't tell Reis about the 45-day limit for raising bias claims when it withdrew her job

offer, and when she learned about the deadline through a Freedom of Information Act request later that year, she contacted an EEO counselor 19 days later.

Reis said in her July 2025 complaint that she follows the Christian Spiritist religion known as the Centro Espirita Beneficente União do Vegetal, which uses ayahuasca tea that contains a psychedelic compound. The federal Controlled Substances Act classifies DMT as a Schedule I substance, making it illegal, though the [U.S. Drug Enforcement Administration](#) has established a process that allows churches to apply for a religious exemption to use the controlled substance.

Reis alleged that she first applied for a job as a Customs and Border Patrol officer in October 2018, and successfully completed numerous pre hiring processes before submitting to a polygraph test in March 2021. When she disclosed her religious use of ayahuasca, a CBP personnel officer told Reis that her use of a Schedule I substance disqualified her for the position, and the agency withdrew her tentative job offer in April 2021, according to her complaint.

DHS argued that Reis hadn't identified a comparable worker with different religious beliefs who was treated better, and that its prohibition on recent drug use was a legitimate, nondiscriminatory reason for rejecting Reis.

Judge Cannon said, however, that it's too early for the court to determine whether accommodating Reis would've posed an undue burden on DHS. She also noted that classifying Reis' "illegal" use of ayahuasca conflicts with the Supreme Court's decision in [Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal](#).

In that 2006 decision, the justices said that the government must show it has a compelling interest under the Religious Freedom Restoration Act if it wants to prosecute or prohibit UDV's religious use of ayahuasca.

Brian Sutherland, who is representing Reis, told Law360 that Friday's ruling "is an important decision for all federal employees, as it makes clear that alleged national security interests do not insulate every employment decision from review."

"It's also an important case for religious rights, particularly the members of the Uniao do Vegetal Church, whose religious practice of consuming ayahuasca tea as a sacrament was previously recognized by the U.S. Supreme Court," Sutherland said. "We're pleased with the court's ruling and look forward to pursuing relief for our client."

Representatives for the federal government did not immediately respond to requests for comment Monday.

Reis is represented by Gary M. Gilbert and Kevin L. Owen of [Gilbert Employment Law PC](#), and Brian J. Sutherland of [Beal Sutherland Berlin & Brown LLC](#).

DHS is represented by Chantel Doakes Shelton of the [U.S. Attorney's Office for the Southern District of Florida](#).

The case is Reis v. Noem, case number [9:25-cv-80943](#), in the [U.S. District Court for the Southern District of Florida](#).

--Additional reporting by Elaine Briseño. Editing by Amy Rowe.