

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

In the Matter of: Personnel Security Hearing)
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Filing Date: December 5, 2025)
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Case No.: PSH-26-0025

Issued: June 12, 2026

Administrative Judge Decision

James P. Thompson III, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXXX (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 that requires a security clearance. In early March 2025, the Individual was arrested and charged with Battery on Household Member (Battery) after consuming alcohol. As a result, the DOE Local Security Office (LSO) requested that the Individual be evaluated by a DOE-consultant psychologist (DOE Psychologist) regarding alcohol use. Based on the information gathered by the LSO, including the DOE Psychologist's report (Report), the LSO informed the Individual by letter (Notification Letter) that it possessed reliable information that created substantial doubt regarding his eligibility to possess a security clearance. In an attachment to the Notification Letter, entitled Summary of Security Concerns (SSC), the LSO explained that the derogatory information raised security concerns under Guideline G and Guideline J of the Adjudicative Guidelines.

The Individual exercised his right to request an administrative review hearing pursuant to 10 C.F.R. Part 710. The Director of the Office of Hearings and Appeals (OHA) appointed me as the

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.

Administrative Judge in this matter, and I subsequently conducted an administrative review hearing. At the hearing, the Individual testified on his own behalf and presented the testimony of his friend, his Alcoholics Anonymous (AA) sponsor (sponsor), and a treatment counselor (counselor). The LSO presented the testimony of the DOE Psychologist. The Individual submitted twelve exhibits, marked Exhibits A through L.² The LSO submitted fourteen exhibits, marked Exhibits 1 through 14.³

II. THE NOTIFICATION LETTER AND THE ASSOCIATED SECURITY CONCERNS

As indicated above, the LSO cited Guideline G (Alcohol Consumption) and Guideline J (Criminal Conduct) of the Adjudicative Guidelines as the bases for concern regarding the Individual's eligibility to possess a security clearance. Exhibit (Ex.) 1.

Guideline G provides that "[e]xcessive alcohol consumption often leads to the exercise of questionable judgment or the failure to control impulses, and can raise questions about an individual's reliability and trustworthiness." Adjudicative Guidelines at ¶ 21. Conditions that could raise a security concern include "[a]lcohol-related incidents away from work, such as . . . fighting, . . . spouse abuse, . . . or other incidents of concern . . ." and "diagnosis by a duly qualified medical or mental health professional (e.g., physician, clinical psychologist, psychologist, or licensed clinical social worker) of alcohol use disorder . . ." *Id.* at ¶ 22(a), (d). The SSC recounts that the Individual admitted he consumed a significant amount of alcohol prior to being arrested for and charged with Battery and that the DOE Psychologist concluded the Individual met sufficient *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, Text Revision* (DSM-5-TR) criteria for a diagnosis of Alcohol Use Disorder (AUD), Moderate, without adequate evidence of rehabilitation or reformation. Ex. 1 at 5. The information justifies the invocation of Guideline G.

Guideline J provides that "[c]riminal activity creates doubt about a person's judgment, reliability, and trustworthiness." Adjudicative Guidelines at ¶ 30. "By its very nature, it calls into question a person's ability or willingness to comply with laws, rules, and regulations." *Id.* Conditions that could raise a security concern include "[e]vidence (including, but not limited to, a credible allegation, an admission, and matters of official record) of criminal conduct, regardless of whether the individual was formally charged, prosecuted, or convicted . . ." *Id.* at ¶ 31(b). The SSC cited the above information regarding his 2025 arrest and charge for Battery; a 2019 charge for Battery, False Imprisonment, and Criminal Damage to Property; and a 2018 charge for Possession of Drug Paraphernalia, Possession of Marijuana, and Speeding. Ex. 1 at 5. The cited information justifies the LSO's invocation of Guideline J.

III. REGULATORY STANDARDS

² Exhibits A through H are combined in a single .pdf exhibit book. Reference to these exhibits are to the exhibit letter and page number of the combined exhibit book. Reference to the remaining exhibits, which were submitted as individual documents, will be to the page number of the information within the exhibit.

³ References to the LSO exhibits are to the exhibit number and the page number of the combined .pdf of the exhibit book.

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 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 his or her 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.

The discussion below reflects my application of these factors to the testimony and exhibits presented by both sides in this case.

IV. FINDINGS OF FACT

During the Individual's first semester in college in 2018, he was charged with Possession of Drug Paraphernalia, Possession of Marijuana, and Speeding. Transcript of Hearing, OHA Case No. PSH-26-0025 (Tr.) at 51; *see also* Ex. 12 at 162–63 (Questionnaire for National Security Positions). He pled guilty and served probation, which he completed a year later in October 2019. Tr. at 51 (also testifying that the below-described 2019 charge did not impact his probation); *see also* Ex. B at 9 (docket sheet reflecting that the Individual admitted to the supervising court that his below-described conduct violated the terms of his probation and he successfully completed his probation as-scheduled in October 2019).

In 2019, the Individual was arrested and charged with Battery, False Imprisonment, and Criminal Damage to Property while attending college. Tr. at 52; Ex. 12 at 163–64. According to the Individual, the incident occurred because he and his then-girlfriend were arguing in his dorm room regarding her infidelity. Tr. at 52. The Individual testified that his girlfriend was seated on his elevated dormitory bed and kicked him in the chest area, and he responded by hitting her in the thigh. *Id.*; *see also* Ex. 14 at 262 (Individual's description to an investigator regarding incident). The then-girlfriend attempted to leave the Individual's room, and the Individual stood in the doorway to stop her from leaving. Tr. at 52. Eventually, the girlfriend left the room and went downstairs, and the Individual followed her as she entered her vehicle. *Id.* at 53. While outside, the Individual tried to continue speaking with her through her vehicle window, but she would not roll it down, so he struck it with his hand, breaking it. *Id.* As a consequence, the Individual pled guilty to Battery, he received a suspended sentence and two years of probation, and the two other

charges were dismissed after he reimbursed the girlfriend for breaking her vehicle window. *Id.* at 53–54; Ex. B at 20 (docket sheet confirming he completed probation satisfactorily and paid the restitution balance). As a part of his probation, he successfully completed a batterer’s intervention class. Tr. at 55; Ex. 14 at 260. The Individual testified that he felt extremely guilty and embarrassed by his behavior. Tr. at 56.

In 2022, the Individual enrolled in a seven-day inpatient alcohol treatment program on the advice of his grandmother after he and his cousin got into a car accident after a night of consuming alcohol and driving recklessly. *Id.* at 61–62. However, he began consuming alcohol again within a month of completing the treatment program. *Id.* at 63. The Individual testified that at the time he had not yet realized that he could not handle moderate alcohol consumption. *Id.*

Approximately two years later, at the end of 2024, the Individual began working for his current contractor employer. *Id.* From the start, he enrolled in his employer’s fitness for duty program⁴ (FFD). *Id.* at 64; *see also id.* at 28 (testimony of friend, who works for the same employer, that the Individual realized that his alcohol use could negatively impact his career with their employer). As a part of FFD, he first completed an Employee Assistance Program (EAP) six-week alcohol awareness class and then participated in an EAP twelve-week abstinence support component. *Id.* at 64; Ex. D at 27 (March 2026 letter from Occupational Medicine, which runs FFD).

In 2024, the Individual also started dating a new girlfriend. Tr. at 57. In March 2025, while still participating in his employer’s abstinence support course, the Individual and his then-girlfriend got into an argument because, as the Individual described, he refused to drive them to obtain food because he had been consuming alcohol that evening and was intoxicated. *Id.* at 57–58, 61. He asserted that his girlfriend became upset by this, and when he tried to comfort her, she started kicking him. *Id.* at 58. This made the Individual upset, and he responded by gathering her items to put her out of his apartment while she screamed for him to stop and he yelled at her that he wanted the relationship to end. *Id.* He testified that the police arrived as he started putting the gathered items outside. *Id.* at 59.

The police report related to the Individual’s March 2025 arrest provides a different account. It first notes that the Individual was attempting to leave the scene in his vehicle as officers arrived. Ex. 7 at 37. It then provides the girlfriend’s account in which she alleged that the Individual had been “antagonizing and physically abusing” her throughout the evening. *Id.* She also related that her stomach had been hurting, the Individual “kept laying on [it],” which prompted her to ask him to stop, and she moved to a different location in the room and got under a blanket to avoid him. *Id.* The Individual followed her and attempted to “lay on her or hug her,” and she responded by kicking him away. *Id.* With her head still covered by the blanket, she “fe[lt] her foot make contact with [the Individual],” and he allegedly in response “got on top of her and punched her with a closed fist on the side of her head approximately twice.” *Id.* She presented a broken hairclip to the officer and said it resulted from the Individual punching the side of her head. *Id.* She also stated she did not intend to kick the Individual and “just wanted him away from her.” *Id.* The police report indicates that the Individual described the same set of facts to the police officer except that the Individual denied any physical altercation. *Id.* The officer noted that the Individual had a strong

⁴ FFD is “a program that evaluates an employee’s ability to work safely and reliably due to medical, behavioral, or substance use concerns.” Ex. D at 27.

odor of alcohol and observed boxing trophies in his room. *Id.* Based on his observations and the statements he gathered, the officer concluded that the Individual was the aggressor. *Id.* The Individual was placed under arrest and charged with Battery. *Id.* at 37. The police report did not include any indication that the officer observed evidence of physical injury to the girlfriend. *See id.* The friend, in her testimony, confirmed that the Individual had been boxing since he was approximately eleven years old. Tr. at 25.

The Individual testified that he never struck this girlfriend, and while she alleged to the police officers that he had hit her, she later filed a statement with the court stating that he was not the aggressor and did not hurt her. *Id.* at 59. A copy of that notarized statement is in the record, and she therein states that she “initiated a physical altercation . . . by kicking [the Individual] in the face” and she was “not harmed by [the Individual].” Ex. L. The Individual testified that his lawyer communicated with his then-girlfriend and secured the statement. Tr. at 94. As a result, the prosecution dismissed the case. *Id.* at 59; *see also* Ex. 6 at 31 (docket sheet documenting dismissal).

The Individual testified that the night of his March 2025 arrest was the first time he had consumed alcohol in three months. Tr. at 65. After the arrest, he followed FFD’s recommendation to enroll in a six-month Intensive Outpatient Treatment Program (IOP). *Id.* at 66. While still enrolled in the IOP, the Individual was evaluated by the DOE Psychologist in August 2025. Ex. 10 at 81. As a result of the evaluation, the DOE Psychologist diagnosed the Individual with AUD, Moderate, pursuant to the DSM-5-TR, after considering the Individual’s prior treatment in 2022, his admission into his employer’s FFD program, the March 2025 incident, and his recent entry into the IOP. *Id.* at 86–87. The DOE Psychologist’s diagnosis is consistent with the IOP provider’s diagnosis of Alcohol Abuse, uncomplicated, moderate. Ex. G at 43. The DOE Psychologist opined that the Individual has a “history of excessive alcohol use and a maladaptive pattern of alcohol consumption as early as 2021 with multiple failed attempts to reduce and/or completely discontinue drinking alcohol.” Ex. 10 at 86. The DOE Psychologist further opined that, based on the provided information, the Individual was actively engaged in FFD and IOP treatment programs and had been compliant with the treatment recommendations except for a single relapse on June 28, 2025. *Id.* at 86–87; *see also* Tr. at 67 (Individual admitting relapse). At the time of the evaluation, the DOE Psychologist requested that the Individual undergo a Phosphatidylethanol (PEth) test because it can detect “any significant alcohol use over the past three to four weeks.” Ex. 10 at 86. The test result was negative, which was consistent with the Individual’s report of abstinence since June 2025. *Id.* After the evaluation, the DOE Psychologist recommended that the Individual abstain from alcohol for at least one year, complete the IOP, continue with IOP aftercare “and or” continue attending AA with a sponsor,⁵ and undergo monthly PEth testing. *Id.* at 87 (also recommending that the total time in all treatment should be at least a year).

The Individual completed the IOP in October 2025. Ex. G at 45 (certificate of completion). Afterward, he enrolled in the six-month IOP aftercare and completed it in March 2026. Tr. at 66; Ex. D at 27 (indicating the Individual had enrolled in FFD in October 2024, completed the EAP

⁵ The Individual first began attending SMART Recovery, which is a program similar to AA, as part of the six-month IOP. Tr. at 71. He participated in twenty-four SMART Recovery sessions between March 2025 and March 2026. Ex. G at 43 (March 2026 letter from IOP provider). He then began attending AA based on the DOE Psychologist’s recommendation. *Id.*

alcohol education and abstinence support⁶ classes, completed the IOP and IOP aftercare, and had been attending AA). He described IOP aftercare as monthly group treatment during the first three months and one-on-one personal counseling for the remainder. Tr. at 72.

During the hearing, the Individual referred to himself as an alcoholic. *Id.* at 63, 77. He testified that he benefited from AA and the relationship he has with his sponsor and other supportive AA participants. *Id.* at 70, 75–77; *see also id.* at 29 (friend explaining that the Individual, at first, did not want to attend AA but has since endorsed “really enjoy[ing] going to AA” and “get[ing] a lot out of it”), 41–42 (counselor testifying that the Individual shared that he benefits from AA meetings because of the honesty regarding how to address challenges in recovery); Ex. J (AA log demonstrating attendance at thirty-two meetings between December 2025 and April 2026). He began working with a sponsor about two months before the hearing date. Tr. at 15. The Individual testified that AA is the “best thing to help” out of all of the things he has done during recovery. *Id.* at 83 (testifying that, for example, going through a moral inventory in AA helped him identify and work through “character defects” that impacted his problem with alcohol), 88 (testifying he can open up during AA, “talk about uncomfortable things,” and learn from other participants’ struggles and decisions). He testified that he intends to continue attending AA and abstaining from alcohol indefinitely. *Id.* at 87.

The counselor testified that she began working with the Individual through the employer’s EAP in late 2024, and the Individual had attended ten EAP classes. *Id.* at 40, 42. During that time, she observed him develop “much more insight into his alcohol use” and acknowledge that sobriety and recovery are “lifelong work.” *Id.* at 42–43.

The Individual testified that his main supporters are his sponsor and friends. *Id.* at 79 (Individual also testifying that he calls one friend every morning, which helps him deal with daily stress), 84; *see also id.* at 16–17 (sponsor testifying he meets with the Individual outside of AA approximately twice a week; the Individual is committed, open, and honest; and the Individual has reached out for help managing stress), 29 (friend testifying that the Individual reports receiving positive support from the AA participants). The Individual has also stopped socializing with people that he knows will want to consume alcohol. *Id.* at 84.

The Individual testified that he is now better able to think through issues that arise and consider the consequences instead of immediately acting, which allows him to better respond to situations and manage his stress and triggers. *Id.* at 82; *see also id.* at 29 (friend testifying that she had observed the Individual become less reactive to issues that used to upset him). He also learned the benefit of communication during relationships and acknowledged that his prior relationships lacked communication and honesty. *Id.* at 89. He testified that if his current girlfriend or anybody else were to become physical during an altercation, he would simply walk away, and he provided the example of the effort he puts forward at work to “not escalate anything” by, for instance, using noninflammatory language. *Id.* at 93. He also testified that he has set boundaries with his current girlfriend, making it clear that he will leave the relationship if she ever becomes physical in a negative way. *Id.*

⁶ The counselor who facilitates this class described it as “an opportunity for people interested in abstaining from alcohol to learn skills and gain added support specific to this goal” with a focus on maintenance. Ex. K.

The record includes PEth test results from monthly testing he underwent from August 2025 through March 2026. Ex. F at 34–41. All eight results are negative. *Id.*

At the hearing, The DOE Psychologist testified that the Individual had met the recommendations outlined in the Report. Tr. at 101. The Individual completed the IOP, complied with the recommendations of that provider to continue IOP aftercare, continued participating in his employer’s EAP up to the hearing date, and participated in alcohol treatment for at least one year. *Id.* at 100, 102–03. The Individual also complied with the recommendation to participate in AA with a sponsor, which the DOE Psychologist noted went beyond his recommendation to participate in either aftercare or AA. *Id.* at 101–03. And the Individual provided negative PEth test results that corroborate his claimed abstinence since June 2025, which is approximately nine months of reported abstinence. *Id.* at 101; *see also id.* at 18 (sponsor testifying that the Individual has reported nine months of sobriety). The DOE Psychologist noted that the fact the PEth tests only corroborate nine months instead of the recommended twelve did not “persuade [him] that [the Individual] hasn’t . . . been able to achieve rehabilitation” given his demonstrated progress in treatment.⁷ *Id.* at 103, 108. The DOE Psychologist also noted that the Individual had a positive support system, had demonstrated a deeper understanding of his alcohol problem since the evaluation, and had demonstrated that he was appropriately addressing his AUD. *Id.* at 101–03. Finally, the DOE Psychologist concluded that the Individual had demonstrated rehabilitation of his AUD, that his AUD was in early remission, and that the Individual had a good prognosis. *Id.* at 104, 108 (defining rehabilitation as treatment that results in the person changing their behavior to the point they are no longer impaired by their condition).

V. ANALYSIS

A. Guideline G Considerations

Conditions that can mitigate security concerns based on alcohol consumption include the following:

- (a) So much time has passed, or the behavior was so infrequent, or it happened under such unusual circumstances that it is unlikely to recur or does not cast doubt on the individual’s current reliability, trustworthiness, or judgment;
- (b) The individual acknowledges his or her pattern of maladaptive alcohol use, provides evidence of actions taken to overcome this problem, and has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations;
- (c) The individual is participating in counseling or a treatment program, has no previous history of treatment and relapse, and is making satisfactory progress in a treatment program; and

⁷ In reaching this conclusion, the DOE Psychologist necessarily accepted that the Individual had remained abstinent for the asserted periods not covered by clinical testing.

- (d) The individual has successfully completed a treatment program along with any required aftercare, and has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations.

Adjudicative Guidelines at ¶ 23.

I conclude that ¶ 23(b) applies to resolve the Guideline G concerns. The Individual has acknowledged his pattern of maladaptive alcohol use by affirmatively acknowledging his AUD, referring to himself as an alcoholic, and stating that he has been attempting to address the problem since his initial IOP back in 2022. The record also demonstrates that he has taken significant steps to overcome this problem since 2024 by enrolling in his employer's FFD and completing the recommended EAP alcohol education and abstinence support program, completing the IOP and IOP aftercare, attending AA with a sponsor, remaining abstinent, and documenting that abstinence with monthly PEth testing. In doing so, he has provided significant evidence that includes clinical test results that he has remained abstinent for approximately nine months from August 2025 to the April 2026 hearing date while undergoing recommended treatment. And, according to the DOE Psychologist, the Individual has exceeded the recommendations outlined in the Report by both participating in IOP aftercare while also attending AA in addition to his other treatment. As a result, the DOE Psychologist concluded that the Individual had rehabilitated his AUD and had a good prognosis. I concur with the opinion of the DOE Psychologist and conclude that the Individual has demonstrated a clear pattern of abstinence in accordance with treatment recommendations. Accordingly, I conclude that the Individual has resolved the Guideline G security concerns.

B. Guideline J Considerations

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

- (a) So much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;
- (b) The individual was pressured or coerced into committing the act and those pressures are no longer present in the person's life;
- (c) No reliable evidence to support that the individual committed the offense; and
- (d) There is evidence of successful rehabilitation; including, but not limited to, the passage of time without recurrence of criminal activity, restitution, compliance with the terms of parole or probation, job training or higher education, good employment record, or constructive community involvement.

Adjudicative Guidelines at ¶ 32.

I find that none of the mitigating conditions apply to resolve the Guideline J security concerns. In reaching my conclusion, I first find that the Individual was admittedly intoxicated at the time of

his arrest in 2025, and he did not blame his alleged behavior on being intoxicated. In other words, he did not assert that he struck his girlfriend because he was intoxicated and that had he not been intoxicated he would never have hit her. Instead, he denied hitting or doing anything aggressive toward her. Moreover, there is no indication that alcohol played a role in the Individual's alleged 2018 or 2019 criminal conduct. Thus, this is not a case where the Individual can point to the resolution of his problem with alcohol as a basis to conclude that he will not engage in criminal conduct in the future.

In light of the above, I have considered the allegations that formed the basis of the 2025 Battery charge to determine whether they are reliable. There is some evidence that weighs in the Individual's favor. First, the girlfriend admitted to police that during the argument she kicked the Individual when he may have been attempting to lay on or hug her. Then she stated that she did not intend to kick the Individual when she kicked him, which is a contradictory statement that admits initiating physical aggression but attempts to avoid culpability for the same. Furthermore, she alleged that the Individual punched her twice in the head with a closed fist with enough force to break a hairclip on her head, but the fact the officer did not observe any physical injuries somewhat undermines this allegation. It seems likely that punches strong enough to break a plastic hairclip would leave some kind of bruise, scratch, or other mark—especially when the strikes come from a trained boxer. And, ultimately, that girlfriend submitted a notarized statement, which secured the dismissal of the charges, stating that she “was not harmed” by the Individual, which corroborates the Individual's claim that he never struck her.

However, I find that the following factors weigh in favor of finding there is reliable evidence that the Individual committed the alleged conduct. First, the circumstances are strikingly similar to the 2019 incident in which a romantic partner attempted to leave the Individual's presence, he followed, and he took escalating aggressive action—in the former case breaking a car window; in the recent case, allegedly hitting his girlfriend twice. Furthermore, the Individual admitted that he was attempting to “comfort” the then-girlfriend at the time she kicked him, which corroborates her testimony that he was either attempting to lay on or hug her against her will. Further still, the Individual denied any physical altercation happened at the scene, while at the hearing he admitted that there was a physical altercation after he attempted to initiate physical contact and his girlfriend kicked him. His denial at the scene therefore demonstrates an instance of willingly downplaying the circumstances and detracts from his credibility. Additionally, the girlfriend's notarized statement does not go as far as recanting the allegations. Instead of denying that she had been struck by the Individual, she merely states that she “was not harmed.” Being struck and being harmed are not the same, and the former can occur without the latter necessarily being the result. Additionally, her notarized statement says that her kick “initiated a physical altercation,” not that she alone was the sole aggressor. In other words, the continuation of that “initiated” altercation could very well have included the Individual hitting her. A review of the precise language used in the letter is justified when, as the Individual indicated, the statement was procured by his attorney. Lastly, the police report directly contradicts the Individual's testimony at the hearing that he was attempting to remove his girlfriend's clothing from his apartment when the officers appeared. The police report instead records that the Individual was attempting to leave the scene in his vehicle when officers arrived. This unresolved contradiction undermines the credibility of the Individual's testimony regarding this incident in general and also presents two additional issues. First, I find it concerning that the Individual, who asserts he is innocent of the allegations, was attempting to

leave the scene. Furthermore, if he had in fact refused to drive to obtain food because of his intoxicated state, it stands to reason that he would not then attempt to drive away from his apartment in the same state after removing the girlfriend, the source of the problem, from his apartment. I therefore doubt his explanation that the incident resulted from his responsible decision to refuse his girlfriend's request that he drive while intoxicated. Stated differently, I am skeptical of his attempt to lay the blame for the altercation on her while representing himself as the responsible party. After weighing the above considerations, I conclude that there is reliable evidence that the Individual committed the 2025 Battery.

Accordingly, I conclude ¶ 32(a) does not apply to resolve the concerns derived from the 2019 and 2025 criminal charges because the most recent 2025 Battery occurred within the last year, which is relatively recent, and there is no indication there were unusual circumstances surrounding his interactions with either girlfriend. Both the 2019 and 2025 charges stem from similar precipitating circumstances in that the Individual chose to continue to engage with these women despite their desire to leave his presence during an argument.

I further find that ¶ 32(b) does not apply to resolve the security concerns because there is no evidence that the Individual was pressured or coerced into committing the offenses.

Next, I conclude that ¶ 32(c) does not apply due to my above reasoning. There is reliable evidence in the record that the Individual committed the most recent criminal offense and there is no doubt he committed the prior offenses.

Lastly, I conclude that ¶ 32(d) does not apply because the Individual has not demonstrated successful rehabilitation. "True rehabilitation begins with acceptance of one's behavior and the consequences." *Personnel Security Hearing*, OHA Case No. PSH-14-0109 at 11 (2015); *see also Personnel Security Hearing*, OHA Case No. PSH-23-0078 at 10 (2023) (stating that whether an individual takes responsibility for their behavior "is an important consideration for rehabilitation"). Here, the Individual has consistently denied he hit his then-girlfriend in March 2025. He has therefore consistently denied responsibility for the alleged behavior and therefore has not taken responsibility for it. Furthermore, only a year has passed since the most recent criminal charge, which is a relatively brief period of time. Lastly, the most recent criminal charge is almost identical to the circumstances of the 2019 criminal charges, and I therefore place minimal weight on the fact that he completed probation and restitution. Those factors are outweighed by his recent charge and failure to accept responsibility for his alleged conduct. Moreover, the fact that he has resolved his AUD does not weigh towards mitigation because he does not argue that his alcohol use contributed to the alleged criminal behavior. Accordingly, I conclude that the Individual has not resolved the Guideline J concerns.

VI. CONCLUSION

In the above analysis, I found that there was sufficient derogatory information in the possession of the DOE that raised security concerns under Guideline G and Guideline J of the Adjudicative

Guidelines. After considering all of the relevant information, favorable and unfavorable, in a comprehensive, common-sense manner, including weighing all of the testimony and other evidence presented at the hearing, I conclude that the Individual has brought forth sufficient evidence to resolve the Guideline G, but not the Guideline J, 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.

James P. Thompson III
Administrative Judge
Office of Hearings and Appeals