United States Department of Energy
Office of Hearings and Appeals

In the Matter of: Personnel Security Hearing	)		
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Filing Date: January 23, 2026	)	Case No.:	PSH-26-0054
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Issued: June 29, 2026

Administrative Judge Decision

Phillip Harmonick, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXX (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 was granted access authorization in 2019 in connection with his employment by DOE. Transcript of Hearing, OHA Case No. PSH-26-0054 (Tr.) at 42. As part of his employment, the Individual was enrolled in DOE's Human Reliability Program (HRP). *See* Exhibit (Ex.) 10 at 52.[2] Persons enrolled in the HRP are required to "immediately" report any "physical or mental condition requiring medication or treatment" and "report . . . any behavior or condition . . . that may affect his or her ability to perform HRP duties." 10 C.F.R. § 712.12(g)(2), (4). In February 2025, the Individual disclosed that he had been awarded a 70% disability rating for Post-Traumatic Stress Disorder (PTSD) by the Department of Veterans Affairs (VA) in August 2024. Ex. 5 at 23.

In April 2025, the Individual met with an HRP-designated psychologist (HRP Psychologist) for a psychological evaluation. Ex. 10 at 52. The HRP Psychologist subsequently issued a report (HRP Report) wherein he recommended against the Individual being certified in the HRP based on 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.

[2] The exhibits submitted by the local security office (LSO) were Bates numbered in the upper right corner of each page. This Decision will refer to the Bates numbering when citing to exhibits submitted by the LSO.

Individual's PTSD, which the HRP Psychologist concluded could impair the Individual's performance of HRP duties, and "indications of deceitful behavior" based on inconsistencies in the Individual's reporting of PTSD symptoms to the VA compared to in previous HRP medical and psychological evaluations. *Id.* at 54–59.

In August 2025, the Individual met with a DOE-contracted psychologist (DOE Psychologist) for a psychological evaluation related to his continued eligibility for access authorization. Ex. 8 at 34. Following the evaluation, the DOE Psychologist issued a report (Report) in which he opined that the Individual had a "personality condition characterized by blatant exploitation, prevarication, and deceit . . . ." *Id.* at 39. The DOE Psychologist opined that this condition impaired the Individual's judgment, reliability, and trustworthiness. *Id.*

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 Guidelines E and I of the Adjudicative Guidelines. *Id.* at 5–6.

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 fourteen exhibits (Ex. 1–14). The Individual submitted four exhibits (Ex. A–D).[3] The Individual testified on his own behalf. Tr. at 3, 9. The LSO called the DOE Psychologist to testify. *Id.* at 3, 47.

II. THE NOTIFICATION LETTER AND THE ASSOCIATED SECURITY CONCERNS

The LSO cited Guideline E (Personal Conduct) of the Adjudicative Guidelines as the first basis for its substantial doubt regarding the Individual's eligibility for access authorization. Ex. 1 at 5–6. "Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes." Adjudicative Guidelines at ¶ 15. The SSC alleged that the Individual failed to disclose his PTSD symptoms as required under HRP rules, provided differing accounts of his PTSD symptoms to the VA and DOE, and "knowingly and intentionally misinformed the VA regarding his PTSD status." Ex. 1 at 5–6. The LSO's allegations that the Individual concealed relevant facts from HRP security officials and mental health professionals and engaged in a pattern of dishonesty regarding his PTSD symptoms to DOE and the VA justify its invocation of Guideline E. Adjudicative Guidelines at ¶ 16(b), (d)(3).

The LSO cited Guideline I (Psychological Conditions) of the Adjudicative Guidelines as the other basis for its substantial doubt regarding the Individual's eligibility for access authorization. Ex. 1 at 6. "Certain emotional, mental, and personality conditions can impair judgment, reliability, or

[3] The Individual's exhibits were compiled into a single PDF. I will refer to the Individual's exhibits by reference to their pagination in the PDF regardless of their internal pagination.

trustworthiness. A formal diagnosis of a disorder is not required for there to be a concern under this guideline." Adjudicative Guidelines at ¶ 27. The SSC cited the DOE Psychologist's opinion that the Individual had a personality condition characterized by deceit that impaired his judgment, reliability, and trustworthiness. Ex. 1 at 6. The LSO's citation to the opinion of the DOE Psychologist that the Individual has a mental health condition that could impair his judgment, stability, reliability, or trustworthiness justifies its invocation of Guideline I. Adjudicative Guidelines at ¶ 22(b).

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 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 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 his or her eligibility for an access authorization. The Part 710 regulations are drafted so as 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

A. Individual's Military Service and PTSD Symptoms Reported to the VA

In 2007, the Individual entered military service as a member of the U.S. Air Force. Ex. 14 at 253. The Individual was deployed on five occasions from 2007 to 2021, including a 2008 deployment to Iraq where he "worked base security . . . ." Ex. 10 at 57; Ex. 11 at 97. During that deployment, the Individual experienced two stressors he would later cite as contributors to PTSD: one in which a rocket hit an equipment staging area near his guard post and another in which he operated the gate to allow vehicles that had been hit by an improvised explosive device (IED) to reenter the base. Ex. 11 at 146.

The Individual was honorably discharged from the Air Force in 2022. Ex. 11 at 144. A post-deployment assessment conducted in 2022 identified "PTSD symptoms," including "nightmares, startling easily, [] avoidant behaviors[, and] . . . concerns of being killed . . . ." *Id.*

At some point in 2024, the Individual decided to seek VA disability ratings for numerous conditions, including PTSD. Tr. at 42–44; Ex. 11 at 74–75, 97–98 (listing various conditions for which the Individual sought disability ratings). On May 2, 2024, the Individual met with a VA psychologist for an evaluation related to his eligibility for a PTSD-related disability rating. Ex. 11 at 142. During the evaluation, the Individual reported a plethora of symptoms, including the following:

- Wakes frequently in the night from nightmares, terrors, or panic;
- Anxious and at times disoriented when woken up;
- [T]ends to forget dates and details of recent conversations;
- At work memory is also somewhat deficient;
- Has difficulty with concentration and focus, has to read things several times esp[ecially] when the information is complex;
- Suspicious and paranoid all the time;
- Has issues with impatience and irritability;
- Issues with hygiene at times;
- Feels depression related to . . . chronic pain;
- Has chronic pain all the time;
- [Experiences impaired] sleep, mobility, intimacy, family activities, and sense of self; and,
- Panic attacks 2-3 times per week.

Id. at 145 (quoting a summary of the Individual's "current mental health problems" prepared by the VA psychologist based on the evaluation). Based on the Individual's account of his symptoms, the VA psychologist diagnosed the Individual with PTSD under the *Diagnostic and Statistical Manual of Mental Disorders, 5th Edition* (*DSM-5*). *Id.* at 142. The VA granted the Individual a 70% disability rating for his PTSD. *Id.* at 183, 185–86.

The Individual claimed in his hearing testimony that the only PTSD symptoms he was experiencing at the time of the evaluation with the VA psychologist were hypervigilance and anxiety related to flying. Tr. at 18; *see also* Ex. D at 14 (reflecting that the Individual tested "negative" for PTSD on a screening administered by the VA in May 2026 as part of an annual physical).

B. Individual's Failure to Report

The Individual began performing HRP duties in 2019. Tr. at 42; Ex. 10 at 59. As part of his participation in the HRP, he was required to undergo periodic HRP medical and psychological evaluations. 10 C.F.R. § 712.14. Additionally, he was required to receive annual HRP instruction which included his responsibility to report "physical, mental, or emotional conditions that could adversely affect the performance of HRP duties or that require treatment . . . ." *Id.* § 712.17(b)(1). Pursuant to HRP rules, the Individual was required to "immediately [report] a physical or mental condition requiring medication or treatment" and to report "any behavior or condition . . . that may affect his [] ability to perform HRP duties." *Id.* § 712.12(g)(2), (4). Enumerated behaviors or conditions the Individual was required to report under the HRP rules included, but were not limited to, "[p]sychological or physical disorders that impair performance of assigned duties" and

"[s]ignificant behavioral changes, moodiness, depression, or other evidence of loss of emotional control." *Id.* § 712.13(c)(1), (12); *see also id.* § 712.12(g)(4) (referencing the listed behaviors and conditions under § 712.13(c) as mandatory for disclosure by participants in the HRP).

Although the Individual reported PTSD symptoms to the VA at least as early as 2022, he did not report any such symptoms during HRP evaluations or otherwise attempt to disclose his symptoms to HRP officials until February 2025. Ex. 10 at 59; Ex. 5 at 23. The Individual was notified of his 70% disability rating for PTSD by letter dated August 7, 2024. Ex. 11 at 85. On February 12, 2025, the Individual disclosed to HRP medical personnel that the VA had awarded him a 70% disability rating for PTSD. Ex. 5 at 23.

In his hearing testimony, the Individual claimed that he did not receive notice of his PTSD-related disability rating until February 2025 and that he did not believe he was required to disclose information related to his potential PTSD to the HRP until after he received a disability rating. Tr. at 12–13. I do not credit this claim. The Individual did receive a VA disability rating determination dated February 10, 2025; however, that determination pertained solely to physical bases for disability. Ex. 11 at 62. The determination related to the Individual's PTSD was dated August 7, 2024, and documents transmitted to the HRP Psychologist by the VA clearly indicated that the aforementioned determination was sent to the Individual on August 7, 2024. *Id.* at 85; Ex. 12 at 171 (indicating in a checked and highlighted entry the date of "notification sent" for the Individual's PTSD Rating Decision). Accordingly, I find it highly probable that the Individual provided false testimony concerning the date he learned of his PTSD-related disability rating. However, as described *infra* Section V, even if the Individual had received the PTSD-related disability rating in February 2025 it would make no difference to my determination.

C. Evaluation by the HRP Psychologist

The Individual met with the HRP Psychologist for an evaluation on April 22, 2025. Ex. 10 at 52. The Individual claimed that he had recently learned that the personnel he had admitted to a base following an IED explosion during his service in Iraq had not suffered any fatalities and that his intrusive memories of the event had significantly improved since gaining this "closure." *Id.* at 57. He also endorsed "a mild startle response" to blasts, aversion to crowds, hyper-vigilance, and some disorientation when waking from sleep. *Id.* at 57–59. With respect to all of the other symptoms of PTSD he reported to the VA, he represented that they were non-existent or had occurred in the past and were no longer present.[4] *Id.*

On May 19, 2025, the HRP Psychologist issued the HRP Report. *Id.* at 52. Therein, the HRP Psychologist endorsed the VA's PTSD diagnosis and noted that the symptoms the Individual reported to the VA were "more significant in number and intensity" than those he endorsed during the evaluation. *Id.* at 53, 60. He further opined that the Individual had failed to report mental health symptoms that could have impacted his HRP duties and that the risks presented by the Individual minimizing those symptoms were "disqualifying." *Id.* at 60.

[4] The Individual also indicated that some minor symptoms, such as forgetfulness and low energy, might have been attributable to low testosterone as the symptoms had abated after he began receiving testosterone replacement therapy. Ex. 10 at 58–59.

D. Evaluation by the DOE Psychologist

On August 26, 2025, the Individual met with the DOE Psychologist for a psychological evaluation. Ex. 8 at 34. During the clinical interview portion of the evaluation, the Individual denied that he was experiencing virtually all of the PTSD symptoms he had reported to the VA. *Id.* at 38–39. He endorsed some mild vigilance, sleep disturbance, and inability to maintain hygiene when on work-related travel, all of which he attributed to his professional background or HRP job responsibilities rather than to PTSD. *Id.*

In addition to conducting the clinical interview, the DOE Psychologist administered three psychological tests to the Individual: the Minnesota Multiphasic Personality Inventory – Second Edition (MMPI-2), the Personality Assessment Inventory (PAI), and the Millon Clinical Multiaxial Inventory – Fourth Edition (MCMI-IV).[5] *Id.* at 36. Based on the results of the psychological testing, the DOE Psychologist developed a psychological profile of the Individual in the Report, which included the following:

> Those with similar profiles tend to be impulsive and strive for immediate gratification of impulses. They often do not plan their behavior very well, and they may act without considering the consequences of their actions. They may be impatient and have a limited frustration tolerance. Their behavior may involve poor judgment and considerable risk taking. They tend not to profit from experiences and may find themselves in the same difficulties time and time again. [The Individual]*'s current situation reflects these elements.*
>
> . . .
>
> There is a tendency for those with this profile to consider rules and guidelines to be for others. Their attitude is characterized by cynicism. Often there does not appear to be guilt associated with inappropriate behavior. Although they may feign guilt and remorse when their behaviors get them into trouble, such responses typically are short-lived, disappearing when the immediate crisis passes.

Id. at 37 (emphasis in original).

Contrary to the opinion of the HRP Psychologist, the DOE Psychologist opined that the Individual had engaged in "frank deceit to qualify for [VA benefits]" and "knowingly and

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[5] The Individual completed the MCMI-IV first and began the MMPI-2 while the DOE Psychologist was scoring the MCMI-IV. Tr. at 64. The DOE Psychologist perceived that the Individual's responses on the MCMI-IV were so positive, and denied common faults to such an extreme extent, that the test "was invalidated." *Id.* at 64–66. While the Individual was taking the MMPI-2, the DOE Psychologist reentered the room and told him that he needed to answer the questions on the psychological tests more truthfully because "I'm sure you [the Individual] want it to be valid." *Id.* at 64. According to the Individual, he answered the questions as truthfully as he could but "answered questions differently trying to understand . . . the way he wanted me to answer the questions . . . ." *Id.* at 67–68.

It is unclear what the DOE Psychologist sought to achieve in coaching the Individual when invalid test results, while likely unfavorable to the Individual, would have provided valuable information and tended to support a conclusion that the Individual was seeking to mislead the DOE Psychologist. Regardless, as the Individual testified to having answered questions truthfully after the DOE Psychologist's intervention, and I have no expert opinion upon which I could conclude that the DOE Psychologist's behavior rendered the test results subsequent to the intervention unreliable, I do not reject the conclusions drawn by the DOE Psychologist based on the psychological testing.

intentionally misinformed the VA regarding his PTSD status." *Id.* at 39. In reaching this conclusion, the DOE Psychologist noted the Individual's high degree of success in the workplace, which contraindicated that he was experiencing occupational impairment due to the severe symptoms he reported to the VA, and the improbability of the symptoms having dissipated since the Individual reported them to the VA in May 2024. *Id.* at 38–39; *see also* Ex. C at 4 (letter from Individual's friend and coworker attesting to his trustworthiness and reliability).

Based on the aforementioned considerations, the DOE Psychologist opined that the Individual had "a personality condition characterized by blatant exploitation, prevarication, and deceit" and that this condition "impaired his judgment, reliability, and trustworthiness." Ex. 8 at 39; *see also* Tr. at 72 (testifying that the psychological testing he administered was "just one element that adds to my decision" and "would not have been that significant" but for the Individual's untruthfulness to the VA psychologist).

E. Individual's Account of His Symptoms at the Hearing and Updated Opinion of the DOE Psychologist

The Individual was questioned at the hearing regarding several of the symptoms that he reported to the VA psychologist during the May 2024 evaluation. His responses regarding symptoms he endorsed during the May 2024 evaluation are presented below along with his response to a PTSD screening during a May 2026 evaluation where applicable:

May 2024 VA PTSD Evaluation	May 2026 VA PTSD Screening	Hearing Testimony
"Wakes frequently in the night from nightmares, terrors, or panic"	Denied having ever "[h]ad nightmares about the [traumatic] event(s)"	"She [the VA psychologist] was asking me to describe my worst day [and whether] . . . I ever had a nightmare" "I've had a nightmare and been woken up from it, but not in the last, I would go as far as saying 10 to 15 years."
"[H]ypervigilant all the time"	Denied having ever "[b]een constantly on guard, watchful, or easily startled"	"I [] chalk that up to my . . . training and experience in law enforcement. [] I would say that somebody that doesn't necessarily have a diagnosis of PTSD, if they are trained in law enforcement for as long as I have been, they

		would also be constantly on guard or watchful."
"Panic attacks 2-3 times per week"	N/A	"I do not experience panic attacks" and "I've never once mentioned panic attacks"
"Has difficulty with concentration and focus, has to have people text information rather than provide verbally"	N/A	"I've asked my wife . . . to send [information] to me in text message so that I don't forget it" and sometimes ask for "very critical" information to be repeated at work but "I would say I'm normal."
"[I]ssues with hygiene at times, wife sometimes reminds"	N/A	Denied that his wife reminds him to take care of himself and testified "I have no idea" why the VA psychologist concluded that he had PTSD-related hygiene issues

Ex. 12 at 145–47; Ex. D at 14–15; Tr. at 21–22, 26, 32–35. The Individual testified that during the May 2024 VA evaluation he was asked to "describe [his] worst day" and that the VA psychologist may have been "trying to help [him] out . . . to give [him] a certain [disability] percentage." Tr. at 22, 28. The Individual testified that his PTSD-related disability rating was "overexaggerated" and "should be lowered," but he had taken no action as of the date of the hearing to correct it. *Id.* at 37.

The DOE Psychologist testified that, after observing the Individual's hearing testimony, his opinion that the Individual intentionally misinformed the VA regarding his PTSD symptoms was unchanged. *Id.* at 51. Accordingly, he opined that the Individual continued to demonstrate a personality condition that impaired his judgment, reliability, and trustworthiness. *Id.* at 53. The DOE Psychologist further opined that, while it was possible for the Individual to compensate for the personality characteristics he presented, the traits the Individual presented were "pretty deeply ingrained." *Id.* at 59.

V. ANALYSIS

A. Guideline E

Conditions that could mitigate security concerns under Guideline E include:

(a) the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;

(b) the refusal or failure to cooperate, omission, or concealment was caused or significantly contributed to by advice of legal counsel or of a person with professional responsibilities for advising or instructing the individual specifically concerning security processes. Upon being made aware of the requirement to cooperate or provide the information, the individual cooperated fully and truthfully;

(c) the offense is so minor, or so much time has passed, or the behavior is so 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;

(d) the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that contributed to untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur;

(e) the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress;

(f) the information was unsubstantiated or from a source of questionable reliability; and

(g) association with persons involved in criminal activities was unwitting, has ceased, or occurs under circumstances that do not cast doubt upon the individual's reliability, trustworthiness, judgment, or willingness to comply with rules and regulations.

Adjudicative Guidelines at ¶ 17.

I do not credit the Individual's claim that the VA psychologist misinterpreted or misrepresented his statements during his VA evaluation for a PTSD disability rating. First, the documentation of the evaluation was not mere box-checking of diagnostic criteria by the VA psychologist; the notes of the evaluation contain specific information related to the Individual, including quotations attributed to the Individual, that the VA psychologist could not have possessed unless it was provided by the Individual. Contrary to the Individual's claim that the information he provided depicted his functioning on his "worst day" at some indeterminate point in the past, the VA psychologist's account of the Individual's symptoms specifically indicated that they were "current mental health problems" and described symptoms in the present tense rather than the past tense. The Individual's claim that the VA psychologist exaggerated his symptoms to help him obtain a higher disability rating is farfetched, and the fact that the Individual has taken no steps to have his disability rating revised in the nearly two year period since he received his PTSD-related disability rating strongly supports the conclusion that the Individual is not concerned by the VA providing him benefits based on false information. Considering the specificity of the information in the documentation of the VA psychologist's evaluation, and the Individual's financial motive to provide the information, I do not accept the Individual's claim that the VA psychologist misrepresented his account of his PTSD symptoms.

Having concluded that the VA psychologist's account of her evaluation of the Individual was reliable, there are two possible explanations of the Individual's subsequent conduct. Either he truly was experiencing significant PTSD symptoms which he did not report to the HRP until February 2025, or he was not experiencing significant PTSD symptoms and lied to the VA psychologist. Assuming that the Individual's account of his symptoms to the VA psychologist was true, he withheld those symptoms from the HRP during his annual evaluations for years. Accordingly, his ultimate disclosure of his PTSD-related disability rating in February 2025 was neither prompt nor made in good faith. The Individual claimed that he was not required to disclose his PTSD until after receiving his diagnosis and disability rating. As an initial matter, I found that the Individual received this information in August 2024 and did not disclose it until February 2025, which was far from the "immediate" disclosure required under the HRP rules. However, even if the Individual received this information in February 2025 as he claimed, the HRP rules are clear that behaviors and symptoms must be disclosed, not just diagnoses. The Individual received annual training on his HRP obligations, and he could not credibly have believed that he was not required to report the extreme symptoms he claimed to the VA psychologist. Accordingly, the first mitigating condition is inapplicable. Adjudicative Guidelines at ¶ 17(a).

Assuming again that the Individual's account of his symptoms to the VA psychologist was truthful, his failure to disclose this information to the HRP was extremely serious. If his functioning was impaired to the extent that he represented to the VA psychologist, it would have been critical for the HRP to be made aware of this information. Indeed, the HRP Psychologist found the Individual was unfit for the HRP based on that information. However, the Individual concealed the information for a lengthy period of time and endorsed lower-levels of symptoms even after he had disclosed his PTSD-related disability rating to DOE.

If, on the contrary, the Individual lied to the VA psychologist about his symptoms to obtain a higher PTSD-related disability rating than was warranted, this would also present serious security concerns. If the Individual is willing to lie to government officials for personal gain, this casts extremely serious doubt on his trustworthiness and reliability. Whether the Individual was lying to the VA psychologist or to HRP officials, his testimony at the hearing continued to advance unreliable claims as to the actions of the VA psychologist and his failure to come forward to the HRP earlier regarding his PTSD symptoms, which suggests that his dishonesty is ongoing. Thus, regardless of the truth of the matter, the third mitigating condition is not applicable. *Id.* at ¶ 17(c).

The remaining mitigating conditions are irrelevant to the facts of this case because the Individual did not claim to have relied on the advice of counsel or another representative in providing the information cited in the SSC, he has not obtained counseling related to dishonesty, the LSO did not allege that the Individual's conduct placed him at special risk of exploitation, manipulation, or duress, the LSO did not rely on information that was unsubstantiated or from a source of questionable reliability, and the LSO did not allege that the Individual associated with persons involved in criminal activities. *Id.* at ¶ 17(b), (d)–(g).

For the aforementioned reasons, none of the mitigating conditions are applicable to the facts of this case. Accordingly, I find that the Individual has not resolved the security concerns asserted by the LSO under Guideline E.

B. Guideline I

Conditions that could mitigate security concerns under Guideline I include:

(a) The identified condition is readily controllable with treatment, and the individual has demonstrated ongoing and consistent compliance with the treatment plan;

(b) The individual has voluntarily entered a counseling or treatment program for a condition that is amendable to treatment, and the individual is currently receiving counseling or treatment with a favorable prognosis by a duly qualified mental health professional;

(c) Recent opinion by a duly qualified mental health professional employed by, or acceptable to and approved by, the U.S. Government that an individual's previous condition is under control or in remission, and has a low probability of recurrence or exacerbation;

(d) The past psychological/psychiatric condition was temporary, the situation has been resolved, and the individual no longer shows indications of emotional instability;

(e) There is no indication of a current problem.

Adjudicative Guidelines at ¶ 29.

The first two mitigating conditions under Guideline I are inapplicable because the Individual has not pursued treatment for a psychological condition. *Id.* at ¶ 29(a)–(b).

As to the remaining mitigating conditions, the DOE Psychologist testified that his opinion that the Individual had a personality condition that impaired his judgment, reliability, and trustworthiness was unchanged. Moreover, he opined that the personality characteristics that formed the basis for the condition were "pretty deeply ingrained" and therefore not temporary. As there is no opinion in the record that the personality condition identified by the DOE Psychologist is under control or temporary, and the DOE Psychologist opined that it continued to present a current problem, the remaining mitigating conditions are inapplicable. *Id.* at ¶ 29(c)–(e).

For the aforementioned reasons, I find that none of the mitigating conditions are applicable. Thus, the Individual has not resolved the security concerns asserted by the LSO under Guideline I.

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 E and Guideline I 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 fully resolve the security concerns asserted by the LSO. 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.

Phillip Harmonick
Administrative Judge
Office of Hearings and Appeals