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

In the Matter of: Personnel Security Hearing)
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Filing Date: December 2, 2024)
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_____)

Case No.: PSH-25-0037

Issued: May 9, 2025

Administrative Judge Decision

Noorassa A. Rahimzadeh, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXXX (the Individual) to hold an access authorization under the United States Department of Energy's (DOE) regulations, set forth at 10 C.F.R. Part 710, "Procedures for Determining Eligibility for Access to Classified Matter and Special Nuclear Material or Eligibility to Hold a Sensitive Position."¹ As discussed below, after carefully considering the record before me in light of the relevant regulations and the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (June 8, 2017) (Adjudicative Guidelines), I conclude that the Individual's access authorization should be restored.

I. Background

In August 2022, the Individual signed and submitted a Questionnaire for National Security Positions (QNSP) and underwent an accompanying Enhanced Subject Interview (ESI), which was conducted by an investigator, in January 2023. Exhibit (Ex.) 11; Ex. 12.² In the QNSP, the Individual disclosed that in August 2019, he was terminated from employment due to "misconduct regarding petty theft from the register." Ex. 11. at 203. Although he was not arrested, he was issued a court summons, and the matter was ultimately dismissed around September 2019. *Id.* at 225. During the ESI, the Individual told the investigator that he had worked at a retail store from May 2019 to August 2019. Ex. 12 at 325. During that time, he made the "immature decision to steal from the register[,] taking approximately \$400 to \$450 over the span of two months, as he knew that the upcoming college semester was going to be expensive. *Id.* The Individual acknowledged that he was "being shortsighted" and was "not considering the risk." Transcript of Hearing, OHA Case No. PSH-25-0037 (hereinafter cited as "Tr.") at 94. The depression with which the Individual

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

² The exhibits submitted by 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.

had been previously diagnosed also prevented him from “thinking about the future[.]” Tr. at 96; Ex. 9 at 49. The Individual was charged with misdemeanor Embezzlement and stated that he has since learned from the incident. Ex. 11 at 325; Ex. 7 at 30.

The Individual also disclosed in the QNSP that from May 2017 to May 2020, he would smoke marijuana “casually with friends” and that in April 2020 he took LSD with his roommates. Ex. 11 at 227. In his April 2024 and May 2024 LOI responses, the Individual further disclosed a second LSD use in May or June 2020. Ex. 7 at 31; Ex. 8 at 39. The Individual explained to the investigator that he used marijuana and LSD to “help with [his] feelings of depression.” Ex. 12 at 330–31. With regard to the marijuana use, he explained that he also “started smoking multiple times per day by [himself].” *Id.* at 227. The Individual stopped smoking marijuana when he realized that the marijuana use was worsening his depression. *Id.* The Individual observed that the marijuana was making him “less sociable” and “irritable[.]” *Id.* His decision to stop smoking marijuana was also informed by the fact that he felt that it made him “underperform” at university. Ex. 7 at 31. He felt that his marijuana use was “really screwing [him] up[.]” and he felt that his life circumstances could have been “very, very different” had he refrained from using marijuana. Tr. at 109. Accordingly, he chose to stop smoking marijuana. *Id.* He has since long discontinued associating with the individuals with whom he would smoke marijuana or who would supply him with marijuana. *Id.* at 104–07; Ex. 11 at 330–31. The Individual explained that he has no desire to use an illicit substance and has not experienced the urge to use marijuana since 2020. Tr. at 111.

With regard to his LSD use, as he was suffering through “lockdown boredom” during the COVID-19 pandemic, the Individual wondered if he could experience the sort of “breakthrough” he had heard others experience with LSD use. *Id.* at 109–10. The Individual explained in the QNSP that following his LSD use, he “felt like a failure and that [he] messed everything in [his] life up[.]” Ex. 11 at 227. Accordingly, his use was limited to two separate incidents, once in April 2020 and a second time in May 2020 or June 2020. Ex. 11 at 228; Ex. 8 at 39; Ex. 7 at 31. The circumstances under which he used illicit substances no longer exist in his life, as he is no longer lonely or bored. Tr. at 107–08.

The Individual was granted his access authorization. In January 2024, the Individual was stopped by law enforcement officials “for driving at night with no lights on.” Ex. 6 at 27. When he was stopped, he admitted to law enforcement personnel that he consumed “two beers at a bar and two more beers at his house[.]” *Id.* Because some time had elapsed between the first two beers and the second two beers, the Individual felt that he was able to drive. *Id.* The results of the Breathalyzer test revealed that the Individual had a .1 and .09 blood alcohol concentration (BAC), which the Individual characterized as “just over the legal limit.” *Id.* Accordingly, the Individual was arrested for Driving While Impaired (DWI). *Id.* The Individual appropriately reported the matter to the Local Security Office (LSO) days later. *Id.* at 26.

As a result of the incident, the LSO asked the Individual to complete two letters of interrogatory (LOI), which the Individual signed and submitted in April 2024 and May 2024. Ex. 8; Ex. 7. In the LOIs, the Individual answered questions pertaining to the January 2024 DWI incident, as well as other criminal matters and his general pattern of alcohol consumption. *Id.*

As questions still remained, in June 2024, the Individual was seen for a psychological evaluation by a DOE-contracted psychologist (DOE Psychologist) at the behest of the LSO. Ex. 9. In the June 2024 report of his findings (the Report), the DOE Psychologist concluded that pursuant to the *Diagnostic and Statistical Manual-Fifth Edition, Text Revision* (DSM-V-TR), the Individual suffers from Alcohol Use Disorder (AUD), Severe, in early remission, without adequate evidence of rehabilitation or reformation.³ *Id.* at 56. The Individual submitted to a phosphatidylethanol (PEth) test in conjunction with the evaluation, the results of which were negative.⁴ *Id.* at 52.

The LSO began the present administrative review proceeding by issuing a letter (Notification Letter) to the Individual in which it notified him that it possessed reliable information that created a substantial doubt regarding his continued eligibility for access authorization. In a Summary of Security Concerns (SSC) attached to the Notification Letter, the LSO explained that the derogatory information raised security concerns under Guidelines G (Alcohol Consumption) and J (Criminal Conduct) of the Adjudicative Guidelines. Ex. 1. The Notification Letter informed the Individual that he was entitled to a hearing before an Administrative Judge to resolve the substantial doubt regarding his eligibility to hold 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 Administrative Judge in this matter. At the hearing I convened pursuant to 10 C.F.R. § 710.25(d), (e), and (g), the Individual testified on his own behalf and presented the testimony of his manager and his Alcoholics Anonymous (AA) sponsor. The Individual also submitted six exhibits, marked Exhibits A through F. The DOE Counsel submitted twelve exhibits marked as Exhibits 1 through 12 and presented the testimony of the DOE Psychologist.

II. Notification Letter

Guideline G

Under Guideline G, “[e]xcessive 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. Among those conditions set forth in the Adjudicative Guidelines that could raise a disqualifying security concern are “alcohol-related incidents away from work, such as driving while under the influence[,]” the “habitual or binge consumption of alcohol to the point of impaired judgment[,]” and “diagnosis by a duly qualified medical or mental health professional . . . of alcohol use disorder.” *Id.* at ¶ 22(a), (c)–(d). Under Guideline G, the LSO alleged that:

1. In June 2024, the DOE Psychologist diagnosed the Individual with AUD, Severe, in early remission, without adequate evidence of rehabilitation or reformation. Ex. 1 at 5.

³ The DOE Psychologist also diagnosed the Individual with Unspecified Cannabis-Related Disorder but determined that the Individual was in remission. Ex. 9 at 55.

⁴ PEth “is a molecule made only when ingested alcohol reaches the surface of the red blood cell and reacts with a compound in the red blood cell membrane.” Ex. 9 at 52. Only “ethyl alcohol can make PEth in the red blood cell[.]” *Id.*

2. The DOE Psychologist concluded in the June 2024 Report that the Individual “can be considered a habitual consumer of alcohol in that he drank to intoxication on a daily basis from mid-2023 until January 2024.” *Id.*
3. In January 2024, the Individual was charged with DWI, and the Individual admitted in the May 2024 LOI response that his BAC was .1 and .09. *Id.*

The LSO’s invocation of Guideline G is justified.

Guideline J

Guideline J states that “[c]riminal activity creates doubt about a person’s judgment, reliability, and trustworthiness” and that, “[b]y 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 under Guideline J include “[e]vidence . . . of criminal conduct, regardless of whether the individual was formally charged, prosecuted, or convicted[.]” *Id.* at ¶ 31(b). Under Guideline J, the LSO alleged that:

1. In January 2024, the Individual was charged with DWI, and the Individual admitted in the May 2024 LOI response that his BAC was .1 and .09. Ex. 1 at 5.
2. The Individual admitted during the January 2023 ESI that from May 2017 to May 2020, he used marijuana multiple times per day. *Id.*
3. During the January 2023 ESI, the Individual admitted that he used LSD twice in April 2020.⁵ *Id.* at 6.
4. The Individual was issued a criminal summons and charged with Embezzlement in August 2019, “after he was caught on video taking \$470 in cash from the register at his employment and putting it into his pocket.” *Id.*

The LSO’s invocation of Guideline J is 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

⁵ As described above, the Individual indicated in his April 2024 and May 2024 LOI responses that he had used LSD once in April 2020 and a second time in either May 2020 or June 2020. Ex. 7 at 31; Ex. 8 at 39.

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. *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

In the April 2024 and May 2024 LOI responses, the Individual stated that his alcohol consumption increased in 2022, but that at that time, he would only consume alcohol on the weekends. Ex. 8 at 39; Ex. 7 at 31. The Individual explained that “[t]he only times [that he] recall[s] drinking alone were” during summer of 2022 and the winter of 2023. Ex. 8 at 39; Tr. at 55. As the Individual was with friends “nearly every weekend” in 2022, he would consume “mixed drinks or shots of tequila” on those occasions. Ex. 8 at 39; Ex. 9 at 48. His alcohol consumption would shift to “beers and [the] occasional shots of vodka/tequila” in smaller, more domestic social gatherings. Ex. 8 at 39; Ex. 9 at 48. Beginning in the summer of 2023 to the date of the 2024 DWI arrest, the Individual would only consume beer, and he would consume beer “more regularly throughout the week by [himself].” *Id.* In the approximately three months prior to his 2024 DWI arrest, the Individual was consuming two to twelve “cans of beer nearly every night.” Ex. 8 at 39. The Individual indicated in his May 2024 LOI response that from May 2023 to January 2024, he would not consume alcohol before work, “but [he] occasionally had to nurse a hangover before going to work or school[.]” Ex. 7 at 32; Ex. 8 at 40; Ex. 9 at 49. He indicated that from May 2023 onward, there was “never . . . a time where [he] could have one drink then voluntarily stop.” Ex. 9 at 48.

He stated that beginning in October 2022, he would regularly drive while under the influence of alcohol, “and rationalize it before and after.” Ex. 7 at 32. He noticed that in May 2023, he began using alcohol “to deal with anxiety and frustrations with family.” *Id.* The matter of his alcohol consumption concerned his parents and girlfriend, and the Individual began to notice undesirable physical symptoms, like weight gain. *Id.* at 32–33; Ex. 8 at 40–41. He estimated that in the three months prior to the January 2024 DWI arrest, he was “drinking and getting the physical and mental symptoms of intoxication practically daily.” Ex. 8 at 40.

Regarding the 2024 DWI, the Individual explained that on the day of the incident, he was drinking alcohol while home alone and soon grew bored. Ex. 8 at 37; Ex. 7 at 29. As a result, he left his home and proceeded to a brewery, “to keep drinking.” Ex. 8 at 37; Ex. 7 at 29. He then met a friend at a third location and was pulled over by law enforcement personnel as he was leaving the parking lot of the third location. Ex. 8 at 37; Ex. 7 at 29. Law enforcement asked the Individual to complete three field sobriety tests, which the Individual failed, resulting in his arrest. Ex. 8 at 37. Law enforcement personnel administered two Breathalyzer tests to the Individual when he was

transported to a detention facility, the results of which were .1 and .09.⁶ Ex. 8 at 37; Ex. 7 at 29. The Individual was charged with misdemeanor DWI.⁷ Ex. 7 at 29. The Individual last consumed alcohol on the night of the January 2024 DWI arrest. Ex. 8 at 39; Ex. 7 at 31; Tr. at 50, 54. On that night, the Individual reported having consumed two cans of beer and two sixteen-ounce glasses of beer, totaling four alcoholic drinks. Ex. 7 at 32; Ex. 8 at 40.

The Individual began attending AA meetings the day after the January 2024 incident, attending four meetings on that day.⁸ Ex. 7 at 34; Ex. 8 at 42; Ex. 9 at 49; Tr. at 53. Also following his DWI in January 2024, the DOE contractor who employed the Individual asked the Individual to speak to an Employee Assistance Program (EAP) psychologist. Ex. 7 at 33. Although it was not required by the Individual's employer, the Individual agreed to sign an EAP recovery agreement, which required him to submit to "monthly PEth and drug testing to demonstrate abstinence from alcohol and drugs for one year."⁹ Ex. 7 at 33; Ex. 9 at 51; Tr. at 70–71. The Individual also agreed to meet with the EAP psychologist on a monthly basis for the span of two years. Ex. 7 at 33; Tr. at 71. The DOE Psychologist spoke to the EAP psychologist in June 2024, and he informed the DOE Psychologist that by signing the agreement, the Individual opted to be bound by the terms of their agreement. Ex. 9 at 50. The Individual was described as "eager to engage in whatever treatment or program [that] might help with alcohol use."¹⁰ *Id.*

Around February 2024, the Individual began seeing a therapist on a biweekly basis for his "general mental health." Tr. at 81, 83. He saw this therapist for approximately five months, and then discontinued their sessions, as he "[did not] think it was a good fit." *Id.* at 82.

At the urging of the EAP psychologist, the Individual began a ten-week intensive outpatient program (IOP) in April 2024. Ex. 7 at 33; Ex. 8 at 41; Tr. at 72. Treatment consisted of weekly individual therapy sessions as well as three weekly group therapy sessions, each three hours long. Ex. 7 at 33. He stated that he was "terrified" when he attended his first meeting but warmed up to the process. Tr. at 72–73. The Individual still keeps in touch with some fellow attendees and

⁶ The Individual testified that it was at this moment, when the Breathalyzer was being administered, that he realized that his alcohol consumption had become "a big problem" and he decided to stop consuming alcohol. Tr. at 51, 54.

⁷ The Individual entered a guilty plea and was placed on probation. Tr. at 57–58. As a term of his probation, the Individual had an interlock device placed on his car and submitted to urine tests every two weeks while on supervised probation. *Id.* at 57, 87–88. The Individual did not collect the results of his urine tests from his probation officer, but as the Individual submitted negative urine tests and did not otherwise break any laws, he was placed on unsupervised probation. *Id.* at 58, 88. At the time of the hearing, the Individual was still several months away from completing probation. *Id.* at 113.

⁸ The Individual testified that he had positive first impressions of AA, as he felt that the meetings were "very genuine." Tr. at 54. The week following his arrest, the Individual attended eleven meetings. *Id.* The Individual stated that he simply "[could not] get enough." *Id.* at 54. From the day after the incident in January 2024 to the day of the hearing in March 2025, the Individual attended 343 AA meetings. Ex. A; Ex. B; Tr. at 58–63, 67–68.

⁹ In June 2024, the DOE Psychologist spoke to the EAP psychologist, who confirmed that the PEth test results for March 2024, April 2024, and May 2024 were all negative. Ex. 9 at 51. Further, the Individual submitted thirteen PEth test results from March 2024 to March 2025, all of which were negative. Ex. C; Tr. at 86–87.

¹⁰ The Individual testified that he has benefitted from his meetings with the EAP psychologist and intends to continue meeting with the EAP psychologist on a monthly basis. Tr. at 71–72.

although the IOP was “a big time commitment[.]” he found it “really enjoyable[.]” *Id.* at 73. The Individual was diagnosed with AUD, Moderate or Severe, upon his admission into the IOP. Ex. 9 at 51. The Individual successfully completed the IOP in July 2024. Ex. E. He began the aftercare program following his completion of the IOP. Tr. at 76–77. As a requirement of the IOP and aftercare program, the Individual is required to submit to drug and alcohol urine testing. Ex. D. From April 2024 to March 2025, all urine tests were negative for alcohol and other substances. Ex. D; Tr. at 87. The aftercare program consists of a ninety-minute group session every week, as well as weekly individual therapy. Tr. at 77–79. At the time of the hearing, the Individual was still attending aftercare sessions, and he stated his intention to continue attending aftercare until the completion of his EAP agreement. *Id.* at 80–81.

As indicated above, the Individual underwent a psychological evaluation conducted by a DOE Psychologist in June 2024. Ex. 9. The DOE Psychologist concluded that the Individual “can be considered a habitual consumer of alcohol in that he was drinking to intoxication on a daily basis from [mid-2023] until [January 2024].” *Id.* at 55. The DOE Psychologist also concluded that the Individual suffers from AUD, Severe, in early remission. *Id.* at 56. He noted in the Report that that the Individual had already “begun the process of rehabilitation by voluntarily enrolling in an IOP, attending AA on a regular basis, and committing to the EAP recovery agreement.” *Id.* The DOE Psychologist opined that in order for the Individual to “continue demonstrating evidence of rehabilitation” the Individual should complete the IOP, engage in aftercare for twelve months, continue to comply with the EAP recovery agreement, continue to attend AA or similar meetings for twelve months with documented attendance, engage a sponsor, and show evidence that he is working the twelve steps. *Id.* Finally, he recommended that the Individual should remain abstinent from alcohol for twelve months and submit to monthly PEth tests to corroborate his ongoing abstinence. *Id.*

The Individual testified that abstinence has changed his life. Tr. at 54. He has more time to engage in his studies, he wakes up “feeling better,” and he is able to enjoy the day. *Id.* He has learned how to “deal with problems” that would otherwise “lead to resentment” without the use of alcohol. *Id.* Through AA, the Individual has made new friends with whom he spends time on the weekends, participating in such activities as volleyball and frisbee golf. *Id.* at 56, 91. As they are all in some stage of recovery, alcohol does not play a part in their activities. *Id.* at 56. The Individual testified that since becoming sober, he has noticed physical changes, like weight loss, improved sleep, and less arthritis pain. *Id.* at 56–57. His mental health has also improved, as he is less depressed and much less inclined to spend the day in bed. *Id.* at 57. He has also experienced a closer, better relationship with his parents. *Id.* at 93. The Individual admitted that he has occasionally experienced a passing desire for a beer but stated that the “thought is just replaced by ‘no, that’s not an option anymore.’” *Id.* at 75. Instead, the Individual assesses whether he is “hungry, angry, lonely, [or] tired[.]” and he is able to work through any craving. *Id.* at 76. The Individual has also identified his triggers, which include stress, being near others who are drinking, family stress, boredom, and “relational problems[.]” *Id.* at 103. He deals with his triggers by “getting out of the house” and seeing his sober friends, as he feels comfortable reaching out to his fellow AA attendees and his sponsor in times of need. *Id.* at 76, 93–94, 103–04. The Individual, who lives with his sister, no longer keeps alcohol in his home.¹¹ *Id.* at 89. He has no intention of ever consuming alcohol again. *Id.* The Individual expressed gratitude for the DWI, as it served as a “big

¹¹ The Individual’s sister does not consume alcohol. Tr. at 89.

wake-up call[.]” and allowed him to turn his life around. *Id.* at 97–98. He does not believe that he “would have found” his way to his new life without the DWI charge. *Id.* at 98.

The Individual’s AA sponsor testified that he attends six different AA meetings with the Individual, some of which take place on Saturday nights. *Id.* at 15–16. The Individual is working through the Twelve Steps of AA with his sponsor, and they are currently developing the Individual’s understanding of the twelfth step. *Id.* at 16–18. Although the Individual is working through the steps, he is also “beginning to work with other people and guide them through the steps.” *Id.* at 18–19. The Individual’s AA sponsor said that the Individual is, when compared to others, more committed and a more active and willing participant during meetings. *Id.* at 20–21. The Individual will “do whatever it takes and make[s] AA a priority in his life.” *Id.* at 21. He described the Individual “as a positive individual in the [AA] community[.]” as he “helps other people[.]” welcomes them, and chairs meetings.¹² *Id.* at 21, 31–33, 65–67. The Individual’s sponsor indicated that the Individual has the judgment and knowledge to serve as a sponsor. *Id.* at 24. He also testified that their relationship is “not just a one-way road[.]” as the Individual plays a part in his sponsor’s support system. *Id.* at 25. The Individual’s sponsor indicated that the Individual has told him that he has every intention of remaining abstinent from alcohol, that the Individual’s friends are comprised of individuals within the AA community, and that they are people who “have the same goals[.]” *Id.* at 27, 29.

The Individual’s supervisor, who has known the Individual in a professional context for approximately three years, testified that the Individual was honest with him about the DWI, disclosing the matter to him the Monday following the arrest. *Id.* at 37–39. The Individual’s supervisor was surprised to hear of the DWI, as there had never been any indication that the Individual “had an alcohol problem[.]” *Id.* at 39. He agreed to testify on the Individual’s behalf because the Individual “is an outstanding student” and employee, and of “great value” to the DOE contractor “and to the nation.”¹³ *Id.* When asked whether he has any concerns about the Individual’s honesty, trustworthiness, or reliability, he indicated that he does not. *Id.* He understands that AA has been a positive experience for the Individual, and that the Individual has “made some very good friends there.” *Id.* at 39, 41. When asked whether the Individual talked to him “about his future intentions with regard to alcohol[.]” the Individual’s supervisor testified that the Individual told him that he has no intention of drinking alcohol in the future. *Id.* at 41.

The DOE Psychologist testified that in terms of his efforts at rehabilitation, the Individual is in the “top [one] percent of effort.” *Id.* at 116. At the time of the hearing, the DOE Psychologist concluded that although the Individual still suffered from AUD, he was in “sustained remission[.]” as he had not “displayed any of the diagnostic criteria for [AUD] in more than [twelve] months.” *Id.* at 117. He opined that the Individual had shown adequate evidence of rehabilitation or reformation, as the Individual had been abstinent from alcohol for more than twelve months, as evidenced by the negative PEth and urine tests. *Id.* at 118. Further, the Individual successfully completed an IOP, attended aftercare, and attended an average of four AA meetings per week. *Id.*

¹² Chairing meetings involves opening meetings, staying after meetings, inviting individuals to share during the meeting, resolving disruptions, and passing out readings to attendees. Tr. at 65.

¹³ The Individual received his master’s degree in December 2024 and is currently performing PhD research in connection with his employment with the DOE contractor. Tr. at 89, 112.

at 118–19. The DOE Psychologist confirmed that the Individual completed all the treatment recommendation contained in the Report. *Id.* at 119.

V. Analysis

Guideline G

The Adjudicative Guidelines provide that conditions that could mitigate security concerns under Guideline G include:

- (a) So much time has passed, or the behavior was so infrequent, or it happened under such unusual circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or judgment;
- (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.

The Individual made notable improvements in his life following the 2024 DWI. He was honest with himself about the gravity of the matter and recognized that his alcohol consumption was problematic. He took swift action, participating in multiple AA meetings the day following his release from detention, and attending regularly thereafter. The Individual endeavored to hold himself accountable via an agreement with his employer's EAP. He was, accordingly, subject to monthly PEth tests, all thirteen of which were negative. He took the advice of the EAP psychologist and enrolled himself in an IOP, and after successfully completing the program, he continued his rehabilitation by joining the aftercare program. At the time of the hearing, the Individual was still attending aftercare. The Individual has remained a steadfast and enthusiastic participant in AA, finding great support within the AA community. With great focus, he has identified his triggers and has adopted and employed the proper tools to deal with his cravings when they arise. Importantly, the DOE Psychologist testified that the Individual met the treatment recommendations he made in the Report, he has shown adequate evidence of rehabilitation and reformation, and his AUD is in sustained remission. The Individual has mitigated the stated Guideline G concerns pursuant to mitigating factors (b) and (c).

Guideline J

The Adjudicative Guidelines provide that conditions that can 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) 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.

Adjudicative Guidelines at ¶ 32.

The Individual's DWI was inextricably tied to his alcohol consumption. As indicated above, the Individual thoroughly addressed the matter of his maladaptive alcohol consumption, mitigating the related Guideline G concerns. I also have no allegations before me that the Individual has failed to meet any of his legal obligations in the DWI criminal matter. By his own credible testimony, he has complied with the terms of his probation, which included urine tests and the placement of an interlock device in his car. The Individual also indicated that as he had provided consistently negative urine tests, he was subsequently placed on unsupervised probation. Further, the Individual received his master's degree in December 2024 and is working toward his PhD. As the Guideline J concern associated with the DWI was tied to his alcohol use and the Individual has shown evidence of successful rehabilitation, I believe that the Individual has mitigated the DWI concern under mitigating factor (d).

Under 10 C.F.R. § 710.7(c), I am to consider, among other things, the "the age and maturity of the individual at the time of the conduct[.]" The Individual was a minor in 2017, which suggests he was lacking maturity at the time when he used marijuana. The record indicates that the Individual also used marijuana and LSD as a young adult after reaching the age of eighteen, with the last noted use having taken place in May 2020. Although the Individual's later marijuana use was done alone, much like the LSD use, he was largely using marijuana with other individuals. The LSD was provided to him by a former roommate, and the marijuana was given to him by his former friends. The drug use also took place under circumstances that differ from his current circumstances. The Individual no longer lives with the roommate who provided him with the LSD, and further, the boredom he was suffering through under the COVID-19 pandemic lockdown is no longer a factor in his life. Similarly, there is no evidence in the record indicating that the Individual continues to suffer from the depression that drove him to use marijuana. It is quite telling that the Individual concluded that his marijuana and LSD use resulted in undesirable outcomes, as he felt that his life circumstances could have been different had he refrained from such use. This

observation reflects his current maturity. The Individual also asserted he does not desire to use drugs in the future. Following his decision to abstain from alcohol, the Individual embarked on his plan of attack with a great amount of determination. He remains steadfast in his decision. Accordingly, as I find the Individual credible, I have no doubt that he is equally committed to remaining abstinent from illicit substances. Lastly, the Individual's drug use occurred approximately five years ago, and there are no allegations of recurrence. On balance, considering the Individual's lack of maturity at the time he used some of the illicit substances, the passage of time since he last used illegal drugs, and the significant change in his life circumstances, I believe the Individual has mitigated the related concerns pursuant to mitigating factor (a).

The Embezzlement charge cited in the SSC is certainly concerning. However, I am satisfied that the life circumstances surrounding the theft no longer exist. At the time, the Individual was a college student concerned with cost of the upcoming semester. Now, the Individual is working for a DOE contractor, and there are no allegations before me indicating that he is experiencing any financial difficulties or strains. Further, the theft took place in 2019, when the Individual was still a teenager, and as I indicated above, I am also tasked with considering the Individual's age and maturity at the time he exhibited the criminal behavior. 10 C.F.R. § 710.7(c). Since then, he has acknowledged how senseless and futile his behavior was. He is now, as evidenced by his forward-thinking behavior in connection with his alcohol treatment, more focused on future consequences, in direct opposition to the shortsighted behavior he exhibited when he stole the money from the register. Since 2019, the Individual has graduated from an institution of higher learning, he has become a leader among his peers at AA, and he has shown maturity in his thought processes surrounding his current circumstances. Accordingly, I believe that the behavior occurred under circumstances that are unlikely to recur and do not cast doubt on his current judgment, reliability, and trustworthiness. The Individual has mitigated the stated concerns pursuant to mitigating factor (a).

VI. Conclusion

For the reasons set forth above, I conclude that the LSO properly invoked Guidelines G and J 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 Guidelines G and J concerns set forth in the SSC. Accordingly, the Individual has demonstrated that restoring his security clearance would not endanger the common defense and security and would be clearly consistent with the national interest. Therefore, I find that the Individual's access authorization should be restored. This Decision may be appealed in accordance with the procedures set forth at 10 C.F.R. § 710.28.

Noorassa A. Rahimzadeh
Administrative Judge
Office of Hearings and Appeals