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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: October 3, 2024)	Case No.: PSH-25-0001
)	
_____)	

Issued: March 12, 2025

Administrative Judge Decision

Diane L. Miles, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXX (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."¹ As discussed below, after carefully considering the record before me in light of the relevant regulations and the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (June 8, 2017) (Adjudicative Guidelines), I conclude that the Individual's access authorization should be granted.

I. Background

The Individual is employed with a DOE Contractor in a position that requires him to hold an access authorization. In August 2023, the Individual completed a Questionnaire for National Security Positions (QNSP), in which he reported that in July 2015, he was arrested for Driving Under the Influence (DUI). Exhibit (Ex.) 9 at 90, 121–22.² During an October 2023 Enhanced Subject Interview (ESI), the Individual told an investigator with the Office of Personnel Management (OPM) that since July 2019 he had drank alcohol "two times per month," and he typically consumed "no more than three beers," when he drank. *Id.* at 140, 145.

In February 2024, the Local Security Office (LSO) issued a Letter of Interrogatory (LOI) to the Individual, which sought additional information related to the Individual's alcohol consumption.

¹ The regulations define access authorization as "an administrative determination that an individual is eligible for access to classified matter or is eligible for access to, or control over, special nuclear material." 10 C.F.R. § 710.5(a). This Decision will refer to such authorization as access authorization or security clearance.

² The DOE's exhibits were combined and submitted in a single, 207-page PDF workbook. Many of the exhibits are marked with page numbering that is inconsistent with their location in the combined workbook. This Decision will cite to the DOE's exhibits by reference to the exhibit and page number within the combined workbook regardless of any internal pagination.

Ex. 6. In his response to the LOI, the Individual reported that since the summer or fall of 2019, he typically consumed “1-3 beers on weekends.” *Id.* at 30.

The LSO referred the Individual for an evaluation by a DOE-contractor psychologist (DOE Psychologist), who conducted a clinical interview of the Individual in March 2024, and issued a report (the Report) of his findings. Ex. 7. During his interview, the Individual reported consuming “2–3 beers from Friday to Saturday” since 2023. *Id.* at 50. On March 18, 2024, as part of the evaluation, the Individual underwent alcohol testing, in the form of a Phosphatidylethanol (PEth) test,³ which was positive at a level of 552 ng/mL. *Id.* at 52. A medical doctor opined that the Individual’s PEth test result was “almost 30 times higher than the positive threshold of 20ng/mL” and indicated “a recent history of regular heavy drinking.” *Id.* at 52, 66–67.

Two days after his PEth test, the Individual contacted the DOE Psychologist by email to clarify the level of his alcohol consumption he reported during his clinical interview. Ex. 7 at 50. The Individual notified the DOE Psychologist that after speaking to his wife about his psychological evaluation, his wife advised him that he “[drinks] more alcohol than what he reported ... as she purchases the alcohol.” *Id.* The Individual reported that “from Thursday through Saturday, sometimes Sundays,” he consumes “3–4 beers per evening” and estimated that he consumes approximately 12–18 beers per weekend. *Id.* Based on his evaluation of the Individual, the DOE Psychologist opined that the Individual habitually consumes alcohol to the point of impaired judgment and there was no evidence of rehabilitation or reformation. *Id.* at 53.

In June 2024, 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. Ex. 1 at 7–8. In a Summary of Security Concerns (SSC) attached to the Notification Letter, the LSO explained that the derogatory information raised security concerns under Guideline E (Personal Conduct) and Guideline G (Alcohol Consumption) of the Adjudicative Guidelines. *Id.* at 5–6.

In September 2024, the Individual requested an administrative hearing, and the LSO forwarded the Individual’s request to the Office of Hearings and Appeals (OHA). Ex. 2. 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), I took testimony from five witnesses: the Individual, the Individual’s colleague, the Individual’s friend, the Individual’s former manager, and the DOE Psychologist. *See* Transcript of Hearing, OHA Case No. PSH-25-0001 (Tr.). Counsel for the DOE submitted 9 exhibits, marked as Exhibits 1 through 9. The Individual submitted 18 exhibits, marked as Exhibits A through R.

II. The Summary of 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 Guidelines E and G of the Adjudicative Guidelines. Ex. 1.

³ PEth is “an abnormal metabolite of ethyl alcohol” that is made when high concentrations of alcohol react with a compound in red blood cells. Ex. 7 at 52. Once formed, PEth can be detected in a person’s blood “for about 28 days after alcohol consumption.” *Id.* at 66. “PEth levels in excess of 20 ng/mL are considered evidence of moderate to heavy [alcohol] consumption.” *Id.* at 67.

A. Guideline E (Personal Conduct)

Guideline E provides that “[c]onduct 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. Conditions that could raise a security concern under Guideline E include: “deliberately providing false or misleading information” to “an employer, investigator, security official, [or a] competent medical or mental health professional involved in making a recommendation relevant to a national security eligibility determination.” *Id.* at ¶ 16(b). In invoking Guideline E, the LSO alleged the Individual was dishonest about his alcohol consumption and cited the following information:

During his [October 2023 ESI, the Individual] admitted that from July of 2019 to present, he consumes alcohol two times per month and drinks no more than three beers when he drinks. However, in the [February 2024 LOI], he then admitted that from summer/fall of 2019 to present, he consumes 1-3 beers on weekends. He then admitted during his psychological evaluation [with the DOE Psychologist] that he consumes 2-3 beers each Friday and Saturday; and when he was referred for a [PEth] test, he then contacted [the DOE Psychologist], and ‘clarified’ that he consumes more and drinks IPA beer every Thursday thru Saturday, sometimes Sunday, 3-4 beers per sitting, which is approximately 12-18 beers per weekend. Additionally, his PEth test results dated March 25, 2024, was positive at a level of 552 ng/mL, which is consistent with heavy alcohol consumption and consistent with him consuming at least six alcoholic drinks per day, which is significantly more than he admitted.

Ex. 1 at 5.

B. Guideline G (Alcohol Consumption)

Under Guideline G of the Adjudicative Guidelines, “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 under Guideline G include: “alcohol-related incidents away from work, such as driving while under the influence” and the “habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed with alcohol use disorder.” *Id.* at ¶ 22(a), (c).

In invoking Guideline G, the LSO relied upon the DOE Psychologist’s opinion that the Individual is a “habitual and heavy user of alcohol to the point of impaired judgment and there was no evidence of rehabilitation or reformation.” Ex. 1 at 5. The LSO also cited the Individual’s July 2015 arrest for DUI. *Id.* at 6.⁴

⁴ The LSO additionally cited to the results of the PEth test conducted in conjunction with the psychological evaluation and information provided by the Individual concerning his history of alcohol consumption. Ex. 1 at 5–6. While this

Based on the above-referenced conduct, I find the LSO's security concerns under Guidelines E and G 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 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).

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.

IV. Findings of Fact and Hearing Testimony

Before his July 2015 arrest for DUI, the Individual consumed "two liquor drinks and an unrecalled amount of beer" while at a friend's home. Ex. 9 at 142. While driving home, the Individual made an unsafe lane change and was pulled over by a police officer. *Id.* A police officer arrested the Individual for DUI after he failed a field sobriety test, and took a breathalyzer test, the result of which indicated his blood alcohol concentration was over the legal limit. Ex. 9 at 142; Ex. 6 at 29. After his arrest, the Individual was required to serve two years of probation and attend a weekly alcohol awareness class from March 2016 to June 2016. Ex. 9 at 146; Tr. at 111. The Individual was also required to attend a Mothers Against Drunk Driving (MADD) class, and complete 50 hours of community service. Tr. at 122, 142.

During his October 2023 ESI, the Individual reported that as of July 2019, he would consume alcohol "two times per month" and he would drink "no more than three beers" at a time. Ex. 9 at 145. In his February 2024 LOI, the Individual reported that since the summer or fall of 2019, he consumed "1–3 beers on weekends, or outings with friends/family, or at special events/holidays." Ex. 6 at 30–31. He also reported that the last time he consumed alcohol was during a Valentine's Day dinner, on February 17, 2024, during which he consumed "two and a half beers." *Id.* at 31.

information informed the DOE Psychologist's opinion and provided additional detail concerning the circumstances of the Individual's DUI, the information does not present security concerns in and of itself.

During his March 2024 psychological evaluation, the Individual told the DOE Psychologist that after his July 2015 DUI, he abstained from alcohol for six months, but he ultimately resumed drinking. Ex. 7 at 50. From 2016 to 2018, the Individual would consume alcohol four to five times per week, and since 2023, he typically consumed “2–3 beers from Friday to Saturday.” *Id.* After the interview, the Individual emailed the DOE Psychologist and clarified that since 2023, he typically consumed three to four beers per evening, and he estimated that he consumed “approximately 12–18 beers” per weekend. *Id.* The DOE Psychologist opined that the Individual’s self-report of his alcohol consumption was inconsistent with the results of his PEth test, which was positive at a level of 552 ng/mL. *Id.* at 53, 66–67. The DOE Psychologist also opined that the Individual habitually consumed alcohol to the point of impaired judgment and there was no evidence of rehabilitation or reformation. *Id.* at 53–54.

The DOE Psychologist recommended that the Individual address his habitual consumption of alcohol by abstaining from alcohol for 12 months, supported by monthly PEth testing. Ex. 7 at 53. He also recommended that the Individual complete an Intensive Outpatient Program (IOP) and attend aftercare meetings for ten weeks thereafter. *Id.* Finally, the DOE Psychologist recommended that, in lieu of an IOP, the Individual could “actively participate” in an Alcoholics Anonymous (AA) 12-step program, or another “evidenced based program,” such as SMART Recovery, for 12 months. *Id.* at 53–54.

During the hearing, the Individual’s colleague testified that he has worked with the Individual, at the same DOE contractor, for approximately one year, and he sees the Individual almost daily. Tr. at 11, 16. While at work, he has never had any concerns about the Individual’s alcohol use. *Id.* at 16. About six months ago, the Individual told him that after he realized how much he was drinking, he decided to quit. *Id.* at 16–17. He also stated the Individual told him he was attending alcohol counseling and undergoing alcohol testing regularly. *Id.* at 17. He stated that since the Individual stopped drinking alcohol six months ago, he appears to have more energy and is “a little bit brighter” at work. *Id.* at 17–18. He stated that he and the Individual recently went to a bar together, the Individual did not consume alcohol, and they both still had a great time together. *Id.* at 18–19.

The Individual’s friend testified that he has known the Individual for almost 20 years. Tr. at 22. He described the Individual as a hard worker and a trustworthy person. *Id.* at 24. He understood that, during the security clearance process, the Individual made statements about his drinking that “didn’t add up,” and there were concerns about his alcohol consumption. *Id.* at 25. He believed the Individual stopped drinking in approximately July 2024. *Id.* at 29. In November 2024, he invited the Individual to his apartment and offered him a beer, and the Individual told him he wasn’t drinking. *Id.* at 28–29. He stated the Individual told him about his alcohol treatment: his counseling, his meetings with his psychologists, his meetings with his lawyer, and how he is doing everything he can to get a security clearance. *Id.* at 29–30. Since the Individual has stopped drinking, he noticed the Individual has lost weight and is less stressed. *Id.* at 30.

The Individual’s former manager testified that he has known the Individual for a year and a half. Tr. at 37. He sees the Individual every day and they communicate by text message almost every day. *Id.* at 38. He described the Individual as trustworthy and as a diligent worker. *Id.* at 40, 44. He understood that there were concerns about the Individual’s alcohol consumption and whether

he should be granted a security clearance. *Id.* at 41–42. He stated that when the Individual realized he may not be granted a clearance, he quit drinking alcohol “cold turkey,” attended alcohol treatment, and underwent alcohol testing to prove he has not been drinking. *Id.* at 48. During “multiple talks” with the Individual, he has learned that the Individual intends to “swear off drinking” for good. *Id.* at 50–51.

At the hearing, the Individual provided an overview of his family history, he explained that his family owned a bar, and he explained that he grew up around people who were drinking alcohol. Tr. at 55–62; Ex. A. He stated that his reporting of his alcohol consumption during his ESI, and in his LOI, were accurate at the time they were made. Tr. at 63–67. He did not intend his statement to the DOE Psychologist, that he consumed “2–3 beers Friday to Saturday,” to mean anything different than his statement, that he consumed “1–3 beers on weekends,” in the LOI. *Id.* at 67–68. He explained that after his interview with the DOE Psychologist, he discussed his interview with his wife. *Id.* at 69. His wife reminded him that he was drinking for his birthday a few weeks ago and was drinking while family members were staying at their home during the holidays, and so he was drinking more than what he told the DOE Psychologist. *Id.* at 9, 86–87. After he was corrected by his wife, he contacted the DOE Psychologist and attempted to clarify his report of his alcohol consumption. *Id.* at 70–71. He stated that he never intended to omit or falsify any information related to his alcohol consumption. *Id.* at 82. He attributed his inconsistent statements to his failure to pay attention to his alcohol consumption. *Id.* at 82–83. He stated that his last drink was on July 13, 2024. *Id.* at 90, 92–93.

As for his alcohol treatment, the Individual testified that a week or two after he received the Report, he started attending AA because the DOE Psychologist recommended the program. Tr. at 72, 91. After he attended three AA meetings, he did not find the program to be helpful, and he stopped attending. *Id.* at 72. In August 2024, he enrolled in SMART Recovery, which, he stated, took a more “scientific approach” to addressing his alcohol consumption, and attended his first meeting on August 9, 2024. *Id.* at 72, 81, 91–92, 95; Ex. H. The SMART Recovery program consists of three meetings per week: in-person meetings on Mondays and Fridays, and an online meeting on Wednesdays. Tr. at 81, 96. The Individual attended SMART Recovery for four months, from August 2024 until November 2024, when then he stopped attending the program, so he could enroll in an IOP. *Id.* at 98–99.

From November 9, 2024, to January 2, 2025, the Individual participated in an IOP. Tr. at 73, 96–97; Ex. F. The Individual submitted a Certificate of Completion from the program. Ex. G. Before the Individual could enroll in the IOP, he was required to undergo urine testing to demonstrate he was sober. Tr. at 75. The Individual explained that the IOP was an eight-week program and consisted of three meetings per week. *Id.* at 74. Each week, he had two days of group meetings, and one day of one-on-one meetings with his own personal counselor, which occurred online. *Id.* Each group meeting would involve a discussion of a topic specific to addiction, and how that topic affects one’s perception of the substance they are using, or the thing they are addicted to. *Id.* Before every meeting, he was given a breathalyzer test, and every other week, he had to undergo Ethyl Glucuronide (EtG) testing, to ensure he was not consuming alcohol. *Id.* at 75. He found the IOP to be useful to him because it forced him to come to terms with “a lot of things that [he] never thought about” related to alcohol. *Id.* at 76–77. Before enrolling in the IOP, he believed that, because he typically consumed beer, rather than “hard liquor,” his level of alcohol consumption was “not that

serious.” *Id.* at 79. Since completing the IOP, he realizes he did not have a good relationship with alcohol, and he learned his triggers to drink were the “societal and familial norms” in his life; being around people who are drinking. *Id.* at 79, 100–01. He has also learned to change his thought process around drinking and how to replace drinking alcohol with other activities. *Id.* at 77–78. The Individual submitted a letter from his Peer Support Recovery Specialist at the IOP, which indicated that during the program, the Individual demonstrated a strong commitment to his recovery, was an active participant during his meetings, and provided thoughtful encouragement to other participants. Ex. H.

After completing the IOP in January 2025, he enrolled in their aftercare program, which consists of two meetings per week. Tr. at 105–06. He intends to continue the aftercare program for the next “two to three months.” *Id.* at 106. He also stated he currently attends weekly meetings with the IOP’s “alumni program,” every Thursday. *Id.* at 77. The Individual also resumed his participation in the SMART Recovery program and, as of the hearing, he completed three weeks of meetings. *Id.* at 105. Since he stopped drinking alcohol in July 2024, the Individual spends more time playing musical instruments, and he recently enrolled in college. *Id.* at 78. He also engages in more outdoor activities with his wife. *Id.* at 102. His wife does not drink alcohol, and he does not keep alcohol in his home. *Id.* at 108. He identified his wife, his former manager, and two friends as people in his support system who will help him continue to abstain from alcohol. *Id.* at 103–04. The Individual stated he intended to continue attending the SMART Recovery program because he really enjoys it. *Id.* at 81.

The Individual submitted seven letters of recommendation, including letters from his colleague, his friend, and former manager. Exs. K–Q. The letters contain positive descriptions of the Individual’s character, and the quality of his work with his employer. *Id.* The Individual also submitted documentation showing he underwent monthly PEth testing, from September 2024 through January 2025, each of which was negative for traces of alcohol consumption. Exs. B–D, Ex. R. The Individual also submitted documentation showing that while enrolled in the IOP, he took four EtG tests between November 2024 and December 2024, each of which was negative for traces of alcohol consumption. Ex. E; Ex. I.

The DOE Psychologist testified that, based on the evidence and testimony presented at the hearing, the Individual had demonstrated adequate evidence of rehabilitation and reformation from his habitual alcohol consumption. Tr. at 122, 133. He found the Individual’s act of correcting his report of his alcohol consumption after his interview to be “fine,” and not suggestive of the Individual being defensive about his alcohol consumption. *Id.* at 118. As to the Individual’s inconsistent reporting of his alcohol consumption, referenced in the SSC, the DOE Psychologist stated that “it’s not unusual for people [like the Individual] to engage in minimization [of their alcohol consumption], especially when it comes to their jobs and other dynamics.” *Id.* at 126.

As to the Individual’s alcohol treatment, the DOE Psychologist stated the Individual’s documentation of five negative PEth tests and four negative EtG tests, supports that he has been abstinent from alcohol for six months, since August 2024. Tr. at 120–21, 127–28. Although he recommended that the Individual abstain from alcohol for 12 months, he believed the Individual had done “everything conceivably possible to do the right thing, to seek treatment, [and] to internalize [his] treatment” before the hearing. *Id.* at 123. He said the Individual was not “guarded”

in his recovery, he wasn't "fighting us on his issues," and he was moving forward in his sobriety in a healthy way, so another six months of PEth testing was "not necessary." *Id.* He stated the Individual's participation in SMART Recovery, which is a "cognitive-behavioral focused" program, while diligently working to find an IOP, showed he was serious about his alcohol treatment. *Id.* at 120, 129. He stated that the Individual is doing a great job maintaining his abstinence and that his confidence in him has increased since the evaluation. *Id.* at 122. He stated the Individual has shown insight into his problem with alcohol, has a good support system around him, understands his triggers, and has "developed relapse prevention strategies pertaining to [his] triggers," including continuing with the IOP's aftercare and alumni programs, continuing with SMART Recovery, and keeping alcohol out of the home. *Id.* at 122, 129–31. His prognosis for the Individual was positive. *Id.* at 122.

V. Analysis

A. Guideline G

The Adjudicative Guidelines set forth four factors that may mitigate security concerns under Guideline G:

- (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; 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.

Based upon the evidence before me, I find the Individual has mitigated the stated Guideline G concerns under factor ¶ 23(b) of the Adjudicative Guidelines. The Individual's July 2015 arrest for DUI, his March 2024 PEth test result, which revealed he consumed more alcohol than he reported, and the DOE Psychologist's opinion that he consumes alcohol to the point of impaired judgment, are all related to his alcohol consumption. The Individual testified that because he typically consumed beer, and not other forms of alcoholic beverages, he did not think his level of alcohol consumption was a serious issue. He also testified that since his psychological evaluation

and completion of an IOP, he realized that he did not have a good relationship with alcohol, and that his environment at home contributed to his habitual alcohol consumption.

The Individual has provided evidence he has taken actions to overcome his habitual consumption of alcohol by following the DOE Psychologist's recommendation to enroll in alcohol treatment. The Individual submitted documentary evidence, to support his testimony, that he enrolled in the SMART Recovery program and completed four months of treatment, from August 2024 to November 2024. The Individual submitted a Certificate of Completion, indicating he completed an IOP, in January 2025, during which he received individual and group counseling. Since completing the IOP, the Individual has enrolled in the IOP's aftercare program to continue treatment, which meets two days per week, and participates in the IOP's alumni program, which meets one day per week. As of the hearing, the Individual completed three and a half weeks of aftercare. The Individual also submitted documentary evidence to support his testimony that after completing the IOP, he resumed his participation in the SMART Recovery program, and he testified to his intention to continue with the IOP's aftercare program for the next two to three months. Finally, the Individual submitted documentary evidence, in the form of negative PEth and EtG test results, that demonstrates he has abstained from alcohol for approximately six months, and testified to having a support network to help him continue to abstain from alcohol.

Finally, although the DOE Psychologist recommended that the Individual obtain 12 months of alcohol treatment, he opined that the Individual had shown adequate evidence of reformation and rehabilitation from his habitual alcohol consumption after just six months. The DOE Psychologist found that since his evaluation, the Individual had done "everything conceivably possible" to satisfy his treatment recommendations before the hearing. Tr. at 123. He found that the Individual's completion of an eight-week IOP and over four months of the SMART Recovery program showed that he was serious about his treatment, and that he has displayed insight into his alcohol problem. He also stated that the Individual is moving forward with his sobriety in a healthy way, he credited the Individual's development of strategies to prevent relapse, including his continued participation in SMART Recovery, his continued participating in the IOP's aftercare and alumni programs, and his commitment to keeping alcohol out of his home. Because he was satisfied with the progress of the Individual's treatment, he determined that six months of abstinence, supported by PEth testing, was sufficient to establish a pattern of abstinence from alcohol, and another six months of PEth testing was not necessary.

Therefore, I conclude that the Individual has provided sufficient evidence of actions taken to overcome his habitual alcohol consumption and a has demonstrated clear and established pattern of abstinence sufficient to mitigate the stated Guideline G concerns. Adjudicative Guidelines at ¶ 23(b).

B. Guideline E

The Adjudicative Guidelines set forth seven factors that 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.

Having mitigated the alcohol concerns under Guideline G, I conclude that the concerns raised by the Individual's inconsistent estimates of his alcohol consumption, made during his ESI, in his LOI, and to the DOE Psychologist, have been mitigated under factor ¶ 17(d) of the Adjudicative Guidelines. The DOE Psychologist testified that it is not uncommon for people who habitually consume alcohol to minimize the amount they are drinking.

Furthermore, as explained above, I find that the Individual has acknowledged that his relationship with alcohol was not good, and he has submitted evidence that he has obtained alcohol treatment to address his habitual consumption and alleviate the factors that contributed to his inconsistent reporting. The Individual submitted evidence that he successfully completed an eight-week IOP, participated in the SMART Recovery program for four months and three weeks, and since

completing the IOP, has enrolled in the IOP's aftercare and alumni programs, of which the Individual completed three weeks of meetings as of the hearing. The Individual also submitted evidence he has abstained from alcohol for approximately six months. I am persuaded by the DOE Psychologist's opinion, that the Individual has shown adequate evidence of reformation and rehabilitation from his habitual alcohol consumption and that the Individual's prognosis is positive, given his continued participation in the IOP's aftercare and alumni programs, his support network, and the Individual's development of strategies to prevent a relapse.

Therefore, I find that the security concerns related to the Individual's previous inconsistent estimates of his alcohol consumption are unlikely to recur in the future and he has mitigated the stated Guideline E concerns. Adjudicative Guidelines at ¶ 17(d).

VI. Conclusion

For the reasons set forth above, I conclude that the LSO properly invoked Guidelines E and G of the Adjudicative Guidelines. After considering all the evidence, both favorable and unfavorable, in a comprehensive, common-sense manner, including weighing all the testimony and other evidence presented at the hearing, I find that the Individual has brought forth sufficient evidence to resolve the security concerns set forth in the Notification Letter. Accordingly, I find the Individual has demonstrated that granting him a security clearance would not endanger the common defense and would be clearly consistent with the national interest. Therefore, I find that the Individual's access authorization should be granted. This Decision may be appealed in accordance with the procedures set forth at 10 C.F.R. § 710.28.

Diane L. Miles
Administrative Judge
Office of Hearings and Appeals