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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: November 6, 2023) Case No.: PSH-24-0011
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Issued: February 6, 2024

Administrative Judge Decision

Kristin L. Martin, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXXX (hereinafter referred to as “the Individual”) for access authorization under the Department of Energy’s (DOE) regulations set forth at 10 C.F.R. Part 710, entitled, “Procedures for Determining Eligibility for Access to Classified Matter and Special Nuclear Material.”¹ For the reasons set forth below, I conclude that the Individual’s security clearance should not be restored.

I. BACKGROUND

The Individual is employed by a DOE Contractor in a position which requires him to hold a security clearance. Derogatory information was discovered regarding his alcohol consumption, personal conduct, and criminal conduct. The Local Security Office (LSO) began the present administrative review proceeding by issuing a Notification Letter to the Individual informing him that he was entitled to a hearing before an Administrative Judge in order to resolve the substantial doubt regarding his eligibility to continue holding a security clearance. *See* 10 C.F.R. § 710.21.

The Individual requested a hearing and the LSO forwarded the Individual’s request to the Office of Hearings and Appeals (OHA). The Director of OHA appointed me as the Administrative Judge in this matter. At the hearing I convened pursuant to 10 C.F.R. § 710.25(d), (e) and (g), the Individual presented the testimony of his wife and testified on his own behalf. The LSO presented the testimony of the DOE consultant psychiatrist who had evaluated the Individual. *See* Transcript of Hearing (hereinafter cited as “Tr.”). The LSO submitted 14 exhibits, marked as Exhibits 1 through 14 (hereinafter cited as “Ex.”). The Individual submitted 10 exhibits, marked as Exhibits A through J.

¹ Under the regulations, “[a]ccess authorization’ means 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). Such authorization will also be referred to in this Decision as a security clearance.

II. THE NOTIFICATION LETTER AND THE ASSOCIATED SECURITY CONCERNS

As indicated above, the Notification Letter informed the Individual that information in the possession of the DOE created a substantial doubt concerning his eligibility for a security clearance. That information pertains to Guidelines E, G, and J of the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position*, effective June 8, 2017 (Adjudicative Guidelines). These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with the factors listed in the adjudicative process. 10 C.F.R. § 710.7.

Guideline E states that:

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. Conditions that could raise a security concern include:

- (a) Deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine national security eligibility or trustworthiness, or award fiduciary responsibilities;
- (b) Deliberately providing false or misleading information; or concealing or omitting information, concerning relevant facts to an employer, investigator, security official, competent medical or mental health professional involved in making a recommendation relevant to a national security eligibility determination, or other official government representative;
- (c) Credible adverse information in several adjudicative issue areas that is not sufficient for an adverse determination under any other single guideline, but which, when considered as a whole, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information;
- (d) Credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics

indicating that the individual may not properly safeguard classified or sensitive information. This includes, but is not limited to, consideration of:

- (1) Untrustworthy or unreliable behavior to include breach of client confidentiality, release of proprietary information, unauthorized release of sensitive corporate or government protected information;
 - (2) Any disruptive, violent, or other inappropriate behavior;
 - (3) A pattern of dishonesty or rule violations; and
 - (4) Evidence of significant misuse of Government or other employer's time or resources;
- (e) Personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress by a foreign intelligence entity or other individual or group. Such conduct includes:
- (1) Engaging in activities which, if known, could affect the person's personal, professional, or community standing;
 - (2) While in another country, engaging in any activity that is illegal in that country;
 - (3) While in another country, engaging in any activity that, while legal there, is illegal in the United States;
- (f) Violation of a written or recorded commitment made by the individual to the employer as a condition of employment; and
- (g) Association with persons involved in criminal activity.

Id. at ¶ 16.

Guideline G states that 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:

- (a) Alcohol-related incidents away from work, such as driving while under the influence, fighting, child or spouse abuse, disturbing the peace, or other incidents of concern, regardless of the frequency of the individual's alcohol use or whether the individual has been diagnosed with alcohol use disorder;
- (b) Alcohol-related incidents at work, such as reporting for work or duty in an intoxicated or impaired condition, drinking on the job, or jeopardizing the welfare and safety of others, regardless of whether the individual is diagnosed with alcohol use disorder;

- (c) Habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed with alcohol use disorder;
- (d) Diagnosis by a duly qualified medical or mental health professional (*e.g.*, physician, clinical psychologist, psychiatrist, or licensed clinical social worker) of alcohol use disorder;
- (e) The failure to follow treatment advice once diagnosed;
- (f) Alcohol consumption, which is not in accordance with treatment recommendations, after a diagnosis of alcohol use disorder; and
- (g) Failure to follow any court order regarding alcohol education, evaluation, treatment, or abstinence.

Id. at ¶ 22.

Guideline J states that criminal activity creates doubt about a person's judgment, reliability, and trustworthiness and that, by its very nature, it calls into question a person's ability or willingness to comply with laws, rules, and regulations. Adjudicative Guidelines at ¶ 30. Conditions that could raise a security concern include:

- (a) A pattern of minor offenses, any one of which on its own would be unlikely to affect a national security eligibility decision, but which in combination cast doubt on the individual's judgment, reliability, or trustworthiness;
- (b) Evidence (including, but not limited to, a credible allegation, an admission, and matters of official record) of criminal conduct, regardless of whether the individual was formally charged, prosecuted, or convicted;
- (c) Individual is currently on parole or probation;
- (d) Violation or revocation of parole or probation, or failure to complete a court-mandated rehabilitation program; and
- (e) Discharge or dismissal from the Armed Forces for reasons less than "Honorable."

Id. at ¶ 31.

The LSO alleges under Guideline G:

1. In June 2023, a DOE consultant psychiatrist (the Psychiatrist) evaluated the Individual and, in a report issued later that month, concluded that the Individual habitually consumed alcohol on a binge basis that could result in impaired judgment, emotional or behavioral stability, decision making, and problem solving. The Individual admitted to consuming four to five beers per occasion, once a week for the past 20 years; he acknowledged being intoxicated on approximately five occasions per year.

2. Directly after the Psychiatrist's evaluation, the Individual was administered an Ethyl Glucuronide (EtG) urine test and a Phosphatidylethanol (PEth) blood test to screen for alcohol use over the past week and month, respectively. The Individual's EtG was positive at a level of 3,529 ng/mL, and his PEth was positive with a result of 144 ng/mL. The Psychiatrist interpreted the results to indicate that the Individual consumed a significant amount of alcohol within the prior month, contrary to his reported abstinence since his December 2022 arrest for Driving Under the Influence (DUI). When first confronted with the positive alcohol laboratory test results, the Individual had no explanation for the test results; however, he later admitted to consuming three cans of a sugar-free energy drink which contained 6% alcohol the day before the laboratory testing. The explanation did not alter the Psychiatrist opinions and conclusions.
3. The Psychiatrist concluded that the Individual had not demonstrated adequate evidence of rehabilitation. To achieve adequate evidence of rehabilitation, the Psychiatrist recommended that the Individual abstain from drinking alcohol for at least one year and attend Alcoholics Anonymous (AA) support meetings for a minimum of one year.
4. The Individual admitted in his January 2023, Letter of Interrogatory (LOI) response, that he consumed four to six beers during a typical week, usually on a Saturday; that the most that he usually consumed at one time was six beers; and that he typically became intoxicated about five times per year. He admitted that he had maintained this pattern for about 20 years.
5. In a January 2023 Personnel Security Information Report (PSIR), the Individual reported that he was arrested for DUI in December 2022.
6. On his July 2017 Questionnaire for National Security Positions (QNSP), the Individual admitted that he was arrested for and pled guilty to misdemeanor DUI in December 1998.
7. Law enforcement checks disclosed the Individual was arrested in May 1991, for an underage alcohol offense.

The LSO alleges under Guideline E:

1. In his January 2023, LOI response, the Individual noted that he had not had any type of alcohol since his DUI arrest on December 30, 2022. During his June 2023 evaluation with the Psychiatrist, the Individual reaffirmed that he had not had any alcohol since his arrest, but subsequent EtG and PEth testing showed that he had recently consumed significant amounts of alcohol. When contacted about the test results, the Individual continued to deny the use of any alcohol since December 2022. A week later, the Individual contacted the Psychiatrist to offer the explanation that, the day prior to the laboratory testing, he consumed three cans of a sugar free energy drink which, unbeknownst to him at the time, contained 6% alcohol.

2. The Individual failed to disclose his 1991 underage drinking offense on his 2017 QNSP.

The LSO alleges under Guideline J:

1. In his January 2023 PSIR, the Individual reported that he was arrested for DUI on December 30, 2022. He admitted to consuming about eight beers and two shots between 2:00 pm and 8:00 pm at a local bar before driving to a Taco Bell. The Individual admitted to police that he had consumed more alcohol than he should have and cooperated with field sobriety testing, which he failed. He was transported to a local hospital for a blood alcohol test, which was positive at a blood alcohol concentration (BAC) of 0.27%.
2. In August 2017, the Individual was arrested for disorderly conduct after getting into a physical fight. The charges were later dismissed.
3. In December 1998, the Individual was arrested for and pled guilty to misdemeanor DUI.
4. In May 1991, the Individual was arrested for an underage alcohol offense.

Accordingly, the LSO's security concerns under Guidelines E, G, and J are justified.

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 entire process is a conscientious scrutiny of a number of variables known as the "whole person concept." Adjudicative Guidelines at ¶ 2(a). The protection of the national security is the paramount consideration. The regulatory standard implies that there is a presumption against granting or restoring a security clearance. *See Department 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).

The 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). The 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.

The discussion below reflects my application of these factors to the testimony and exhibits presented by both sides in this case.

IV. FINDINGS OF FACT

In her testimony at the hearing, the Individual's wife stated that she has known him for 24 years. Tr. at 13. In those years, she has typically seen the Individual consume alcohol on weekends and has only seen him intoxicated a few times. *Id.* at 13–14. She testified that he would typically consume four to six beers on Saturdays. *Id.* at 14. She knew about the Individual's 1998 DUI. The spouse testified that she has never seen the Individual as intoxicated as he was on the night of his most recent DUI, except once or twice when he was in his 20s. *Id.* at 16. She testified that the Individual last consumed alcohol in the summer of 2023. *Id.* at 18–19. She testified that the Individual has attended counseling and Alcoholics Anonymous (AA). *Id.* at 16. She testified that the Individual has stopped spending time with friends and family members with whom he used to consume alcohol regularly. *Id.* at 16–17. She has noticed a positive change in his attitude toward alcohol. *Id.* at 17–18.

The Individual testified that on the day of his most recent DUI, he began drinking with his cousins around 1:00 pm. Tr. at 24. He had one beer at his aunt's house then went to a bar with his cousins to watch a sports event. *Id.* Though he had intended to have "a few beers," he ended up drinking with his cousins all day. *Id.* He consumed "at least 10 beers" and two shots of tequila that "were more than a shot, they were just free poured into a glass." *Id.* at 25. He returned to his aunt's house and then chose to drive to a fast-food restaurant. *Id.* A person at the restaurant was concerned about his state of intoxication and called the police, who conducted a traffic stop on the Individual's vehicle. *Id.* at 26–27. He had a blood alcohol concentration (BAC) of 0.27% and was arrested and charged with DUI. *Id.*

The Individual was charged with Disorderly Conduct in 2017, but the charges were dropped when the state learned that the Individual had been acting in self-defense. Tr. at 28–29. In 1998, the Individual was arrested for and plead guilty to DUI with a BAC of 0.16%. *Id.* at 29–30. In 1991, while still in high school, he received a citation for underage drinking after drinking with his friends. *Id.* at 30–31. He paid a fine to resolve the matter. *Id.* He did not report the arrest on his 2017 QNSP because he thought the charges were removed from his record when he turned 18. *Id.* at 31. During the initial investigation of the Individual in 2017, DOE discovered the 1991 arrest but the Individual was not sent to administrative review. Ex. 12 at 46.

The Individual testified that for about 20 years prior to his 2022 DUI, he typically drank four to six beers on Saturdays. Tr. at 32–33. He testified that about five times per year he would drink more than six beers on a Saturday. *Id.* at 33. He testified that it typically would take more than six beers in three hours for him to become intoxicated, depending on the beer's alcohol content. *Id.*

The Individual testified that he was abstinent from alcohol for about five months after his DUI, but he consumed alcohol to intoxication on June 3, June 10, June 15 and June 17, and consumed alcohol about every other day during that time. Tr. at 35–37. On the occasions when he drank to intoxication, he was travelling with his son's sports team and saw the other parents drinking. *Id.* at 36–37. He testified that he thought no one would know and that when he met with the Psychiatrist, everything would be out of his system. *Id.* He testified that when his initial PEth test

showed that he had been consuming alcohol, he lied to the Psychiatrist, first telling him that he had not consumed alcohol since his DUI and later telling him that he had mistakenly consumed an energy drink that he did not know contained alcohol. *Id.* at 37–38. The Individual testified that “the alcoholic in [him]” was trying to avoid the consequences of his drinking. *Id.* at 38.

The Individual had abstained from alcohol for about six months by the day of the hearing. Tr. at 44. The Individual attended AA at least once per week. *Id.* at 39. He began with three online meetings in August 2023 as part of his DUI sentence and continued consistently after. *Id.* Around the end of September 2023, his license was reinstated after suspension for the DUI conviction, and he began going to meetings in person. *Id.* He worked through the first three of the 12 Steps on his own and had gotten a sponsor about two weeks before the hearing. *Id.* at 39–40. He began seeing a counselor weekly in October. *Id.* at 41. By the time of the hearing, he was seeing the counselor every other week. *Id.* The Individual began doing regular alcohol testing in December 2023. *Id.* at 41–42. He submitted the results of two EtG tests (January 3 and 8, 2024) and one PEth test (December 30, 2023), all of which were negative for alcohol consumption. Ex. G; Ex. H; Ex. J. The Individual had a lifelong friend who had been sober for about three years. Tr. at 49. They talked often about recovery and the friend had been a strong support for the Individual. *Id.* The Individual had completed all court requirements for a pretrial diversion for his DUI conviction. *Id.* at 44–45; Ex. I at 1. He intended to remain abstinent from alcohol indefinitely. *Id.* at 59–60.

The Psychiatrist testified that, based on the hearing testimony, he believed the Individual met the criteria for an Alcohol Use Disorder and that the Individual was in early remission. Tr. at 71–72. He testified that the Individual was making progress but was not yet rehabilitated. *Id.* at 74–75. He testified that the Individual would need a year of abstinence and substance abuse treatment to show rehabilitation. *Id.* at 75. For that reason, he also gave the Individual a guarded prognosis. He noted that the Individual had a good support system and that his motivation was growing stronger over time. *Id.* at 80–81.

V. ANALYSIS

A person who seeks access to classified information enters into a fiduciary relationship with the government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The government places a high degree of trust and confidence in individuals to whom it grants access authorization. Decisions include, by necessity, consideration of the possible risk that the applicant may deliberately or inadvertently fail to protect or safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified information.

The issue before me is whether the Individual, at the time of the hearing, presents an unacceptable risk to national security and the common defense. I must consider all the evidence, both favorable and unfavorable, in a commonsense manner. “Any doubt concerning personnel being considered for access for national security eligibility will be resolved in favor of the national security.” Adjudicative Guidelines at ¶ 2(b). In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record. Because of the strong presumption against granting or restoring security clearances, I must deny access

authorization if I am not convinced that the LSO's security concerns have been mitigated such that restoring the Individual's clearance is not an unacceptable risk to national security.

A. Guideline G

Conditions that could mitigate a Guideline G security concern 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;
- (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. None of the conditions apply in this case.

The Individual has started the hard work of recovery and appears to be making good progress in his efforts. However, he has had a recent relapse and has now been abstinent for six months at most. His relapse occurred after a claimed period of five months of abstinence, indicating that six months may not be long enough to show a low risk of relapse. As such, he has not demonstrated a clear and established pattern of modified consumption or abstinence in accordance with the Psychiatrist's recommendations. While he has taken accountability for his actions and was forthcoming at the hearing, he has not completed a treatment program and has not completed a significant portion of the 12 Steps.

Condition (a) does not apply because the Individual's last alcohol consumption is recent and when he was recently consuming alcohol, his use was frequent. Conditions (b) and (d) do not apply because the Individual has not demonstrated a pattern of abstinence as recommended by the Psychiatrist. Condition (d) also does not apply because the Individual has not attended a treatment program. Condition (c) does not apply because the Individual has a history of relapse, is not in a treatment program, and is only seeing his counselor twice a month, which I find insufficient to meet the type of counseling indicated in the condition to be equivalent to a treatment program. There is also no evidence that the counseling is designed to address substance abuse specifically.

For the foregoing reasons, I cannot find that the Guideline G concerns are mitigated.

B. Guidelines E and J

Conditions that could mitigate a Guideline E security concern 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.

Conditions that could mitigate a Guideline J security concern include:

- (a) So much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;
- (b) The individual was pressured or coerced into committing the act and those pressures are no longer present in the person's life;
- (c) No reliable evidence to support that the individual committed the offense; and
- (d) There is evidence of successful rehabilitation; including, but not limited to, the passage of time without recurrence of criminal activity, restitution, compliance with

the terms of parole or probation, job training or higher education, good employment record, or constructive community involvement.

Id. at ¶ 32.

The Individual's dishonesty and criminal activity are inextricably intertwined with his alcohol use. Regarding Guideline E, his impulse to lie about his alcohol use came, in part, from his addiction to alcohol. Regarding Guideline J, his decision to drive after drinking occurred while he was intoxicated and his decision-making skills were impaired. And, of course, driving after drinking requires alcohol consumption. The Individual is not yet rehabilitated from his maladaptive alcohol use. Until he is rehabilitated, I cannot be sure that he will not repeat the criminal behavior, particularly in light of his pattern of engaging in alcohol related criminal activity intermittently over the last 30 years. The Individual's long history of alcohol related offenses indicates that he may not be able to fully follow laws and rules if he is consuming alcohol, so until I can be certain that he has resolved the alcohol-related concerns, I cannot find that he is unlikely to recidivate. *See, contra*, Guideline J Mitigating Condition (d), Adjudicative Guidelines at ¶ 32.

Furthermore, until the Individual is rehabilitated, I cannot be sure that he will be completely candid with DOE. The Individual testified that his dishonesty with the Psychiatrist was "the alcoholic in [him]" trying to avoid the consequences of his actions, which calls into question the Individual's trustworthiness when he is not abstaining from alcohol. While I do find credible the Individual's explanation for omitting the 1991 arrest from his QNSP, I cannot be certain that he would be completely candid in future reporting if I cannot be certain that he has resolved the alcohol-related concerns.

For these reasons, I cannot find that the Guideline E and J concerns are mitigated.

VI. CONCLUSION

Upon consideration of the entire record in this case, I find that there was evidence that raised concerns regarding the Individual's eligibility for access authorization under Guidelines E, G, and J of the Adjudicative Guidelines. I further find that the Individual has not succeeded in fully resolving those concerns. Therefore, I cannot conclude that restoring DOE access authorization to the Individual "will not endanger the common defense and security and is clearly consistent with the national interest." 10 C.F.R. § 710.7(a). Accordingly, I find that the DOE should not restore access authorization to the Individual.

This Decision may be appealed in accordance with the procedures set forth at 10 C.F.R. § 710.28.

Kristin L. Martin
Administrative Judge
Office of Hearings and Appeals