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United States Department of Energy
Office of Hearings and Appeals

In the Matter of: Personnel Security Hearing

Filing Date: January 23, 2026

Case No.: PSH-26-0055

Issued: July 6, 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 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 July 24, 2025, the Individual was cited for open container. Ex. 5 at 25. Subsequently, the Local Security Office (LSO) asked the Individual to complete a letter of interrogatory (LOI), which the Individual did on August 26, 2025. Ex. 6. Upon receipt of the responses to the LOI, the LSO asked the Individual to undergo a psychological evaluation in October 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), Moderate, without adequate evidence of rehabilitation or reformation. Ex. 4 at 44.

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.

The LSO subsequently 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.*

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 ten exhibits (Ex. 1–10). The Individual submitted thirty-four exhibits (Ex. A–HH). The Individual presented three witnesses and also testified on his own behalf. Hearing Transcript, OHA Case No. PSH-26-0055 (Tr.). The LSO presented one witness. *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” and “diagnosis by a duly qualified medical or mental health professional . . . of alcohol use disorder.” *Id.* at ¶ 22(a), (d). In citing Guideline G, the LSO relied upon the Individual’s July 2025 citation for open container. Ex. 1 at 6. The LSO also cited the DOE Psychologist’s diagnosis of AUD, Moderate. *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

On July 24, 2025, the Individual stopped at a friend's home on the way home from work. Ex. 2 at 12. He opened a beer and began to consume it. *Id.* After he had consumed about half of the beer, the Individual's wife called him and told him that he needed to come home due to a family emergency. *Id.* The Individual poured the rest of the beer out and threw the can into the bottom of his car. *Id.* While he was driving home, he was pulled over for speeding. *Id.* The Individual passed the field sobriety tests administered by the law enforcement officer, but when he showed the law enforcement officer the empty can in the car, he was cited for open container. *Id.* at 12–13.

As a result of this citation, the Individual was asked to meet with a psychologist associated with human reliability program (HRP Psychologist) at his workplace. Ex. 7 at 39. He told the HRP Psychologist that he typically consumed about “two beers once every other week.” *Id.* On August 4, 2025, the Individual underwent a Phosphatidylethanol (PEth) test³ at the request of the HRP Psychologist. *Id.* That test came back positive at a level of 170 ng/mL. *Id.* Because, according to the opinion of a medical doctor, this result indicated that the Individual was consuming more alcohol than he reported, he was asked to undergo another PEth test on August 19, 2025. *Id.* at 40. That test came back positive at a level of 142 ng/mL. *Id.* While this result was lower than the first test, according to the interpretation by the medical doctor, it still indicated that the Individual was consuming more alcohol than he had disclosed. *Id.*

The Individual was evaluated by the DOE Psychologist on October 7, 2025. *Id.* at 38. As part of his evaluation, the Individual underwent a PEth test on the same date. *Id.* at 41. The PEth test came back positive at a level of 437 ng/mL. *Id.* According to the medical doctor that interpreted the PEth test, this result was not consistent with the four to five standard drinks every other week that the Individual reported to the DOE Psychologist. *Id.* However, the DOE Psychologist's report noted that the Individual had reported going on a four-day cruise in the week prior to the evaluation where he consumed “five or six drinks” each day. *Id.* at 40.

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, Moderate, and he had reported a pattern of binge drinking. *Id.* at 44. In order for the Individual to show rehabilitation, the DOE Psychologist stated that the Individual should: (1) complete an intensive outpatient program (IOP) and follow all discharge instructions; (2) participate in weekly Alcoholics Anonymous (AA) meetings with documentation of attendance or participation in a comparable support group; and (3) maintain abstinence for at least twelve months as corroborated by monthly negative PEth test results. *Id.*

The Individual testified at the hearing that he last consumed alcohol on January 10, 2026. Tr. at 69. To support this testimony, he provided five negative PEth tests dated February 10, 2026; March 5, 2026; April 9, 2026; May 6, 2026; June 8, 2026. Ex. Q; Ex. R; Ex. S; Ex T; Ex. DD (PEth test

³ “PEth levels in excess of 20 ng/mL are considered evidence of moderate to heavy ethanol consumption.” Ex. 7 at 49. “PEth reflects the average amount of alcohol consumed over the previous 28–30 days.” *Id.* at 51.

results). He also acknowledged that before he stopped consuming alcohol, he had been “drinking too much.” Tr. at 83, 89, 100–01.

The Individual began attending in-person SMART Recovery⁴ group meetings on January 12, 2026. Ex. EE. He has attended meetings on a weekly basis since then, excepting weeks when the meeting was canceled and one occasion when he was out-of-town. *Id.*; Tr. at 35, 74–75. The Individual testified that he enjoyed attending the SMART Recovery meetings because it was “a big group therapy session.” Tr. at 69–70. The Individual also explained that he found the worksheets he completed as a part of SMART Recovery to be very thought-provoking and that the worksheets made him think about how to balance his life. *Id.* at 76–78 (discussing several worksheets the Individual completed in SMART Recovery). The SMART Recovery facilitator testified that the Individual actively participated in every meeting that he had attended, sharing with everyone how he is doing and talking about his answers from SMART Recovery worksheets. *Id.* at 38–39. He also shared that the Individual regularly arrives to the meeting early and stays late to interact and form community with the other individuals attending the meeting. *Id.* at 40–41. Based on his observation of the Individual at these meetings, he believes that the Individual is taking his recovery very seriously. *Id.* at 47.

The Individual shared with the SMART Recovery facilitator that not consuming alcohol made him feel better and that he also appreciated that it made his wife happy. *Id.* at 50. The Individual later told the SMART Recovery facilitator about how he was proud that he had gone golfing with friends without consuming any alcohol, and he had fun. *Id.* at 51. The Individual also told the SMART Recovery facilitator that he would like to become a facilitator himself so that he can help other people in his community. *Id.* at 72.

In March 2026, the Individual began attending an IOP. Ex. B (certificate indicating when the Individual began and completed the IOP). The Individual completed twenty-five three-hour sessions of the IOP in May 2026. *Id.*; Tr. at 70–71. After the Individual completed the IOP, he began to attend the IOP’s continuing support group on a weekly basis. Ex. CC (letter from IOP indicating the Individual’s continued participation); Tr. at 71. He explained that in the IOP and SMART Recovery he was able to reflect on “persons, places, and things” associated with the consumption of alcohol. Tr. at 88–89. Talking about this made the Individual realize that around certain people and while participating in certain activities, he was consuming too much alcohol. *Id.* at 89

The Individual testified that he does not intend to consume alcohol in the future. *Id.* at 78. His wife has stopped consuming alcohol in order to support his sobriety. *Id.* at 93. His friends and family know that he is not consuming alcohol anymore, and they are all very supportive of that decision. *Id.* at 98.

At the hearing, the DOE Psychologist revised her diagnosis based on her conclusion that the Individual did not meet the diagnostic criterion related to cravings, which resulted in the Individual only meeting sufficient diagnostic criteria for a diagnosis of AUD, Mild rather than AUD, Moderate. *Id.* at 137–38. She also explained that she believed the Individual had provided

⁴ The SMART Recovery facilitator described SMART Recovery as an “alternative recovery program” that is based on cognitive behavioral therapy and aims to help people recover from addiction and improve their lives. Tr. at 30.

sufficient evidence to show that his AUD was in early remission. *Id.* at 138. The DOE Psychologist testified that she believed the Individual's had shown adequate evidence of rehabilitation and reformation. *Id.* at 141. Although the Individual had only provided evidence of about five months of abstinence from alcohol, the DOE Psychologist explained that she would typically only require about six months of documented abstinence from a person she had diagnosed with AUD, Mild. *Id.* She also emphasized that this determination was influenced by the Individual's continued participation in SMART Recovery and the SMART Recovery facilitator's testimony about the Individual's involvement with the group. *Id.* at 142. The DOE Psychologist testified that the Individual's prognosis for continued sobriety is good on a poor, good, excellent scale because he has experienced benefits from his sobriety and continued to participate in his hobbies without consuming alcohol. *Id.* at 143–45. The Individual's prognosis is not excellent because there has not been enough time since he stopped consuming alcohol to reach that conclusion. *Id.* at 145.

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 has resolved the security concerns pursuant to mitigating conditions (b) and (c). At the hearing, he acknowledged that his alcohol use was maladaptive and provided compelling evidence that he had taken actions to overcome his problem by completing his IOP, attending recommended aftercare, and participating in weekly SMART Recovery meetings. In order to support his testimony that he had not consumed alcohol since January 10, 2026, he provided five months of negative PEth tests. He also provided proof that he had completed his IOP and, at the

time of the hearing, was participating in his IOP's recommended aftercare program. The letter he provided from his aftercare provider indicated that he was making good progress in the program. The DOE Psychologist concurred and opined that the Individual's prognosis was "good." Finally, there is no indication that the Individual has a previous history of treatment and relapse.

Accordingly, I find that the Individual has 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 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 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