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

In the Matter of: Personnel Security Hearing	)	
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Filing Date: January 21, 2026	)	Case No.: PSH-26-0048
	)	
	)	

Issued: July 1, 2026

Administrative Judge Decision

Erin C. Weinstock, 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 not be restored.

I. BACKGROUND

The Individual is employed by a DOE contractor in a position that requires him to hold an access authorization. Exhibit (Ex.) 1 at 7.² On June 28, 2025, the Individual was arrested and charged with Driving Under the Influence (DUI). Ex. 10 at 44. As a result of this incident, the Individual informed his first line manager of his arrest, and the manager completed a Personnel Security Information Reporting Form on June 30, 2025, reporting the Individual's arrest and the charges against him. Ex. 8. Subsequently, the Local Security Office (LSO) asked the Individual to complete a letter of interrogatory (LOI), which the Individual did on September 12, 2025. Ex. 9. Upon receipt of the responses to the LOI, the LSO asked the Individual to undergo a psychological evaluation in November 2025, by a DOE-consultant psychologist (DOE Psychologist), which resulted in a finding that the Individual met sufficient *Diagnostic and Statistical Manual of Mental Disorders – Fifth Edition (DSM-5)* criteria for a diagnosis of Alcohol Use Disorder (AUD), Mild,

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 References to the Local Security Office's (LSO) exhibits are to the exhibit number and the PDF page number from the LSO's exhibit notebook.

without adequate evidence of rehabilitation or reformation and that he was a habitual and/or binge consumer of alcohol to the point of impaired judgment. Ex. 12 at 61. The Individual also has a history of alcohol-related arrests. In April 2018, the Individual was arrested for DUI. Ex. 18 at 273. The charge was later reduced, and the Individual resolved the matter by paying a fine and attending alcohol education courses. *Id.* In November 2018, the Individual was charged with open container. *Id.* at 272–73.

Subsequent to the November 2025 psychological evaluation, the LSO issued the Individual a Notification Letter advising him that it possessed reliable information that created substantial doubt regarding his eligibility for access authorization. Ex. 1 at 7–9. In a Summary of Security Concerns (SSC) attached to the letter, the LSO explained that the derogatory information raised security concerns under Guideline G of the Adjudicative Guidelines. *Id.* at 6.

The Individual exercised his right to request an administrative review hearing pursuant to 10 C.F.R. Part 710. Ex. 2. The Director of the Office of Hearings and Appeals (OHA) appointed me as the Administrative Judge in this matter, and I conducted an administrative hearing. The LSO submitted eighteen exhibits (Ex. 1–18). The Individual submitted three exhibits (Ex. A–C). The Individual testified on his own behalf. Hearing Transcript, OHA Case No. PSH-26-0048 (Tr.). The LSO presented one witness, the DOE Psychologist. *Id.*

II. THE SECURITY CONCERNS

Guideline G, under which the LSO raised the security concerns, relates to security risks arising from excessive alcohol consumption. “Excessive 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: “alcohol-related incidents away from work,” “habitual or binge consumption of alcohol to the point of impaired judgement,” and “diagnosis by a duly qualified medical or mental health professional . . . of alcohol use disorder.” *Id.* at ¶ 22(a), (c)–(d). In citing Guideline G, the LSO relied upon the Individual’s June 2025 arrest for DUI as well as two alcohol-related criminal charges from 2018. Ex. 1 at 6. The LSO also cited the DOE Psychologist’s diagnosis of AUD, Mild and the Individual’s history of binge consumption of alcohol to the point of impaired judgment. *Id.* The aforementioned allegations justify the LSO’s invocation of Guideline G.

III. REGULATORY STANDARDS

A DOE administrative review proceeding under Part 710 requires me, as the Administrative Judge, to issue a Decision that reflects my comprehensive, common-sense judgment, made after consideration of all the relevant evidence, favorable and unfavorable, as to whether the granting or continuation of a person’s access authorization will not endanger the common defense and security and is clearly consistent with the national interest. 10 C.F.R. § 710.7(a). The regulatory standard implies that there is a presumption against granting or restoring a security clearance. *See Dep’t of Navy v. Egan*, 484 U.S. 518, 531 (1988) (“clearly consistent with the national interest” standard for granting security clearances indicates “that security determinations should err, if they

must, on the side of denials”); *Dorfmont v. Brown*, 913 F.2d 1399, 1403 (9th Cir. 1990) (strong presumption against the issuance of a security clearance).

An individual must come forward at the hearing with evidence to convince the DOE that granting or restoring access authorization “will not endanger the common defense and security and will be clearly consistent with the national interest.” 10 C.F.R. § 710.27(d). An individual is afforded a full opportunity to present evidence supporting their eligibility for an access authorization. The Part 710 regulations are drafted to permit the introduction of a very broad range of evidence at personnel security hearings. Even appropriate hearsay evidence may be admitted. *Id.* at § 710.26(h). Hence, an individual is afforded the utmost latitude in the presentation of evidence to mitigate the security concerns at issue.

IV. FINDINGS OF FACT

In April 2018, the Individual consumed four to five beers and one shot of liquor at a house party. Ex. 18 at 273. The Individual left the party and fell asleep while driving, hitting a road sign. *Id.* A law enforcement officer woke him up and administered field sobriety tests. *Id.* The Individual failed the tests and was arrested for DUI. *Id.* He eventually pled guilty to a reduced charge, which required him to pay a fine and attend a state alcohol education class. *Id.*

In November 2018, the Individual was a passenger in a vehicle his friend was driving, and his friend was pulled over. *Id.* The law enforcement officer that pulled the friend over saw a previously opened bottle of liquor in the car and ticketed the Individual. *Id.* at 273–74. The Individual paid a fine to resolve this issue. *Id.* at 274.

On June 27, 2025, the Individual invited friends over to his home for food and alcohol. Ex. 9 at 36. Over the course of four or five hours, he said that he consumed approximately seven ounces of liquor. *Id.* Around midnight, he stopped consuming alcohol. *Id.* Around 1:30 AM, his significant other called him and asked him to give her a ride because she was too intoxicated to drive. *Id.*; Tr. at 40. He went to pick her up and while he was trying to find her, fell asleep in his car. Tr. at 40–41. A law enforcement officer knocked on the Individual’s car window, waking him up. Ex. 10 at 44. Because the Individual smelled of alcohol, the law enforcement officer asked him how much alcohol he had consumed that night, and the Individual answered none. *Id.* The law enforcement officer asked if the Individual would consent to undergo field sobriety tests, which the Individual ultimately failed. *Id.* He was subsequently arrested for DUI. *Id.* When he was taken into custody, he took a breath alcohol test, which came back at 0.15%. *Id.* The Individual was ultimately convicted of DUI and required to enroll in a state alcohol education class. Ex. 8 at 30. The Individual was also required to have an interlock device attached to his vehicle. Ex. 12 at 57.

The Individual was evaluated by the DOE Psychologist on November 4, 2025. Ex. 12. As part of his evaluation, the Individual underwent a Phosphatidylethanol (PEth) test³ on the same date. *Id.* at 66. The PEth test came back positive at 288 ng/mL. *Id.*

³ “PEth levels in excess of 20 ng/mL are considered evidence of moderate to heavy ethanol consumption.” Ex. 12 at 66. “The PEth level reflects the average amount of alcohol consumed over the previous 28–30 days.” *Id.* at 67.

After the Individual completed the evaluation, the DOE Psychologist issued a report in which he concluded that the Individual met sufficient criteria for a diagnosis of AUD, Mild and determined that the Individual habitually or binge consumed of alcohol to the point of impair judgment. *Id.* at 61. At the evaluation, the Individual told the DOE Psychologist that he consumed between three and four beers on weekend nights. *Id.* at 60. The interpretation of the Individual's PEth result completed by a medical doctor indicated that the Individual was underreporting his alcohol consumption and that his consumption was more likely between three and five drinks each day. *Id.* at 67. The DOE Psychologist indicated that his finding about the Individual's habitual and/or binge consumption was based on the medical doctor's interpretation of the PEth result. *Id.* at 61. In order for the Individual to show rehabilitation from the AUD, the DOE Psychologist stated that the Individual should: (1) complete an intensive outpatient program (IOP) that has nine hours of therapeutic and educational meetings a week and lasts between twelve and sixteen weeks; (2) engage in an at least monthly aftercare program for a period of six months; (3) participate in at least two substance-related group meetings a week for six months; and (4) maintain abstinence as corroborated by monthly negative PEth test results. *Id.* If the Individual decided not to participate in an IOP, the DOE Psychologist said that he could demonstrate rehabilitation by actively participating in Alcoholics Anonymous (AA) or a similar evidence-based treatment program with documentation of that participation for twelve months and providing twelve months of negative PEth tests to show his abstinence from alcohol. *Id.* In order to show reformation, the Individual would need to demonstrate abstinence by completing monthly PEth testing for a period of 18 months. *Id.* at 61–62.

As required by his DUI conviction, the Individual enrolled in the state alcohol education class on November 6, 2025. Ex. C at 1. That enrollment required an evaluation from the state which recommended the exact course he took. *Id.* According to the paperwork that the Individual provided, the class he took consisted of “eight (8) weeks of treatment services totaling sixteen (16) hours of alcohol and other drug services.” *Id.* However, he testified that that the class did not include any counseling or therapy, only educational classes. Tr. at 85. The Individual completed the class on February 26, 2026. Ex. C at 1. The Individual stated that he abstained from alcohol while completing the state alcohol education class and took tests during that period to confirm his abstinence. Tr. at 51–52. The Individual provided two⁴ negative urine drug and alcohol⁵ tests to support his testimony about his abstinence. Ex. B (negative drug and alcohol tests dated January 14, 2026 and February 4, 2026). He testified that the period of not consuming alcohol combined with the classes he took provided him with a better “understanding about the concerns and the use of alcohol and the low-risk choices.” Tr. at 77. The Individual testified that he has had an interlock device in his car since November 2025, and he has never caused a positive reading. *Id.* at 83.

The paperwork from the state alcohol education class indicated that the state's licensed alcohol counselor diagnosed the Individual with Unspecified Alcohol-Related Disorder. Ex. C at 2. When

⁴ The Individual also provided a third test, dated May 8, 2026, but this test does not appear to indicate that it tested for alcohol use. Ex. B. The Individual testified that it was his belief that this test included alcohol use. Tr. at 74.

⁵ The DOE Psychologist testified that it was his understanding that urinalysis can detect alcohol consumed in the prior twelve to seventy-two hours, depending on the volume of alcohol consumed. Tr. at 147; *see also Personnel Security Hearing*, OHA Case No. PSH-21-0071 at 6 (2021) (DOE consultant psychiatrist testifying that “three days was the median period for elimination of EtG”); *Personnel Security Hearing*, OHA Case No. PSH-26-0006 at 5, note 7 (2026) (laboratory report indicating that EtG may be detected for up to 80 hours).

asked about this diagnosis, the Individual said he did not discuss it with the person who evaluated him or anyone else at the class. Tr. at 84–85.

At the hearing, the Individual testified that he had resumed consuming alcohol “on occasion,” having one or two drinks a week. Tr. at 18–19. He also testified that he had not completed any treatment or programs other than the state alcohol education class. *Id.* at 20, 56. The Individual explained that he believed that he “made a bad decision,” but did not believe that he was “addicted” to alcohol to a degree that he would require the treatment recommended by the DOE Psychologist. *Id.* at 59, 61. He went on to say that he believed that he did not require more intensive care because the state counselors did not recommend it. *Id.* at 61.

The DOE Psychologist testified that at the time of the hearing, it remained his opinion that the Individual met sufficient criteria for a diagnosis of AUD, Mild. Tr. at 146. He further stated that he did not believe that the Individual had demonstrated adequate evidence of rehabilitation or reformation. *Id.* at 149.

V. ANALYSIS

Guideline G

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

- (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 maladaptive alcohol use, provides evidence of actions taken to overcome this problem, and has demonstrated a clear and established pattern of modified alcohol 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
- (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.

The Individual’s 2025 DUI arrest was less than a year before the hearing, and it was his second arrest of that type. Further, at the time of the hearing, he was still consuming alcohol against treatment recommendations on a weekly basis. Therefore, I cannot find that so much time has

passed, the behavior was infrequent, or it happened under unusual circumstances, and the Individual has not mitigated the security concerns raised pursuant to mitigating factor (a).

As to the second mitigating factor, the Individual acknowledged that he made a poor choice on the night of his arrest and had a history of making poor alcohol-related choices in social situations. He also provided evidence that he attended the state alcohol education classes as required by his DUI conviction. However, the Individual did not attend any kind of treatment, and he did not provide sufficient evidence to show that he had a clear and established pattern of modified alcohol consumption or abstinence in accordance with treatment recommendations. At the time of the hearing, the Individual was still consuming alcohol on a regular basis. Although he testified that he had decreased his consumption to one to two drinks per week, he provided no alcohol testing to corroborate his account of his allegedly reduced drinking and did not follow the DOE Psychologist's recommendation that he be abstinent from alcohol consumption for at least twelve months. The Individual did testify that he was abstinent from alcohol consumption while he was enrolled in his state's alcohol education program for about four months, but the two urinalysis tests he provided are not sufficient to corroborate his testimony. Therefore, the Individual has not resolved the security concerns pursuant to mitigating factor (b).

The Individual testified that he did not participate in or complete any kind of treatment program or counseling, only the educational course offered by his state of residence. He also testified that he had not completed any aftercare. As discussed above, the Individual admitted to resuming alcohol consumption against treatment recommendations and therefore did not demonstrate a clear and established pattern of abstinence in accordance with treatment recommendations. Therefore, he has not mitigated the security concerns pursuant to mitigating factors (c) or (d).

Accordingly, I find that the Individual has not resolved the security concerns asserted by the LSO under Guideline G.

VI. CONCLUSION

In the above analysis, I found that there was sufficient derogatory information in the possession of DOE to raise security concerns under Guideline G of the Adjudicative Guidelines. After considering all the relevant information, favorable and unfavorable, in a comprehensive, common-sense manner, including weighing all the testimony and other evidence presented at the hearing, I find that the Individual has not brought forth sufficient evidence to resolve the security concerns set forth in the Summary of Security Concerns. Accordingly, I have determined that the Individual's access authorization should not be restored. This Decision may be appealed in accordance with the procedures set forth at 10 C.F.R. § 710.28.

Erin C. Weinstock
Administrative Judge
Office of Hearings and Appeals