

***The original of this document contains information which is subject to withholding from disclosure under 5 U.S. C. § 552. Such material has been deleted from this copy and replaced with XXXXXX's.**

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

In the Matter of: Personnel Security Hearing)	
)	
Filing Date: April 4, 2024)	Case No.: PSH-24-0098
)	
_____)	

Issued: July 19, 2024

Administrative Judge Decision

Katie Quintana, Administrative Judge:

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

I. Background

The Individual is employed by a DOE contractor in a position that requires him to hold a security clearance. In January 2023, the Individual completed a Questionnaire for National Security Positions (QNSP), in which reported that he was “wrongfully arrested for criminal recklessness” in June 2022.² Exhibit (Ex.) 13 at 136–37.³ He indicated that alcohol was not involved. *Id.* On February 13, 2023, the Individual reported that he had been arrested two days prior for Driving While Intoxicated, Alcohol (DWIA). Ex. 9. In November 2023, the Local Security Office (LSO)

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 A report prepared by an investigator with the Office of Personnel Management reflects that the charges were “recklessness committed with a deadly weapon felony” and “leaving the scene of an accident[.]” both of which were later dismissed. Ex. 13 at 184. It further reflects that, during his encounter with law enforcement, the Individual was tased and transported to the emergency room. *Id.* at 157.

³ The exhibits submitted by DOE 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 DOE.

issued the Individual a Letter of Interrogatory (LOI) addressing his two prior arrests. Ex. 10. In the LOI, the Individual reaffirmed that he “never drank th[e] evening” of the June 2022 arrest. *Id.* at 57. However, he disclosed that prior to being arrested for DWIA, he had consumed “around 9 or 10 ounces” of “[h]ard liquor.” *Id.* at 56.

The Individual subsequently underwent a psychological assessment with a DOE consultant psychologist (DOE Psychologist) in December 2023. Ex. 11. During the clinical interview (CI), the Individual admitted that, prior to the June 2022 arrest, he had consumed two beers. *Id.* at 65. As part of the evaluation, the Individual underwent a Phosphatidylethanol (PEth) test,⁴ which was positive at a level of 263 ng/mL. *Id.* at 66. The DOE Psychologist ultimately concluded that the Individual “drinks habitually and he binge consumes alcohol to the point of impaired judgment on a regular basis.” *Id.* at 67. He further opined that the Individual had not established adequate evidence of rehabilitation or reformation. *Id.*

Due to unresolved security concerns, the LSO informed the Individual in a Notification Letter that it possessed reliable information that created substantial doubt regarding his eligibility to hold a security clearance. In the Summary of Security Concerns (SSC) attached to the Notification Letter, the LSO explained that the derogatory information raised security concerns under Guideline G (Alcohol Consumption), Guideline E (Personal Conduct), and Guideline J (Criminal Conduct) of the Adjudicative Guidelines. Ex. 1.

Upon receipt of the Notification Letter, the Individual exercised his right under the Part 710 regulations to request an administrative review hearing. *Id.* The Director of the Office of Hearings and Appeals (OHA) appointed me the Administrative Judge in the case, and I subsequently conducted an administrative hearing in the matter. At the hearing, the DOE Counsel submitted thirteen numbered exhibits (Ex. 1–13) into the record and presented the testimony of the DOE Psychologist. The Individual submitted one exhibit (Ex. A) into the record, and he presented the testimony of a friend as well as his own testimony. The hearing transcript in the case will be cited as “Tr.” followed by the relevant page number.

II. Regulatory Standard

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 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).

⁴ “PEth accumulates when ethanol binds to the red blood cells membrane. PEth reflects the average amount of alcohol consumed over the previous 28-30 days” Ex. 11 at 66.

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 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.

III. Notification Letter and Associated Security Concerns

As previously mentioned, the Notification Letter included the SSC, which sets forth the derogatory information that raised concerns about the Individual’s eligibility for access authorization. The SSC specifically cites Guideline E, Guideline G, and Guideline J of the Adjudicative Guidelines. Ex. 1.

Guideline E addresses conduct involving questionable judgment, lack of candor, dishonesty, or an unwillingness to comply with rules and regulations. Adjudicative Guidelines at ¶ 15. Such conduct “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.” *Id.* In citing Guideline E, the LSO asserted that the Individual initially denied consuming alcohol prior to the June 2022 arrest, but later admitted that he had during the CI. Ex. 1 at 5.

Guideline G 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. In citing Guideline G, the LSO cited the Individual’s June 2022 arrest and charge for Felony Criminal Recklessness Committed with a Deadly Weapon and Leaving the Scene of an Accident as well as the Individual’s admission during the CI that he had consumed alcohol prior to the arrest. Ex. 1 at 5. It also cited the Individual’s February 2023 arrest for DWIA. *Id.* The LSO additionally cited: the Individual’s positive PEth test result, which the SSC indicated was “congruent with chronic excessive alcohol consumption”; the DOE Psychologist’s December 2023 determination that the Individual habitually and binge consumes alcohol to the point of impaired judgment; and the DOE Psychologist’s opinion that the Individual had not established adequate evidence of rehabilitation or reformation. *Id.*

Guideline J addresses criminal conduct. Adjudicative Guidelines at ¶ 30. Such conduct “creates doubt about a person’s judgment, reliability, and trustworthiness” as “[b]y its very nature, it calls into question a person’s ability or willingness to comply with laws, rules, and regulations.” *Id.* Pursuant to Guideline J, the LSO cited the Individual’s above referenced June 2022 and February 2023 charges and arrests. Ex. 1 at 6.

IV. Findings of Fact

As stated above, the Individual underwent a psychological evaluation with the DOE Psychologist. According to the report prepared by the DOE Psychologist (Report), the Individual stated that prior to the DWIA “he had gone out drinking” to celebrate the Super Bowl as well as his new job.⁵ Ex. 11 at 65. He recalled that he began to consume alcohol at around 3:00 or 4:00 p.m. and consumed one Long Island iced tea, six shots, and two beers. *Id.* He then “laid down for a while after consuming [the] alcohol”⁶ and later awoke around 11:00 p.m. to find everyone was leaving. *Id.* He left the party, and on his way home, he crashed his car, after which police located and arrested him. *Id.*

The Report also noted that the Individual recalled “a prior alcohol related incident,” where law enforcement tased him, and “he hit his head on the concrete.”⁷ *Id.* at 65. The Individual stated that, prior to this encounter with law enforcement, he had consumed two beers. *Id.* at 65–66.

The Individual reported to the DOE Psychologist that leading up to the DWIA, he would consume three mixed drinks or six beers over two to six hours on his days off, and this would occur “two times a week generally only every other week.” *Id.* at 65. However, since the DWIA, he reported that his consumption changed to “one mixed drink or three beers, one night of the weekend over two to six hours.” *Id.* Regarding the Individual’s alcohol consumption in the 30 days leading up to the CI, the Report noted the following:

[The Individual] stated that he had 12 ounces of fireball over six hours on Thanksgiving Day (11-25-23). The day prior (11-22-23) he had 12 ounces of cognac . . . over six hours. He had the same amount on the day after (11-24-23) and the following day (11-25-23) as well. He noted that this past Sunday (12-3-23) as well as on 11-18-23 and 11-11-23, he had two shots of whiskey at one and a half ounces that were actually measured drinks. He stated that he had 12 ounces of . . . tequila over six hours on 11-21-23.⁸

Id. at 66.

As part of the evaluation, the Individual underwent a PEth test that was positive at a level of 263 ng/mL. *Id.* A psychiatrist who analyzed the PEth test results noted that research showed that the Individual’s PEth level was indicative of significant alcohol use and cited a study in which participants who consumed approximately three alcoholic drinks daily produced an average PEth level of 225 ng/mL. *Id.*

⁵ Although it was not clear in the Report, at the hearing, the Individual clarified that he was attending a party at a family member’s house. Tr. at 39.

⁶ The Report noted that it was unclear whether the Individual fell asleep or passed out. Ex. 11 at 65.

⁷ Although the Report does not include the date of the “prior alcohol related incident,” at the hearing, the Individual confirmed that this was the June 2022 arrest. Tr. at 22.

⁸ At the hearing, the Individual testified that he consumed alcohol to this degree because “a lot of family was in town and we were celebrating” Tr. at 53.

The DOE Psychologist ultimately concluded that the Individual “drinks habitually and he binge consumes alcohol to the point of impaired judgment on a regular basis.” *Id.* at 67. The DOE Psychologist opined that the Individual had not demonstrated adequate evidence of rehabilitation or reformation and noted that the Individual “should not consume alcohol again.” *Id.* He also recommended that the Individual participate in a substance abuse treatment program and attend weekly sessions for a period of twelve weeks. *Id.* The DOE Psychologist recommended that, following the twelve weeks of treatment, the Individual should then attend “maintenance/relapse prevention group therapy sessions at least twice a month for three months and then monthly for the remainder of one year.” *Id.* Lastly, he recommended that the Individual attend support group meetings, such as Alcoholics Anonymous, obtain a sponsor, and work the steps of the program. *Id.*

V. Hearing Testimony

At the hearing, the Individual’s friend (Friend) testified on his behalf. Tr. at 11. The Friend testified that he has known the Individual since 2008 when they met in high school. *Id.* He testified that they live in separate states, but they have a phone or text message conversation approximately “every other week.” *Id.* at 12. Regarding changes in the Individual’s alcohol consumption, the Friend testified that the Individual has told him that he is “taking it seriously and . . . the job is important to him, so that he needs to continue on the discipline and hold himself to the discipline that he’s laid out for himself.” *Id.* at 15–16. He stated that “as far as [he] know[s],” the Individual does not continue to consume alcohol, and he has not observed the Individual consume alcohol since 2022. *Id.* at 13, 15. According to the Friend, the Individual stated that he intends to use alcohol with “[r]esponsibility” in the future. *Id.* at 15. The Friend testified that he believes the Individual to be honest and reliable; he has only been concerned about the Individual’s alcohol consumption when the Individual has shared stories “of the situations that he’s going through”; and he believes that although the Individual has made “[d]umb decisions[,]” he is not concerned that the Individual “engages in criminal activity[.]” *Id.* at 16, 17, 19.

The Individual testified regarding the June 2022 arrest. He stated that he does not fully recall the night of the arrest because he was tased by law enforcement and “slammed to the ground.” *Id.* at 34. He stated that he did remember going out with a supervisor from his job and ended up going to a stranger’s house for “a few drinks.” *Id.* at 35. He said he then remembers that “things got a little hectic[,]” and he woke up in jail. *Id.* The Individual testified that he was “wrongfully arrested.” *Id.* He explained that the “deadly weapon” was a car driven by the supervisor. *Id.* The Individual elaborated, stating that the supervisor crashed the car into another person and blamed the Individual, alleging that the Individual left the scene and returned to the house. *Id.* The Individual asserted that he never drove the car, and a court eventually “threw the case out and all charges were dropped.”⁹ *Id.* at 36.

⁹ The Individual submitted a court order granting the State’s motion to dismiss the case. Ex. A. However, the order was silent as to grounds for dismissal. *See id.* The Individual argued that the June 2022 arrest was “an isolated incident and really an unfair incident . . . [as he] shouldn’t have been arrested in the first place.” Tr. at 40. The Individual elaborated stating, “whether or not [the court order] makes that clear, that’s what I truly believe. And that’s how my lawyer explained it to me.” *Id.*

The Individual explained the discrepancy between his answer on the LOI that he had not consumed alcohol prior to the June 2022 arrest and his later report to the DOE Psychologist that he had. *Id.* at 22, 26. The Individual testified that the arrest was traumatic for him, and he “wasn’t able to put all the pieces together” because he was tased by law enforcement, causing him to fall and hit his head on the concrete. *Id.* at 23. He stated that “a lot of things about that night were blurry.” *Id.* The Individual explained that the DOE Psychologist had “a way of asking things that ma[de] it easy to track from point A to point B,” which he found easier than completing the LOI. *Id.* He stated that his answer on the LOI was a “mistake.” *Id.* He elaborated and indicated that he was possibly being “cavalier . . . just not really paying attention to the questions and just giving information[.]” *Id.* at 26.

Turning to the February 2023 DWIA arrest, the Individual testified that he went to a family member’s house and “started drinking.” *Id.* at 39. He explained that he “overindulged,”¹⁰ and “tried to sleep it off and . . . the time [he] slept wasn’t enough, so [he] tried to drive home and hit” a road sign. *Id.* The Individual stated that although he still felt intoxicated when he woke up, he decided to drive because he “thought he could do it.” *Id.* at 39–40.

Regarding his recent alcohol consumption, the Individual stated that he last consumed alcohol when he had three shots of tequila over the course of six hours at a family event in April 2024.¹¹ *Id.* at 27, 30. He testified that he was not intoxicated by the three shots but was last intoxicated in February 2024 when he went to a comedy show and consumed “a couple beers [and a] couple cocktails.” *Id.* at 29. The Individual testified that these two incidents constituted the extent of his alcohol consumption in 2024. *Id.* at 30.

The Individual testified that he had not participated in any formal therapy, group work, or counseling for his alcohol use, but he had “been very dependent on friends.” *Id.* at 31. He explained that he has “a few friends who struggled with alcohol in the past,” and he would call them when he felt like he wanted to consume alcohol. *Id.*

Regarding the DOE Psychologist’s recommendations, the Individual testified that he did not know they “were mandatory[.]” and if he “knew it would have set [him] with better graces [for the hearing, he] definitely would have done it.” *Id.* at 32. However, he thought he had the alcohol concerns “under control with just cutting back and getting to the point where [he does not] use or drink alcohol at all.” *Id.* at 33. He explained that he felt that “what happened to [him were] instances of a lapse of judgment that [he is] paying for[.]” *Id.* at 32.

The Individual testified that he has not had any issues with cutting back his alcohol use and he only consumed the shots in April because he was with “a lot of family that [he] hadn’t seen in a while[.]” and he “just got swept away.” *Id.* However, he stated that he was able to “be all right with just having those three little shots.” *Id.* The Individual testified that he does not believe that

¹⁰ Regarding the amount he consumed, the Individual testified that he consumed “a lot[.]” and that “it was hard to keep track.” Tr. at 40.

¹¹ The Individual explained that he took the shots because he “wanted to after . . . a couple people asked[.]” Tr. at 51.

he has a problem with alcohol, and he has no intentions to consume alcohol in the future, planning to “live a sober life[.]” *Id.* at 34.

The DOE Psychologist testified after hearing the Individual’s and the Friend’s testimony. He stated that he did not believe that the Individual has shown adequate evidence of rehabilitation or reformation “from the substance use issues” as he has continued to consume alcohol and has not participated in any kind of treatment. *Id.* at 58–59. The DOE Psychologist gave the Individual a prognosis of “very guarded[.]” which he noted was “above poor, but . . . below fair.” *Id.* at 59–60.

VI. Analysis

I have thoroughly considered the record of this proceeding, including the submissions tendered in this case and the testimony of the witnesses during the hearing. In resolving the question of the Individual’s eligibility for access authorization, I have been guided by the applicable factors prescribed in 10 C.F.R. § 710.7(c) and the Adjudicative Guidelines. After due deliberation, I have determined that the Individual has mitigated the security concerns cited by the LSO under Guideline E but has not mitigated the security concerns cited by the LSO under Guideline G and Guideline J of the Adjudicative Guidelines. Therefore, I find that the Individual’s access authorization should not be granted. The specific findings that I make in support of this decision are discussed below.

A. Guideline E

Conditions that may 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.

I find that mitigating factor (c) is the only applicable factor here. The concern at issue is whether the Individual demonstrated dishonesty or a lack of candor when he denied consuming alcohol prior to the June 2022 arrest on the LOI and later admitted that he consumed two beers prior to the arrest during the CI. At the outset, I note that the LOI was asking the Individual to recall details of events that occurred prior to the Individual being tased by law enforcement and potentially suffering a head injury. It is understandable that the Individual's recollection of the events of that night were perhaps imprecise. Furthermore, I note that there is neither an allegation nor indication that the Individual was intoxicated during this incident or that alcohol played a role in the chain of events leading up to the arrest. Therefore, whether the Individual consumed two beers on the evening he was arrested appears to be a relatively minor fact. I find that the Individual was open and candid with both the DOE Psychologist and throughout his testimony, including being notably forthcoming about the amount and frequency of his alcohol consumption during the past year. As such, I find that the omission was minor and occurred under such circumstances that it is unlikely to recur and does not cast doubt on the Individual's reliability, trustworthiness, or good judgment. *Id.* at ¶ 17(c). For the foregoing reasons, I find that the Individual has mitigated the Guideline E security concern.

B. Guideline G

Conditions that may 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 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.

Here, the Individual was arrested for DWIA, and the DOE Psychologist subsequently determined that the Individual habitually and binge consumed alcohol to the point of impaired judgment.¹² He recommended that the Individual remain abstinent from alcohol and engage in treatment. At the time of the hearing the Individual had been abstinent from alcohol for approximately two months and had not engaged in any formal treatment. Given the short period of time that the Individual has been abstinent from alcohol and his lack of treatment, I cannot find that he has mitigated the security concern pursuant to mitigating factors (c) or (d). *Id.* at ¶ 23(c), (d).

The Individual does not believe that he has a problem with alcohol, and although I have no reason to doubt that the Individual has been abstinent from alcohol since April 2024, I cannot find that two months is sufficient to establish a clear pattern of abstinence in accordance with treatment recommendations. Thus, I cannot find that the Individual has mitigated the Guideline G security concerns pursuant to factor (b). *Id.* at ¶ 23(b).

Finally, although the Individual's DWIA occurred over a year prior to the hearing, he has not yet adequately addressed the concerns related to his alcohol consumption that contributed to the DWIA offense. Thus, for the reasons stated above, I cannot find that the DWIA or the Individual's problematic alcohol consumption occurred so long ago, so infrequently, or under such unusual circumstances that they are unlikely to recur or do not cast doubt on the Individual's current reliability, trustworthiness, or judgment. *Id.* at ¶ 23(a).

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

C. Guideline J

Conditions that may mitigate security concerns under Guideline J 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) there is no reliable evidence to support that the individual committed the offense;
and

¹² I will not address the LSO's Guideline G allegation regarding the June 2022 arrest as I cannot find that the Individual's consumption of two beers at some point prior to the arrest makes this an alcohol related incident, and the LSO has not cited any other basis for considering this arrest to raise alcohol related concerns.

- 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.

Adjudicative Guidelines at ¶ 32.

Regarding the June 2022 arrest, taking into account the Individual's testimony and the court order dismissing the charges, there is no clear evidence to support that the Individual committed the offenses of Felony Criminal Recklessness Committed with a Deadly Weapon and Leaving the Scene of an Accident as alleged in the SSC. That said, I cannot, on this basis alone, determine that the Individual has mitigated the Guideline J concerns, as within one year of this arrest, the Individual was again arrested for DWIA. *Id.* at ¶ 32(c). Regarding the DWIA, it is clear that alcohol was the underlying cause of this criminal conduct. As explained above, the Individual has yet to resolve the alcohol concerns. Although I have no reason to doubt that this Individual is now abstinent from alcohol and thus not driving while intoxicated, given the short period of his abstinence, I cannot find sufficient evidence of successful rehabilitation or that sufficient time has elapsed to determine that the DWIA is unlikely to recur and does not cast doubt on the Individual's reliability, trustworthiness, or good judgment. *Id.* at ¶ 32(a), (d).¹³

VII. Conclusion

After considering all of the relevant information, favorable and unfavorable, in a comprehensive, common-sense manner, including weighing all of the testimony and other evidence presented at the hearing, I have found that the Individual has brought forth sufficient evidence to resolve the security concerns associated with Guideline E; however, I have also found that the Individual has not brought forth sufficient evidence to resolve the security concerns associated with Guideline G and Guideline J. Accordingly, I have determined that the Individual's access authorization should not be granted. This Decision may be appealed in accordance with the procedures set forth in 10 C.F.R. § 710.28.

Katie Quintana
Administrative Judge
Office of Hearings and Appeals

¹³ There is no indication that the Individual was pressured or coerced into committing criminal conduct, and as such, factor (b) does not apply. Adjudicative Guidelines at ¶ 32(b).