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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:	March 17, 2025)	Case No.: PSH-25-0091
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)	

Issued: August 29, 2025

Administrative Judge Decision

Diane L. Miles, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXXXXXXX (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*. (June 8, 2017) (Adjudicative Guidelines), I conclude that the Individual's access authorization should not be restored.

I. Background

The Individual is employed by a DOE Contractor, in a position that requires that he hold a security clearance. On July 19, 2024, the Individual was arrested and charged with Aggravated Driving While Intoxicated (DWI), after admitting to a police officer that he consumed "one vodka and water" before driving. Exhibit (Ex.) 6 at 26–27; Ex. 3 at 12.² Before his arrest, the Individual submitted to a breathalyzer test, the results of which showed that he had a blood alcohol concentration (BAC) of .18 g/210L. Ex. 6 at 27; Ex. 4 at 17.

In September 2024, the Local Security Office (LSO) issued a Letter of Interrogatory (LOI) to the Individual, which requested information about his arrest. Ex. 7. In the LOI, the Individual reported that, before his arrest, he consumed "3 glasses of vodka/water in 2 to 2.5 hrs." *Id.* at 29. Due to the security concerns raised by the Individual's alcohol-related arrest, the LSO referred the Individual for an evaluation by a DOE-contractor psychologist (DOE Psychologist), who conducted a clinical interview of the Individual in November 2024 and issued a report (the Report)

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 the 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 the DOE.

of her findings. Ex. 8. During the evaluation, the Individual reported that between 2016 and 2024, he typically consumed four to five 12-ounce beers per night, and, occasionally, he would consume “a cranberry and vodka beverage.” *Id.* at 39–40. Based on her evaluation of the Individual, the DOE Psychologist opined that the Individual met sufficient diagnostic criteria in the *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, Text Revision (DSM-5-TR)* for a diagnosis of Unspecified Alcohol-Related Disorder, without adequate evidence of rehabilitation or reformation. *Id.* at 43–44.

In February 2025, 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 6–8. In a Summary of Security Concerns (SSC) attached to the Notification Letter, the LSO explained that the derogatory information raised security concerns under Guideline G (Alcohol Consumption) of the Adjudicative Guidelines. *Id.* at 5.

On February 18, 2025, 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 six witnesses: the Individual, two of the Individual’s friends, the Individual’s cousin, the Individual’s girlfriend, and the DOE Psychologist. *See* Transcript of Hearing, OHA Case No. PSH-25-0091 (Tr.). Counsel for the DOE submitted ten exhibits, marked as Exhibits 1 through 10. The Individual submitted 17 exhibits, marked as Exhibits A through P, and R.³

II. The Summary of Security Concerns

Under Guideline G, “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 . . . or other incidents of concern . . .,” “habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed with alcohol use disorder,” and a “diagnosis by a duly qualified medical or mental health professional (e.g., physician, clinical psychologist, psychiatrist, or licensed clinical social worker) of alcohol use disorder.” *Id.* at ¶ 22(a), (c), (d).

In invoking Guideline G, the LSO cited the Individual’s July 19, 2024, arrest for Aggravated DWI, with a BAC of .18 g/210L, and his admission, in the LOI, that he consumed “three glasses of vodka/water,” over the course of two or two-and-a-half hours, before his arrest. Ex. 1 at 5. The LSO also cited the Individual’s admission, during his psychological evaluation, that from 2016 to his arrest on July 19, 2024, he consumed four to five 12-ounce cans of beer per night, and that he would occasionally consume a cranberry and vodka beverage. *Id.* Finally, the LSO cited the DOE Psychologist’s opinion that the Individual met sufficient *DSM-5-TR* diagnostic criteria for a diagnosis of Unspecified Alcohol-Related Disorder, without evidence of rehabilitation or reformation. *Id.*

III. Regulatory Standards

³ The Individual submitted a list of potential witnesses as Exhibit Q. This exhibit has been excluded as evidence.

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 their 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

During his November 2024 psychological evaluation, the Individual reported to the DOE Psychologist that before his July 2024 arrest, he and a co-worker went to a bar, where he consumed three servings of "vodka/soda waters." Ex. 8 at 40. He explained that he did not feel intoxicated at the time he decided to drive home. *Id.* He reported that he had not consumed alcohol since July 19, 2024, the date of his DWI arrest. *Id.* at 41. He reported that he still went out with his friends, but without drinking alcohol, he had difficulty maintaining the same level of socialization with his friends. *Id.* at 41, 43. As part of the psychological evaluation, on November 18, 2024, the Individual underwent Phosphatidylethanol (PEth)⁴ testing, the result of which was negative for alcohol consumption which was consistent with the Individual's self-report that he had not been drinking alcohol since his July 2024 arrest. *Id.* at 41–42, 54–55.

After the psychological evaluation, and after reviewing the Individual's personnel security file, the DOE Psychologist determined that before his arrest, the Individual told a police officer he consumed one drink of vodka/water before driving. Ex. 8 at 42. After his arrest, in the LOI, he reported to the LSO that he consumed three vodka/water drinks over two or two-and-a half hours. *Id.* According to the DOE Psychologist, this level of alcohol consumption would have resulted in the Individual having an estimated BAC of .04 g/210L, which is far less than the .18 g/210L shown by the result of the breathalyzer test. *Id.* Therefore, she concluded the Individual was "not honest" about the amount of alcohol he consumed before his July 2024 arrest. *Id.* In addition, she believed

⁴ The Report indicates that "PEth is a metabolite of ethyl alcohol and can only be made when consumed ethyl alcohol reacts with a compound in the Red Blood Cell (RBC) membrane." Ex. 8 at 41–42. "PEth builds up in the RBC with repeated drinking episodes, and a parallel process slowly eliminates the accumulated PEth (with an elimination half-life of about six days)." *Id.* at 42. "PEth can still be detected in the blood for about 28 days after alcohol consumption has ceased." *Id.*

the Individual failed to take “a proactive approach” to address his alcohol consumption since his DWI arrest because he did not enroll in any courses focused on alcohol use offered by his employer, and he failed to seek out community resources to address his alcohol consumption, such as Alcoholics Anonymous (AA), SMART Recovery, or therapy that specialized in alcohol treatment. *Id.* at 41–42. Finally, she determined that his alcohol use disrupted his occupation and, because the Individual reported having difficulty maintaining the same level of socialization with his friends without alcohol, alcohol was also disrupting his social life. *Id.* The DOE Psychologist diagnosed the Individual with Unspecified Alcohol-Related Disorder, without adequate evidence of rehabilitation or reformation. *Id.* at 43–44. To show adequate evidence of rehabilitation from his Unspecified Alcohol-Related Disorder, she recommended that the Individual attend the courses offered through his employer, and abstain from alcohol for six months, supported by monthly PEth testing. *Id.* at 44. To show adequate evidence of reformation from his Unspecified Alcohol-Related Disorder, she recommended that the Individual abstain from alcohol for nine months, supported by monthly PEth testing. *Id.*

In March 2025, the Individual signed an alcohol abstinence agreement with his employer’s Employee Assistance Program (EAP), the terms of which required that he be subject to random drug and alcohol testing, outpatient alcohol counseling with a community program, and 12 months of monitoring by the program’s psychologist. Tr. at 50–51; Ex. R. On March 18, 2025, the Individual completed a 12-hour DWI School, as required by the terms of his probation from his July 2024 DWI arrest. Tr. at 69–70. He provided a Certificate of Completion for the DWI School. Ex. G. The Individual also completed 24 hours of court-ordered community service. Ex. K. The Individual was also required to attend a victim impact panel, which he completed. Ex. H. The Individual submitted a letter from his probation officer, which indicates that he successfully completed all conditions of his probation, including the DWI School, the victim impact panel, and 24 hours of community service. Ex. O.

On March 24, 2025, the Individual began receiving alcohol counseling as part of an alcohol-recovery program. Tr. at 55–56. The Individual submitted evidence that from April 9, 2025, to June 30, 2025, he completed nine weeks of group meetings. Ex. I; Ex. L. The group meetings involved a discussion of what substance use disorders are and what leads to the development of substance use disorders. Ex. M; Tr. at 58, 61–62. The Individual also attended individual psychotherapy meetings. Tr. at 63. The Individual testified that during the individual meetings, he learned his anxiety would cause him to drink, and he learned ways to “mitigate anxiety.” *Id.* He also explained that he would participate in small, simulated activities provided by the program to trigger environments that would cause him anxiety and help him learn. *Id.* The Individual submitted a letter from a clinical psychologist at the alcohol-recovery program, which indicated that, as of June 2025, the Individual had attended seven individual psychotherapy sessions, during which he worked to address his triggers to consume alcohol. Ex. M. The letter also indicated he regularly attended all sessions, engaged with session materials, and was motivated to continue treatment. *Id.*

The Individual submitted evidence that from April 14, 2025, to July 3, 2025, he attended group meetings at SMART Recovery two to three times a week. Ex. L; Ex. J. The Individual submitted a letter from a facilitator at SMART Recovery, which indicated that the Individual regularly attended group meetings twice a week, and he was an active participant during meetings. Ex. P. The Individual testified that the SMART Recovery meetings exposed him to other people going through similar issues with alcohol. Tr. at 64–65. The meetings also taught him how to fill his life

with positive hobbies and learn more about himself as a person. *Id.* As for alcohol testing, the Individual submitted evidence that he underwent PEth testing on April 17, 2025, May 21, 2025, June 11, 2025, and July 7, 2025; the results of each test were negative. Ex. A; Ex. B; Ex. C; Ex. D; Ex. L.⁵

During the hearing, the Individual's sister testified that she knew the Individual was arrested for DWI in July 2024. Tr. at 12. She explained that since the DWI arrest, the Individual had engaged in more outdoor activities, like hiking, he got a new dog, and he had improved his diet by cooking more at home. *Id.* at 13. As for the Individual's alcohol consumption, she had not seen the Individual consume alcohol. *Id.* She knew the Individual attended alcohol recovery meetings and she believed the meetings had helped him find different ways to manage his stress. *Id.* at 14.

The Individual's friend testified that he had known the Individual since they were teenagers and he communicates with the Individual weekly or bi-weekly. *Id.* at 21–22. He was aware of the Individual's arrest for DWI, but he never had any concerns about the Individual's alcohol consumption. *Id.* at 22. Since the Individual's arrest, he had not observed the Individual consume alcohol. *Id.* at 23. He knew the Individual attended some type of alcohol-related classes, but he could not recall what details the Individual shared with him about the meetings. *Id.* at 25–26. Another friend of the Individual testified that he had known the Individual since they were children and he communicated with the Individual every other day. Tr. at 29–30. He was aware of the Individual's arrest for DWI, and he stated the Individual had been attending alcohol recovery meetings and completed community service. *Id.* at 30–32. He believed that the last time the Individual consumed alcohol was before his arrest for DWI, in July 2024. *Id.* He also knew the Individual recently got a new dog and had become more active outdoors. *Id.* at 32–33.

The Individual's cousin testified that she had never heard of the Individual having any issues with alcohol. *Id.* at 37. The Individual mentioned to her that he was stopped by a police officer, but she did not know he was arrested for DWI. *Id.* at 40. As to the Individual's character, she stated that recently, the Individual started caring for a new dog, and that now, he spends more time hiking. *Id.* at 38.⁶

During the hearing, the Individual further testified that before his July 2024 arrest for DWI, he was drinking at a bar with friends. Tr. at 46–47. He remembered that he was consuming vodka-water, but he could not recall exactly how many vodka-waters he consumed. *Id.* He explained that since he has received alcohol treatment, he is more educated about alcohol, and he understands that he made “a big mistake” by driving while impaired. *Id.* at 47. Since he stopped drinking, in July 2024, he has tried to serve as a positive example for his newborn child, he has gotten back into exercising, and he spends more time exposing himself to nature. *Id.* at 47, 70.

After listening to the testimony provided during the hearing and reviewing the Individual's exhibits, the DOE Psychologist opined that the Individual was not yet rehabilitated or reformed

⁵ The Individual testified that he was court-ordered to install interlock devices on both of his vehicles after his July 2024 arrest for DWI. Tr. at 67–68. The Individual submitted evidence of alcohol interlock devices registering negative results in both of his vehicles since they were installed. Ex. E; Ex. F.

⁶ The Individual submitted a letter from a co-worker, who wrote that the Individual was a reliable person, who completed all his work tasks efficiently and effectively. Ex. N.

from his Unspecified Alcohol-Related Disorder. Tr. at 85. As to his rehabilitation, the Individual complied with her recommendation by receiving alcohol treatment at SMART Recovery and at his alcohol-recovery program, which the DOE Psychologist described as a “very robust program” that included individual psychotherapy sessions that taught him how to manage his anxiety. *Id.* at 84. She also stated that both programs were “pretty comparable” to the alcohol-related courses provided by his employer which she had recommended. *Id.* at 84–85. She explained that, in contrast, the Individual’s DWI courses were required as a condition of his probation and mainly teach participants about standard rates of drinking. *Id.* at 90. Although the Individual was progressing through alcohol treatment, he had not undergone enough PEth testing to demonstrate he had abstained from alcohol for six months. *Id.* at 85. She explained that although the Individual testified that he had not consumed alcohol since July 2024, and the PEth test the Individual underwent following the psychological evaluation provided evidence he was abstinent from alcohol between October 2024 and November 2024, there was no scientific proof he was abstinent from alcohol between the time periods covered by his November 2024 and April 2025 PEth tests. *Id.* at 88. After reviewing the Individual’s PEth test results from April 2025 through July 2025, she opined that she could only be confident the Individual had abstained from alcohol for four consecutive months, which was short of her recommendation of six months. *Id.* at 89.

As for the Individual’s reformation from his Unspecified Alcohol-Related Disorder, the DOE Psychologist explained that the Individual is “definitely on the way” and “is doing all the right things,” but he needs more time to achieve reformation his disorder. Tr. at 84–85. The DOE Psychologist found it positive that the Individual developed social activities that did not involve alcohol, such as hiking and caring for a dog. *Id.* at 81. She also found positive the fact that the Individual was receiving therapy for his anxiety, because developing skills to relieve one’s anxiety can help reduce their reliance on alcohol. *Id.* She believed the Individual’s prognosis was good, but she cautioned that relapses occur within the first year of recovery, and the Individual needs more time “under his belt” for his changed behaviors to become a habit, including abstaining from alcohol. *Id.* at 85, 90.

V. Analysis

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.

Regarding factor (a), the Individual admitted that for eight years, from 2016 to 2024, leading up to his July 2024 arrest for DWI, he consumed four to five 12-ounce cans of beer per night. Although the Individual was involved in one DWI between 2016 and 2024, his pattern of alcohol consumption leading up to his arrest was heavy and frequent. Furthermore, there is no evidence that the Individual's arrest for DWI and his problematic alcohol consumption occurred under unusual circumstances. Finally, the Individual's arrest for DWI occurred one year before the hearing, and at the time of the hearing, the Individual had only provided sufficient evidence to corroborate that he had abstained from alcohol for four consecutive months. Although the Individual claimed that he has been abstinent since July 2024, and his witnesses had not observed him consume alcohol since the arrest, his prior dishonesty as to his alcohol consumption before the DWI arrest prevents me from fully crediting his claimed period of abstinence without supporting laboratory testing. Four months of abstinence is insufficient to demonstrate that his maladaptive alcohol use is unlikely to recur, especially given the DOE Psychologist's opinion that he was not yet rehabilitated or reformed from the Unspecified Alcohol-Related Disorder. Therefore, I find that the Individual has not mitigated the security concerns related to his alcohol consumption under ¶ 23(a) of the Adjudicative Guidelines.

Regarding factor (b), the Individual testified that, since he has started receiving alcohol treatment, he realizes that he made a big mistake by driving while impaired before his July 2024 arrest. Although the Individual followed the DOE Psychologist's recommendation to enroll in alcohol treatment, by participating in an alcohol-recovery program, which included SMART Recovery meetings, I am persuaded by the DOE Psychologist's opinion that the Individual's four months of established abstinence from alcohol is insufficient time to demonstrate a clear and established pattern of abstinence from alcohol and achieve rehabilitation or reformation from his Unspecific Alcohol-Related Disorder. Therefore, I find that the Individual has not mitigated the security concerns related to his alcohol consumption under ¶ 23(b) of the Adjudicative Guidelines.

Regarding factor (c), the Individual submitted documentary evidence to support his testimony that he completed nine weeks of group meetings, as well as individual psychotherapy sessions and SMART Recovery meetings, as part of an alcohol-recovery program. The Individual's treatment included discussions about his triggers to drink, and how his anxiety issues contributed to his alcohol consumption. He also submitted letters indicating he was a motivated and active participant in both programs. He has no history of receiving alcohol treatment previously or relapsing after having received treatment. However, nine weeks of group meetings and three months of SMART Recovery meetings are not enough time to demonstrate sufficient progression through alcohol treatment. I am persuaded by the opinion of the DOE Psychologist, who opined that the Individual needs more alcohol treatment to fully resolve his Unspecified Alcohol-Related Disorder. Although the DOE Psychologist testified that the Individual's prognosis was good, she cautioned that relapses occur within the first year of recovery and the Individual needs more time "under his belt" to sustain his changed behaviors related to alcohol. Tr. at 85, 90. Therefore, I find that the Individual has not mitigated the security concerns related to his alcohol consumption under ¶ 23(c) of the Adjudicative Guidelines.

Regarding factor (d), as explained above, the Individual followed the DOE Psychologist's recommendation to enroll in alcohol-related treatment, but the Individual has not yet abstained from alcohol for six or nine months, and therefore he has not established a pattern of abstinence in accordance with the DOE Psychologist's treatment recommendations. Accordingly, I find that the Individual has not satisfied the mitigating condition set forth at ¶ 23(d).

Based on the foregoing analysis, I cannot find that the Individual has resolved the concerns raised by the LSO under Guideline G of the Adjudicative Guidelines.

VI. Conclusion

For the reasons set forth above, I conclude that the LSO properly invoked Guideline 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 not brought forth sufficient evidence to resolve the concerns set forth in the SSC. Accordingly, the Individual has not 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 not be restored. 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