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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: December 19, 2022 ) Case No.: PSH-23-0036  
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Issued: February 27, 2023

**Administrative Judge Decision**

Phillip Harmonick, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXXX (the Individual) to hold an access authorization under the United States Department of Energy’s (DOE) regulations, set forth at 10 C.F.R. Part 710, “Procedures for Determining Eligibility for Access to Classified Matter and Special Nuclear Material.”<sup>1</sup> 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**

On July 28, 2022, the Individual was involved in an incident while on work-related travel to attend a negotiation. Exhibit (Ex.) 4 at 1. The Individual was absent from the afternoon session of the negotiation and was not responsive to multiple attempts to contact him. Ex. 3 at 2; Ex. 5 at 2; Ex. 8 at 1; Ex. 10 at 2. Later that evening, when the Individual contacted his coworkers and management, he was visibly injured and gave conflicting accounts of how and when the injuries had occurred. Ex. 5 at 2–3; Ex. 6 at 3; Ex. 7 at 1; Ex. 9 at 1.

The local security office (LSO) requested that the Individual meet with a DOE-contracted psychologist (DOE Psychologist) for an evaluation. Ex. 1 at 1. The DOE Psychologist conducted a clinical interview of the Individual and administered a number of psychological tests. *Id.* at 2. The DOE Psychologist subsequently issued a report of the evaluation (Report) in which he opined that the results of the psychological tests and clinical interview indicated that the Individual had “deeply ingrained tendencies toward minimizing personal deficiencies and avoiding related

<sup>1</sup> 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.

consequences” that manifested in his displaying behaviors that cast doubt on his judgment, stability, reliability, or trustworthiness. *Id.* at 12.

The LSO issued the Individual a letter notifying him that it possessed reliable information that created substantial doubt regarding his eligibility for access authorization. In a Summary of Security Concerns (SSC) attached to the letter, the LSO explained that the derogatory information raised security concerns under Guideline E (Personal Conduct) and Guideline I (Psychological Conditions) of the Adjudicative Guidelines. Ex. 15.

The Individual exercised his right to request an administrative review hearing pursuant to 10 C.F.R. Part 710. The Director of the Office of Hearings and Appeals (OHA) appointed me as the Administrative Judge in this matter, and I subsequently conducted an administrative hearing. The LSO submitted sixteen exhibits (Exs. 1–16). The Individual did not submit any exhibits and testified on his own behalf. Hearing Transcript (Tr.) at 4, 14.<sup>2</sup> The LSO offered the testimony of the DOE Psychologist. *Id.* at 4, 49.

## **II. THE NOTIFICATION LETTER AND THE ASSOCIATED SECURITY CONCERNS**

The LSO cited Guideline E as the first basis for its suspension of the Individual’s access authorization. Ex. 15 at 1–2. “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.” Adjudicative Guidelines at ¶ 15. The SSC cited the Individual’s lack of candor regarding the events of July 28, 2022, to his coworkers and in the clinical interview with the DOE Psychologist to support its determination. Ex. 15 at 1–2. The LSO’s assertions in the SSC justify its invocation of Guideline E. Adjudicative Guidelines at ¶ 16.

The LSO also cited Guideline I as a part of its determination to suspend the Individual’s access authorization. “Certain emotional, mental, and personality conditions can impair judgment, reliability, or trustworthiness. A formal diagnosis of a disorder is not required for there to be a concern under this guideline.” *Id.* at ¶ 27. The SSC cited the Individual’s unusual behavior in connection with the July 28, 2022, incident and the DOE Psychologist’s opinion that the Individual’s behavior and the results of psychological testing cast doubt on his judgment, stability, reliability, or trustworthiness in support of its determination. Ex. 15 at 2. As explained below, I find that the LSO’s allegations are insufficiently developed to raise a security concern under Guideline I. *Infra* pp. 8–9.

## **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

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<sup>2</sup> Due to an unnumbered first page, the pagination of the transcript does not correspond to the number of pages included in the transcript. This Decision cites to pages in the order in which they appear in referenced materials without regard for their internal pagination.

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) (1991) (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 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. 10 C.F.R. § 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 28, 2022, the Individual participated in an out-of-town negotiation between DOE and external parties. Ex. 4 at 1; Ex. 6 at 2; Ex. 8 at 1; Ex. 10 at 1. The Individual attended the morning session of the negotiation, and all parties agreed to return from lunch at 1:00 PM local time. Ex. 4 at 1; Ex. 5 at 2; Ex. 8 at 1; Ex. 10 at 2. At 1:00 PM, the Individual had not returned, but his belongings remained in the room that was being used for the negotiation. Ex. 3 at 2; Ex. 5 at 2; Ex. 8 at 1; Ex. 10 at 2. When the session ended between 2:30 and 3:00 PM, no one had heard from the Individual since the lunch break despite multiple attempts at contacting him. Ex. 3 at 2; Ex. 5 at 2; Ex. 8 at 1; Ex. 10 at 2. One coworker (Coworker) took the Individual’s bag with him to his hotel and texted the Individual to inform him where he could retrieve his belongings. Ex. 5 at 2.

Between 3:00 PM and 5:00 PM, the Individual’s supervisor (Supervisor) and several other individuals in his management chain who were not present at the negotiation attempted to contact him. Ex. 6 at 2. One manager (First Manager) made contact with the Individual around 4:45 PM, and the Individual told him that he was “working out.” Ex. 7 at 1. Several minutes later, the Individual called his Supervisor, saying that “he was fine and was working out hard at the hotel.” Ex. 6 at 2. The Individual also told the Supervisor that he had attended the afternoon session of the negotiations in person and was flying home the next day.<sup>3</sup> *Id.*

At approximately 5:00 PM the Coworker received a call from the Individual and gave the Individual the address of his hotel so that the Individual could retrieve his belongings. Ex. 5 at 2. After having agreed to meet the Coworker at the Coworker’s hotel, the Individual called the

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<sup>3</sup> At the hearing, the Individual denied having told the Supervisor that he had attended the afternoon session or was flying home the next day, and he asserted that he believed that the First Manager’s reference to him having been “working out” was from a call which occurred on July 27 rather than July 28. Tr. at 24–25. I find it exceedingly improbable that the First Manager and Supervisor would both recall the Individual having said that he was “working out” on July 28 if he had not actually made that claim to both individuals. Moreover, I find it much more probable that the Supervisor and First Manager accurately recalled their conversations with the Individual on July 28 in their statements prepared days later than the Individual did in his hearing testimony approximately six months after the conversations.

Coworker again to ask the Coworker to meet him on the street at a different location. *Id.* The Coworker decided it would be best for him to walk to meet the Individual at the other location and began to do so, receiving several calls from the Individual along the way, including one moments before he arrived in which the Individual warned the Coworker that he was “all bloody” but that the Coworker “should not be concerned.” *Id.*

When the Coworker arrived, he observed that the Individual was “bloody.” *Id.* at 3. The Individual told the Coworker that he had “been beaten up and had already been to the hospital.” *Id.* The Coworker did not believe the Individual had been to the hospital because “one dirty bandaid [sic] on the wors[t] of the scrapes” was the only visible care for the Individual’s injuries that the Coworker observed. *Id.* The Coworker also perceived that the Individual’s injuries were inconsistent with having been “beaten up” and thought that the injuries looked more like “scrapes from a fall or road rash.” *Id.* The Coworker was concerned and told the Individual that he would either walk him back to his hotel or wait with him for an ambulance. *Id.* The Individual wanted the Coworker to leave but eventually agreed to walk back to his hotel with the Coworker. *Id.* The Coworker perceived that the Individual was disoriented and having difficulty walking, and at one point the Individual fell and struck his head on the sidewalk. *Id.*; *see also* Tr. at 45–46 (reflecting the Individual’s statements at the hearing that he was having difficulty walking and standing without assistance and that he fell and hit his head when returning to his hotel with the Coworker).

When they arrived at the hotel, the Coworker asked the front desk to call an ambulance. Ex. 5 at 3. The Individual asked the Coworker to leave again, and the Coworker refused. *Id.* When medical and law enforcement personnel arrived, hotel staff escorted them to the Individual’s room. *Id.* The Coworker overheard the law enforcement officers and medics saying that the Individual had refused to talk to them, file a report, or otherwise accept any help. *Id.*

While the Coworker was walking back to his hotel, the Individual called him and told him that he had reported the attack to the police and that the police had already caught the person who had assaulted him. *Id.* The Coworker received several more calls from the Individual that evening, including one in which he told the Coworker that he had been to the hospital and had received stitches to an arm wound due to having been “stabbed.” *Id.* at 4.

The Individual spoke with the First Manager, Supervisor, and another colleague separately that evening. Ex. 6 at 3; Ex. 7 at 1; Ex. 9 at 1. The Individual told each of them that he had been “beaten up.” Ex. 6 at 3 (indicating that he “got beat[en] to a pulp”); Ex. 7 at 1 (representing that he was attacked by a homeless person after refusing to give him money); Ex. 9 at 1 (claiming that a man beat him up because he “must have said something wrong”). He told the First Manager that he had filed a police report. Ex. 5 at 3. However, the next day, the Individual told the Supervisor that he had not filed a police report but that the police “were now working on a report.” Ex. 6 at 4. Another management official (Second Manager) informed the Individual that he was required to provide a copy of the police report because it had occurred during an official trip, and the Individual agreed to do so. Ex. 11 at 1. The next week, the Individual told the Second Manager that there was no police report prepared in connection with the incident. *Id.* at 2.

On August 2, 2022, the Individual provided a statement about the July 28, 2022, incident to the Second Manager. *Id.* at 3; Ex. 4. In the statement, the Individual asserted that he was “hit from

behind and knocked down on the sidewalk.” Ex. 4 at 1. The Individual represented that he returned to his hotel following the attack and received “treatment from the fire department.” *Id.* at 2.

The Individual met with the DOE Psychologist for a clinical evaluation on September 1, 2022. Ex. 1 at 1. The DOE Psychologist administered four psychological tests that assessed the Individual’s personality and included measures to identify untruthful or invalid responses.<sup>4</sup> *Id.* at 5–11. The Individual’s responses to the Minnesota Multiphasic Personality Inventory-2 (MMPI-2) produced valid results which showed “no unmanageable psychological conflicts or threatening stressors . . .” *Id.* at 7. However, three other tests – Millon Clinical Multiaxial Inventory-IV (MCMI-IV), Paulhus Deception Scales (PDS), and Personality Assessment Inventory (PAI) – produced results from which the DOE Psychologist drew negative inferences.

The profile of the Individual produced by the MCMI-IV indicated that he “may be unwilling to self-examine his role in difficult situations of prolonged distress and [] react[s] externally by behaving erratically,” and he “present[s] with a high degree of animation . . . [and] evince[s] hotheadedness” and “rapidly shifting, shallow emotions.” *Id.* at 7. The Individual’s responses to the PDS reflected “relatively mild” distortions and management of self-presentation which the DOE Psychologist opined were consistent with a “tendency toward self-enhancement” and being “influenced by situational demands . . . to respond in a socially acceptable manner.” *Id.* at 8–9. The Individual denied some common shortcomings in his responses to the PAI, but did not display “a level of offensiveness that would render [the] test results invalid.” *Id.* at 9. The DOE Psychologist inferred from the Individual’s responses that “he may minimize problems . . . [and] play down areas where functioning might be less than optimal.” *Id.*

Based on the results of these tests and his review of the accounts of the July 28 incident, the DOE Psychologist determined that the Individual did not meet sufficient diagnostic criteria for any psychological condition. *Id.* at 12. However, the DOE Psychologist opined that the Individual had “deeply ingrained tendencies towards minimizing personal deficiencies and avoiding related consequences” which resulted in behavior that “casts significant doubt on [the Individual’s] judgment, stability, reliability, or trustworthiness.” *Id.* In order for the Individual to show adequate evidence of rehabilitation or reformation, the Psychologist recommended that the Individual acknowledge his deficiencies and engage in psychotherapy and corrective interventions for six to twelve months. *Id.*

At the hearing, the Individual represented that on the day of the incident he was walking to his hotel to eat lunch when he was hit “in the right side of the back” by “a forearm” and fell to the ground.<sup>5</sup> Tr. at 15. The Individual believed that the assailant was a person who walked past him after he fell to the ground who “was in his 40s . . . [and] had a gray outfit on” *Id.* at 21. The

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<sup>4</sup> The Psychologist administered seven tests in total: the Beck Depression Inventory-2 (BDI-2), Beck Hopelessness Scale (BHS), Millon Clinical Multiaxial Inventory-IV (MCMI-IV), Minnesota Multiphasic Personality Inventory-2 (MMPI-2), Paulhus Deception Scales (PDS), Personality Assessment Inventory (PAI), and Substance Abuse Subtle Screening Inventory-3 (SASSI-3). Ex. 1 at 5–11. The Individual’s responses to the BDI-2, BHS, and SASSI-3 did not provide evidence of psychological or substance abuse issues. *Id.*

<sup>5</sup> The Individual is over six feet tall and weighed over two hundred pounds at the time of the incident. Tr. at 41. In light of the Individual’s stature, I harbor doubts that a “forearm” to the Individual’s back could have caused him to fall with such force as to lead to the injuries the Coworker observed or the Individual himself described.

Individual denied having spoken to the man, did not perceive the man as agitated, and was not robbed. *Id.* at 21–22, 42. According to the Individual, passersby on the street helped him back to his hotel where he gave a statement to the hotel’s head of security. *Id.* at 16; *see also* Ex. 2 (indicating that the Individual reported an attack to the hotel and received aid from the local fire department). He testified that hotel security called the fire department, who “mainly looked at . . . the deepest gash [on his elbow]” and determined that he did not have a concussion. *Id.* The Individual denied that any object punctured his elbow when he fell and claimed that the wound was “major road rash.” *Id.* at 43.

The Individual claimed that he slept in his hotel room for several hours after receiving medical attention. *Id.* at 16–17. The Individual testified that he called the Coworker “because there was concern that [he] didn’t show up at the afternoon session [of the negotiation.]” *Id.* at 17. He recounted having arranged to meet the Coworker at the Coworker’s hotel to retrieve his belongings, being aided by the Coworker in returning to his hotel due to difficulties standing or walking, and the Coworker summoning an ambulance over concerns about the Individual’s wellbeing. *Id.* According to the Individual, the medical personnel who arrived left without treating him after learning that he had already been evaluated in connection with the incident. *Id.* at 31. He denied recollection of police officers having been present as the Coworker claimed in his statement. *Id.* at 31–32.

According to the Individual, he “made up several statements” about going to a hospital, receiving stitches to his arm wound, and having called the police because he “just wanted [the Coworker] out of the hotel.” *Id.* at 18, 34. The Individual denied recollection of having told the Supervisor that he was present at the negotiation, telling the First Manager that he was attacked by a homeless person for refusing to give him money and had filed a police report, or having failed to mention his assault to the Supervisor or Coworker during his first interactions with them following the assault. *Id.* at 26–27, 34–35. He claimed that he did not call the police because he “wasn’t really thinking” and that giving a statement to the head of hotel security was sufficient reporting of the incident. *Id.* at 23, 32.

The DOE Psychologist testified that he “relied on the personality inventories . . . [and] impression based on [the Individual’s] version [of] the events that occurred [on July 28, 2022,]” in preparing his Report. *Id.* at 59–60. He indicated that the results of the psychological testing “paint[ed] a picture of somebody who may have reacted to the experience that he describes with sort of an exaggerated manner.” *Id.* at 56. The DOE Psychologist opined that the Individual’s account of the incident was implausible due to conflicts with the accounts of the Individual’s colleagues and unexplained gaps in time and that “based on that sort of cognitive dissonance . . . this is someone who is not reliable when it comes to presenting factual information.” *Id.* at 57. His assessment of the Individual had not changed after observing the hearing and he did not believe the Individual had taken any of the steps necessary for him to achieve rehabilitation or reformation. *Id.* at 68.

## **V. ANALYSIS**

### **A. Guideline E**

The LSO's allegations that the Individual intentionally provided false information concerning the July 28, 2022, incident to his supervisors and coworkers raises security concerns under Guideline E. Adjudicative Guidelines at ¶ 16(b)–(e). The Individual asserted that his statements were largely truthful and others had misremembered or misinterpreted things that happened that day. The Adjudicative Guidelines provide seven conditions which may mitigate security concerns under Guideline E:

(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.

The Individual admits that he provided false information concerning seeking medical attention and filing a police report following the incident on July 28, 2022, and did not clarify these misrepresentations until the hearing, more than six months after the incident occurred. Moreover, in light of the Individual's erratic behavior and unresolved inconsistencies between his account of the incident and the information provided by witnesses, it is unclear whether the true cause of the Individual's injuries has been established. Therefore, the first mitigating condition is inapplicable. *Id.* at ¶ 17(a).

The second mitigating condition is not applicable because there is no allegation that the Individual was acting on the advice of counsel or any other person with professional responsibilities for advising him with respect to security processes. *Id.* at ¶ 17(b).

While the Individual's purported assault is likely an isolated event which is unlikely to occur, the behaviors the Individual demonstrated in response to this event could reoccur in response to any traumatic event at work or in his personal life. Here, the Individual failed to notify appropriate authorities about a crime, falsely claimed to have filed a police report until pressed to provide evidence of having done so by the Second Supervisor, and provided coworkers and the Supervisor with false information about his whereabouts and the incident in what appear to have been attempts to minimize the severity of the situation and deflect their attention. Whatever the Individual's reason for engaging in lies and deflection related to the incident, the Individual's erratic behavior and willingness to engage in deception of his colleagues and management raises serious concerns as to his ability or willingness to behave in a reliable and trustworthy manner in his capacity as a clearance holder. The Individual's conduct occurred within the past year, and there is no indication that he has taken any steps that might change his response to a traumatic event in the future. Instead, the Individual provided a dubious explanation for his conduct on July 28, 2022, at the hearing and continued to deny making false statements corroborated by multiple witnesses, such as his claiming to have been "working out" when asked about his whereabouts on the day of the incident. Therefore, I find the third mitigating factor inapplicable. *Id.* at ¶ 17(c).

The Individual has not sought out any counseling, nor did he testify to any steps he has taken to reduce his vulnerability to exploitation, manipulation, or duress. Thus, the fourth and fifth mitigating factors do not apply. *Id.* at ¶ 17(d)–(e). The information about the Individual's untruthfulness came from numerous colleagues and supervisors of the Individual and, therefore, is not of questionable reliability. Therefore, I find the sixth mitigating factor is inapplicable. *Id.* at ¶ 17(f). The seventh mitigating condition does not apply in this case because the LSO has not alleged that the Individual was associated with persons involved in criminal activity. *Id.* at ¶ 17(g).

Inconsistencies between the Individual's account of the incident and those provided by witnesses, as well as the Individual's illogical behavior and failure to report his alleged assault to proper authorities, continue to call into question the events that occurred on July 28, 2022. In light of the Individual's failure to take affirmative steps to provide a full and thorough account of the incident, or to take steps to address the underlying issues that led to his conduct, I find that his reliability and trustworthiness remain in doubt. Accordingly, I find that the Individual has not resolved the security concerns asserted by the LSO under Guideline E.

## **B. Guideline I**

The DOE Psychologist opined in his Report that the Individual's behavior in connection with the July 28, 2022, incident, and the results of the psychological testing cast doubt on the Individual's reliability, trustworthiness, stability, and judgment. The LSO asserted that the DOE Psychologist's Report raised security concerns under Guideline I. However, I find that the LSO's allegations are inextricably linked with the Individual's conduct on July 28, 2022, and therefore are not properly asserted under Guideline I.



A person's irresponsibility, untruthfulness, or bizarre behavior may raise concerns under Guideline I if the behavior is "not covered under any other guideline." Adjudicated Guidelines at ¶ 28(a). In this case, the Individual's untruthfulness to his employer and unreliable behavior in connection with the July 28, 2022, incident are covered under Guideline E. *Supra* pp. 7–8; *see also Personnel Security Hearing*, OHA Case No. PSH-19-0047 at 10 (2019) (determining that an LSO improperly asserted an individual's alleged chronic lying under Guideline I when the conduct was covered under Guideline E).<sup>6</sup> Accordingly, I find that the Individual's alleged untruthfulness and irresponsibility in connection with the July 28, 2022, incident does not raise security concerns under ¶ 28(a) of the Adjudicative Guidelines.

The DOE Psychologist expressly denied that the Individual met sufficient diagnostic criteria to support diagnosing the Individual with any psychological condition. *Supra* p. 5. Thus, the LSO has not shown "an opinion by a duly qualified mental health professional that the individual has a *condition* that may impair judgment, stability, reliability, or trustworthiness." Adjudicative Guidelines at ¶ 28(b) (emphasis added). The remaining bases for security concerns under Guideline I – hospitalization for psychological treatment, failure to follow a prescribed treatment plan for a diagnosed psychological condition, and pathological gambling – are inapplicable to the facts of this case. *Id.* at ¶ 28(c)–(e).

Having concluded that the SSC did not allege sufficient facts to raise a security concern under Guideline I, I find the allegations in the SSC under Guideline I resolved.

## 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 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.

Phillip Harmonick  
Administrative Judge  
Office of Hearings and Appeals

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<sup>6</sup> Decisions issued by OHA are available on the OHA website located at <http://www.energy.gov/OHA>.