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

In the Matter of: Personnel Security Hearing

Filing Date: February 4, 2026

Case No.: PSH-26-0059

Issued: July 8, 2026

Administrative Judge Decision

Phillip Harmonick, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXXXXXXXXXXX (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 connection with his employment by a DOE contractor. *See* Exhibit (Ex.) 13 at 109.² On July 1, 2025, the local security office (LSO) received a Personnel Security Information Report (PSIR) indicating that the Individual had been arrested and charged with Domestic Battery in connection with an altercation with his girlfriend (Girlfriend). Ex. 7. In response to a letter of interrogatory (LOI) from the LSO, the Individual indicated that he had consumed alcohol prior to the incident. Ex. 8 at 39.

In October 2025, the Individual underwent a psychological evaluation with a DOE-contracted psychologist (DOE Psychologist). Ex. 11 at 55. The DOE Psychologist subsequently issued a report of the evaluation (Report) in which he opined that the Individual met sufficient criteria for

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 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.

a diagnosis of Alcohol Use Disorder (AUD), Mild, under the *Diagnostic and Statistical Manual of Mental Disorders – Fifth Edition – Text Revision (DSM-5-TR)*. *Id.* at 59.

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 5–7. 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 4.

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, and I conducted an administrative hearing in June 2026. The LSO submitted thirteen exhibits (Ex. 1–13) and the Individual submitted nine exhibits (Ex. A–I).³ The Individual testified on his own behalf and offered the testimony of a coworker, his former team lead, his uncle (Uncle), a personal friend (Friend), a licensed professional clinical counselor (Individual’s Counselor), and his Girlfriend. Hearing Transcript, OHA Case No. PSH-26-0059 (Tr.) at 3, 12, 19, 26, 39, 51, 67, 78. The LSO offered the testimony of the DOE Psychologist. *Id.* at 4, 100.

II. THE NOTIFICATION LETTER AND THE ASSOCIATED SECURITY CONCERNS

The LSO cited Guideline G (Alcohol Consumption) of the Adjudicative Guidelines as the basis for its substantial doubt regarding the Individual’s eligibility for access authorization. Ex. 1 at 4. “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. The SSC cited the Individual’s arrest for Domestic Battery after consuming alcohol and the DOE Psychologist’s determination that the Individual met sufficient criteria for a diagnosis of AUD, Mild, under the *DSM-5-TR*. Ex. 1 at 5. The LSO’s allegations that the Individual engaged in alcohol-related incidents away from work and was diagnosed with AUD by a duly qualified medical or mental health professional justify its invocation of Guideline G.⁴ Adjudicative Guidelines at ¶ 22(a), (d).

III. REGULATORY STANDARDS

³ The Individual submitted Exhibits A–H in one PDF and Exhibit I as a separate PDF. This Decision cites to the Individual’s exhibits by reference to the exhibit label and the pagination of each PDF.

⁴ The LSO also alleged that the Individual continued to consume alcohol following his arrest for Domestic Battery despite claiming in response to an LOI that he had stopped doing so following his arrest. Ex. 1 at 4. While this allegation could potentially have raised a security concern under Guideline E, it does not under Guideline G. *See* Adjudicative Guidelines at ¶ 16(a) (indicating that deliberately providing false information on a form used to make a national security eligibility determination may present security concerns under Guideline E). Accordingly, I do not consider this allegation further.

Additionally, the LSO alleged that the Individual tested positive for traces of alcohol consumption on a test performed as part of the psychological evaluation. Ex. 1 at 4. While this positive alcohol test informed the DOE Psychologist’s opinion in the Report, it does not present a discrete security concern under Guideline G.

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 Arrest and Charge with Domestic Battery

On the night of June 27, 2025, at which time he was twenty-four years old, the Individual attended a nightclub with his Girlfriend and Friend where he consumed alcohol until he blacked out. Ex. 8 at 38–39; Ex. 11 at 56; Tr. at 54–55, 93; *see also* Ex. 13 at 102 (reflecting the Individual's birthdate). In the early morning hours of June 28, 2025, security at the nightclub summoned law enforcement in connection with "a possible domestic violence incident" involving the Individual. Ex. 6 at 28. Law enforcement officers who arrived on the scene reviewed security footage showing the Individual and the Girlfriend "in a heated verbal argument," the Girlfriend walking away from the Individual, the Individual intercepting her and pulling her hair to prevent her from walking away and to "intentionally . . . inflict pain," and security staff intervening after which the Individual released the Girlfriend. *Id.* at 28–29.

When the law enforcement officers questioned the Girlfriend, she denied that the Individual had intentionally pulled her hair and represented that he had done so unintentionally "in efforts to grab her attention because the nightclub was crowded and they were being separated." *Id.*; *see also* Tr. at 75 (Girlfriend testifying at the hearing that she was truthful to the officers and that the Individual had never used physical force against her). However, the Individual admitted to the officers that he intentionally pulled the Girlfriend's hair "due to the argument." Ex. 6 at 28–29; *see also* Tr. at 93 (testifying at the hearing that he could not remember what he told the officers due to having

blacked out). The officers arrested the Individual and he was charged with Domestic Battery.⁵ *Id.*; Ex. 7 at 35. The charges against the Individual were dismissed, *nolle prosequi*.⁶ Ex. 11 at 56.

B. Psychological Evaluation by the DOE Psychologist

The Individual met with the DOE Psychologist for the psychological evaluation on October 24, 2025. Ex. 11 at 55. Therein, the Individual reported to the DOE Psychologist that, since turning twenty-one years of age in 2021, he had consumed four to five beers over three to four hours on Friday and Saturday nights and became “buzzed” each time he consumed alcohol. *Id.* at 56. The Individual indicated that he had sought to reduce his alcohol consumption since his June 2025 arrest, typically consuming three or four drinks where he had previously consumed four or five, but that he had consumed as many as six drinks per sitting approximately twice monthly. *Id.*; *see also id.* (DOE Psychologist estimating that consumption of six drinks over three hours would cause the Individual to become intoxicated).

In addition to interviewing the Individual, the DOE Psychologist administered the Personality Assessment Inventory (PAI) psychological test to the Individual. *Id.* at 57–58, 61–63. According to the DOE Psychologist, the psychological testing indicated that the Individual “may not have answered in a completely forthright manner as he tended to present himself in a consistently favorable light and as being relatively free of common shortcomings” *Id.* at 57. The psychological testing also suggested that the Individual was resistant to treatment. *Id.* at 61 (indicating that the Individual’s score on the RXR (Treatment Rejection) scale was “more than two standard deviations above the mean”); Tr. at 103 (DOE Psychologist testifying to the elevation on the RXR scale).

Immediately following his clinical interview of the Individual, the DOE Psychologist directed the Individual to provide a sample for a phosphatidylethanol (PEth)⁷ test. *Id.* at 57, 65–66. The PEth test was positive at 63 ng/mL. *Id.* at 67.

Based on the Individual’s description of having consumed greater amounts of alcohol than he intended, despite his stated goal of reducing his alcohol consumption, the DOE Psychologist found two diagnostic criteria for AUD applicable. *Id.* at 58–59. Accordingly, he determined that the Individual met sufficient diagnostic criteria for a diagnosis of AUD, Mild, under the *DSM-5-TR*. *Id.* at 59; *see also id.* at 58 (listing the diagnostic criteria for AUD and indicating that the presence of two criteria is sufficient for a diagnosis of AUD). He recommended that the Individual address

⁵ This is the only occasion on which the Individual was arrested or charged with any offense, other than a traffic infraction. Tr. at 99; Ex. 13 at 150–51 (reflecting that no arrests or charges were identified through the 2024 background investigation of the Individual’s eligibility for access authorization).

⁶ In concluding that the charges against the Individual were dismissed, I take judicial notice that publicly available records on a governmental website, accessible using the case number, reflect that fact. *See* Ex. 7 at 35 (reflecting the applicable website and case number on a summary generated prior to the dismissal of the charges).

⁷ PEth is a biomarker for alcohol consumption that can be detected in blood for approximately one month following moderate or greater episodes of alcohol consumption. *See* Ex. 11 at 6, 15–16 (citing William Ulwelling & Kim Smith, *The PEth Blood Test in the Security Environment: What it is; Why it is Important; and Interpretative Guidelines*, J. OF FORENSIC SCI., July 2018 (providing guidance for interpretation of the PEth test)).

his AUD by either: (a) participating in an intensive outpatient program (IOP) for alcohol treatment and demonstrating twelve months of abstinence from alcohol through monthly PEth testing or (b) demonstrating eighteen months of abstinence from alcohol through monthly PEth testing. *Id.* at 59.

C. Individual's Actions to Address His Alcohol Misuse

From August to September 2025, prior to meeting with the DOE Psychologist, the Individual participated in and completed an alcohol education class offered by his employer's employee assistance program (EAP). Ex. A. As he indicated to the DOE Psychologist, the Individual continued to consume alcohol while attending the EAP class. *Supra* p. 4; *see also* Tr. at 96–97 (Individual testifying that he intended to reduce his alcohol consumption because of the class but had not yet “put [his] foot down”). The Individual considered attending additional alcohol-related classes offered by the EAP but decided not to do so. Tr. at 97.

After receiving the Report in early January 2026, the Individual began abstaining from alcohol. *Id.* at 79–80 (testifying that learning of the AUD diagnosis was “embarrassing and shocking”); Ex. C at 3 (reflecting a negative PEth test result from a sample collected on January 30, 2026). The Individual continued abstaining from alcohol through the date of the hearing in June 2026. Tr. at 80–81; Ex. C at 3 (showing that the Individual underwent monthly PEth testing beginning in January 2026 and ending in May 2026 and that each test was negative for traces of alcohol consumption) Tr. at 28, 36 (Uncle, with whom the Individual had previously consumed alcohol regularly, testifying that he had not observed the Individual consume alcohol since approximately October 2025); Tr. at 70 (Girlfriend testifying that she last observed the Individual consume alcohol in December 2025).

In January 2026, the Individual sought admission to an online IOP. Tr. at 80. However, after an assessment, the IOP determined that the Individual's AUD was not sufficiently severe to warrant admission to the IOP and on January 15, 2026, notified him that he was ineligible. Ex. B at 2. The IOP advised the Individual that “[o]utpatient therapy services were recommended” *Id.* However, the Individual did not pursue any other alcohol-related interventions because he “knew he didn’t need any more help” to abstain from alcohol.⁸ Tr. at 82.

The Individual began meeting with the Individual's Counselor in February 2026, on an approximately biweekly basis, for treatment of “anxiety symptoms related to losing his clearance” *Id.* at 40, 44; *see also id.* at 42 (Individual's Counselor testifying that she provided the Individual with tools for managing anxiety, sleep disturbances, and “excessive worry related to . . . losing his clearance”). In an initial assessment with the Individual's Counselor, the Individual represented that he consumed two to three alcoholic beverages at social events approximately once

⁸ The Individual subsequently testified that he had tried to enroll in other IOPs, but that one IOP he contacted only offered services “seasonally” and that “it was hard to find somewhere in person.” Tr. at 80, 84. The DOE Psychologist testified that “there are IOPs all over the place” and that he “would guess that there [were] some of those available” to the Individual. *Id.* at 104. Considering that the Individual testified that he did not perceive that he needed an IOP to support his abstinence, the DOE Psychologist's testimony, and the absence of any documentation to corroborate the Individual's claims, I do not credit the Individual's testimony that he unsuccessfully sought to enroll in other IOPs.

monthly.⁹ *Id.* at 48. He denied excessive alcohol consumption or blackouts, other than the one that occurred in connection with his arrest which the Individual's Counselor inferred was "an isolated incident," and also denied cravings for alcohol or difficulties abstaining from alcohol. *Id.* at 48–49. He did not provide the Individual's Counselor with the Report. *Id.* at 40. Based on the information provided to her by the Individual, the Individual's Counselor determined that he did not meet sufficient criteria for a diagnosis of AUD and instead diagnosed him with Adjustment Disorder under the *DSM-5*. *Id.* at 40–42. Accordingly, she did not provide him with any alcohol-related treatment. *Id.* at 41.

At the hearing, the Individual testified that he recognized that he had a problem with alcohol and took the DOE Psychologist's diagnosis "very seriously." Tr. at 82. He relied on his willpower and engaging in a variety of hobbies to help him stay "away from places that are mainly alcohol-related" *Id.* at 85; *see also id.* at 90 (testifying that his career goals were a powerful motivator to avoid a relapse); *id.* at 58 (Individual's Friend testifying that the Individual made positive lifestyle changes such as improving his diet and going to the gym). He testified that he intended to abstain from alcohol and that he did not "have a future [sic] of [] when the next time [he was] going to drink." *Id.* at 86; *but see id.* at 31–32 (Uncle testifying that the Individual had told him that he intended to abstain from alcohol for "maybe like two years"); *id.* at 70 (Girlfriend, in response to a question concerning the Individual's future intentions regarding alcohol, testifying "he doesn't say he's – anything on it, he's just abstinent right now").

D. Updated Opinion of the DOE Psychologist

The DOE Psychologist testified that the Individual had not complied with his recommendations or demonstrated rehabilitation or reformation from his AUD. Tr. at 103. Although he would not normally have recommended an IOP for a person with AUD, Mild, which he testified would normally be an appropriate intervention for Moderate or Severe AUD, he believed that an IOP was appropriate for the Individual considering that the Individual had not changed his alcohol consumption in response to the EAP class and in light of the DOE Psychologist's perception that the Individual's alcohol-related arrest was a significant occurrence. *Id.* at 104–05.

V. ANALYSIS

Guideline G

Conditions that could mitigate security concerns under Guideline G include:

- (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;

⁹ The Individual confirmed that he had told the Individual's Counselor that he usually consumed two to three drinks per sitting but represented that he told her that he occasionally consumed more alcohol. Tr. at 98. Considering the Individual's Counselor's belief that the Individual only consumed alcohol monthly, while the Individual reported a much higher frequency of alcohol consumption to the DOE Psychologist, I find it more probable that the Individual underreported the amount of alcohol he consumed per sitting than that the Individual's Counselor misremembered what he told her.

- (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; or,
- (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.

Before addressing the mitigating conditions, I will first address the opinion of the Individual's Counselor that the Individual does not have AUD. It is apparent from her testimony that she did not have the same information available to her to form her opinion as did the DOE Psychologist because the Individual underrepresented the frequency and volume of his alcohol consumption to her. Consequently, I cannot say whether she would have diagnosed the Individual with AUD if she knew the extent of the Individual's alcohol consumption and that he had consumed more alcohol than he intended. Therefore, I credit the DOE Psychologist's diagnosis of AUD over the Individual's Counselor's opinion.

The Individual's June 2025 arrest was the only alcohol-related arrest he has experienced in his life. Moreover, while the Individual obviously committed an unlawful battery on the Girlfriend, the pulling of her hair was not severely violent. *See* 10 C.F.R. § 710.7(c) (requiring consideration of "the nature, extent, and seriousness of the conduct" in applying the mitigating conditions). Furthermore, he was a relatively young man when he committed the offense. *See id.* (requiring consideration of "the age and maturity of the individual at the time of the conduct"). These factors weigh in favor of finding the first mitigating condition applicable. However, I am concerned by the Girlfriend's denial that the Individual intentionally pulled her hair due to the argument despite the Individual himself admitting to having done so when he was arrested and video evidence corroborating that his conduct was intentional. Considering that the Girlfriend was unwilling to admit that the Individual committed an alcohol-related offense when the evidence strongly suggests he did, she is not a reliable witness as to whether he has committed other alcohol-related violence in the past. Considering the relatively short period of time that has passed since the Individual's arrest, the unreliability of the Girlfriend's testimony, and, as explained below, the Individual's unresolved AUD, I cannot find that the passage of time is sufficient to establish that he will not commit alcohol-related offenses in the future or that his conduct was infrequent or occurred under unusual circumstances. Therefore, the first mitigating condition is inapplicable. Adjudicative Guidelines at ¶ 23(a).

The Individual has acknowledged his maladaptive alcohol use and began abstaining from alcohol immediately after receiving the Report, albeit for a significantly shorter period than recommended.

However, he has not taken meaningful action to address his alcohol problem such that I can be confident that he will not return to maladaptive alcohol use. The Individual took no substantive action to find alternative treatment after being rejected from the IOP, despite the recommendation of the DOE Psychologist that he receive treatment and the letter from the IOP itself which indicated that he was referred to another provider for less intensive treatment. Considering that the Individual has only abstained from alcohol for five months, has not committed to lifelong abstinence, and admitted to consuming more alcohol than he intended in the months prior to his meeting with the DOE Psychologist, he is at substantial risk of returning to maladaptive alcohol use should he return to using alcohol in the future without additional interventions. Accordingly, I find the second mitigating condition inapplicable. *Id.* at ¶ 23(b).

The third and fourth mitigating conditions are inapplicable because the Individual's Counselor denied that she provided the Individual with alcohol-related treatment and he did not pursue other interventions as recommended. *Id.* at ¶ 23(c)–(d).

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

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 relevant information, favorable and unfavorable, in a comprehensive, common-sense manner, including weighing all testimony and other evidence presented at the hearing, I find that the Individual has not brought forth sufficient evidence to 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