

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

In the Matter of: Personnel Security Hearing)
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Filing Date: April 17, 2025)
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Case No.: PSH-25-0107

Issued: November 4, 2025

Administrative Judge Decision

Kristin L. Martin, Administrative Judge:

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

I. BACKGROUND

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

The Individual requested a hearing and the LSO forwarded the Individual’s request to the Office of Hearings and Appeals (OHA). The Director of OHA appointed me as the Administrative Judge in this matter. At the hearing I convened pursuant to 10 C.F.R. § 710.25(d), (e), and (g), the Individual presented the testimony of three witnesses. The LSO presented the testimony of the DOE contractor psychologist (the Psychologist) who had evaluated the Individual. *See* Transcript of Hearing, OHA Case No. PSH-25-0107 (hereinafter cited as “Tr.”). The LSO submitted thirty-two exhibits, marked as Exhibits 1 through 32 (hereinafter cited as “Ex.”). The Individual submitted seventeen exhibits, marked as Exhibits A through Q.

¹ Under the regulations, “[a]ccess authorization’ means an administrative determination that an individual is eligible for access to classified matter or is eligible for access to, or control over, special nuclear material.” 10 C.F.R. § 710.5(a). Such authorization will also be referred to in this Decision as a security clearance.

II. THE NOTIFICATION LETTER AND THE ASSOCIATED SECURITY CONCERNS

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

Guideline G states that excessive alcohol consumption often leads to the exercise of questionable judgment or the failure to control impulses and can raise questions about an individual's reliability and trustworthiness. Adjudicative Guidelines at ¶ 21. Conditions that could raise a Guideline G security concern include:

- (a) Alcohol-related incidents away from work, such as driving while under the influence, fighting, child or spouse abuse, disturbing the peace, or other incidents of concern, regardless of the frequency of the individual's alcohol use or whether the individual has been diagnosed with alcohol use disorder;
- (b) Alcohol-related incidents at work, such as reporting for work or duty in an intoxicated or impaired condition, drinking on the job, or jeopardizing the welfare and safety of others, regardless of whether the individual is diagnosed with alcohol use disorder;
- (c) Habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed with alcohol use disorder;
- (d) Diagnosis by a duly qualified medical or mental health professional (e.g., physician, clinical psychologist, psychiatrist, or licensed clinical social worker) of alcohol use disorder;
- (e) The failure to follow treatment advice once diagnosed;
- (f) Alcohol consumption, which is not in accordance with treatment recommendations, after a diagnosis of alcohol use disorder; and
- (g) Failure to follow any court order regarding alcohol education, evaluation, treatment, or abstinence.

Id. at ¶ 22.

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

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

Id. at ¶ 31.

The LSO alleges that:

- In January 1998, August 1998, June 1999, and March 2022, the Individual was arrested and charged with public intoxication (Guidelines G and J);
- In August 1999, the Individual was arrested and charged with Underage Possession of Alcohol (Guidelines G and J);
- In March 2008, the Individual was arrested and charged with Domestic Violence (DV) (Guideline J);
- In October 2020, the Individual was arrested and charged with Domestic Assault and later admitted that he had been consuming alcohol prior to the arrest (Guidelines G and J);
- In April 2022, the Individual was arrested and charged with Driving Under the Influence of Alcohol (DUI) (Guidelines G and J);
- In September 2024, the Individual was arrested and charged with Domestic Assault and later admitted that he had consumed a significant amount of whiskey before the incident (Guidelines G and J);
- In 2022, the Psychologist diagnosed the Individual with Alcohol Use Disorder (AUD), severe, and the Individual's clearance was suspended (Guideline G);
- In 2022, the Individual testified to an Administrative Judge, at a hearing concerning his eligibility for a security clearance, that he was practicing sobriety and intended to abstain from alcohol in the future. The Administrative Judge, in reliance on this testimony, restored

the Individual's security clearance. However, the Individual had an alcohol-related arrest in 2024 (Guideline G);

- In December 2024, the Psychologist issued a report of her evaluation of the Individual in which she opined that the Individual met the criteria for AUD, severe (Guideline G).

Ex. 1 at 1–3.

The Individual has a pattern of criminal conduct involving alcohol dating back to 1998, has been diagnosed by the Psychologist with AUD, severe, and resumed alcohol consumption and failed to follow treatment advice following his diagnosis with AUD in 2022. Therefore, the security concerns are properly raised under Guideline G. Adjudicative Guidelines at ¶ 22(a), (d)–(f). There is also evidence that the Individual engaged in criminal behavior, so the security concerns are properly raised under Guideline J. *Id.* at ¶ 31(b).

III. REGULATORY STANDARDS

A DOE administrative review proceeding under Part 710 requires me, as the Administrative Judge, to issue a Decision that reflects my comprehensive, common-sense judgment, made after consideration of all of the relevant evidence, favorable and unfavorable, as to whether the granting or continuation of a person's access authorization will not endanger the common defense and security and is clearly consistent with the national interest. 10 C.F.R. § 710.7(a). The entire process is a conscientious scrutiny of a number of variables known as the "whole person concept." Adjudicative Guidelines at ¶ 2(a). The protection of the national security is the paramount consideration. The regulatory standard implies that there is a presumption against granting or restoring a security clearance. *See Department of Navy v. Egan*, 484 U.S. 518, 531 (1988) ("clearly consistent with the national interest" standard for granting security clearances indicates "that security determinations should err, if they must, on the side of denials"); *Dorfmont v. Brown*, 913 F.2d 1399, 1403 (9th Cir. 1990) (strong presumption against the issuance of a security clearance).

The Individual must come forward at the hearing with evidence to convince the DOE that granting or restoring access authorization "will not endanger the common defense and security and will be clearly consistent with the national interest." 10 C.F.R. § 710.27(d). The Individual is afforded a full opportunity to present evidence supporting his eligibility for an access authorization. The Part 710 regulations are drafted so as to permit the introduction of a very broad range of evidence at personnel security hearings. Even appropriate hearsay evidence may be admitted. *Id.* § 710.26(h). Hence, an individual is afforded the utmost latitude in the presentation of evidence to mitigate the security concerns at issue.

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

IV. FINDINGS OF FACT

In March 2022, the Individual reported to the LSO that he had been arrested for public intoxication. Ex. 23 at 377. Later that month, he answered a Letter of Interrogatory (2022 LOI), disclosing that he was consuming alcohol two or three times per week. *Id.* He disclosed that he went for a walk after arguing with his wife, consumed a pint of alcohol, and was stopped by police while walking to his vehicle. *Id.* at 378–79. He disclosed that he had been arrested for DV in 2008 and 2020 and that he had been drinking prior to the 2020 DV arrest. *Id.* at 379. He wrote that he would never touch alcohol again. *Id.* at 380. In April 2022, the Individual was arrested for DUI and was subsequently diagnosed by the Psychologist with AUD, severe. *Id.* 379. The Individual’s security clearance was suspended and he went through the administrative review process, which culminated in a hearing in February 2023. *Id.*

At the 2023 hearing, the Individual presented the testimony of his Alcoholics Anonymous (AA) sponsor, his manager, his wife, and his treating psychologist (Individual’s Psychologist). Ex. 23 at 382–84. He presented evidence that he was active in AA and therapy and had not consumed alcohol since June 2022. *Id.* at 385–86. The DOE Psychologist who had diagnosed the Individual’s AUD testified that the Individual appeared dedicated to overcoming his alcohol-related issues and had “done an incredible amount of work, above and beyond what [she had] recommended.” *Id.* at 387. She believed he would continue with his treatment activities and was adequately rehabilitated or reformed. *Id.* The Individual submitted the results of six Phosphatidylethanol (PEth)² tests from July 2022 to January 2023 and a hair follicle test from October 2022, all of which were negative for alcohol use. *Id.* at 386. The Administrative Judge restored the Individual’s security clearance, noting in particular the Individual’s recovery efforts and the DOE Psychologist’s favorable testimony. *Id.* at 388–89.

The Individual made a conscious decision to resume alcohol consumption in June 2024. Ex. 27 at 441. In September 2024, the Individual and his wife had an argument that escalated until his wife called the police and reported a domestic disturbance; the Individual described the accusations as false and surmised that his wife was building a case against him for a future divorce. *Id.* A protective order for his wife and children was filed against the Individual. *Id.*

The Individual began abstaining from alcohol immediately after his arrest and began attending an Intensive Outpatient Program (IOP) voluntarily shortly afterward. Ex. 27 at 442. In December 2024, the LSO referred the Individual for evaluation by the same DOE Psychologist he saw in 2022. *Id.* at 436. The Psychologist prepared a report of her evaluation. Ex. 27. In the report, the Psychologist opined that the Individual met sufficient *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition* (DSM-5) diagnostic criteria for a diagnosis of AUD, severe, without adequate evidence of rehabilitation or reformation. *Id.* at 446. The Psychologist detailed the Individual’s history of alcohol use, including his prior arrests, treatment, and stated commitment to lifelong sobriety. *Id.* at 443–44. She noted that the Individual understood in 2022 that he could not safely consume alcohol in any amount. *Id.* at 443. *See also* Ex. 23 at 308 (transcript of the 2023 hearing documenting his commitment to remaining sober regardless of the hearing outcome, and

² A PEth test measures a blood sample for levels of an alcohol byproduct. *Direct Ethanol Biomarker Testing: PETH*, Mayo Clinic Laboratories, <https://news.mayocliniclabs.com/2022/09/13/direct-ethanol-biomarker-testing-peth-test-in-focus/> (last visited June 28, 2023). The test can detect alcohol consumption in the three to four weeks preceding the test. *Id.*

his statement that his support network would not let him relapse and would “be at [his] door every day” if he did). The Psychologist recommended, for the Individual to show rehabilitation, that the Individual abstain from alcohol for at least twenty-four months documented by monthly PEth tests, complete an IOP, and participate in AA or another peer support group at least three times weekly for at least the first twelve months of his sobriety. Ex. 27 at 446. The Individual received the report in April or May 2025. Tr. at 90.

The Individual completed his IOP on December 11, 2024. Ex. B. He submitted into the record an attendance sign-in sheet from AA showing that he had attended six meetings in February 2025, four meetings in March, two meetings in April, one meeting in May, no meetings in June, five meetings in July, nine meetings in August, and six meetings so far in September. Ex. L. He later testified that he went to more meetings but did not get a record of them. Tr. at 90, 92. The Individual submitted into the record several PEth test results covering a period from approximately March 11, 2025, to September 20, 2025. Ex. C; Ex. E; Ex. F; Ex. G; Ex. K; Ex. P. Each returned a negative result. *Id.* He also submitted into the record the results of a hair follicle test performed on April 24, 2025, which returned a negative result and could indicate abstinence for up to three months prior to the test date. Ex. D; Ex. Q.

Regarding the Individual’s decision to resume alcohol consumption in June 2024, at the hearing, the Individual testified that he and his wife argued about money frequently in 2024, so he began working as much as possible. Tr. at 21, 24. He stopped going to AA and therapy so he could work more. *Id.* at 24–25. He testified that he put his wife’s needs, as he understood them at the time, as well as work before his sobriety. *Id.* at 27–28, 87–88. He and his wife were in divorce proceedings as of the date of the hearing. *Id.* at 33.

The Individual testified that he abstained from alcohol from June 2022 until June 2024. Tr. at 19. The Individual testified that, in June 2024, he stopped by a friend’s house where there was alcohol, and he decided to have some. *Id.* The Individual lived with the friend for several weeks immediately after his September 2024 arrest while he was unable to stay at his home due to the Order of Protection. *Id.* at 16. He testified that the friend was supportive of his sobriety after he began abstaining from alcohol again. *Id.* at 20. He explained that he relapsed because he “thought [he] could handle it and . . . nothing would happen.” *Id.* at 88. He further explained, “I thought it would be different this time around, and my thought process changed. I was out of the [AA] program. I wasn’t thinking like I should have been or seeking the help that I should have been.” *Id.* at 89. He admitted that his support system had not been “at his door every day” because he had stopped going to AA and spending time with them. *Id.*

The Individual last consumed alcohol on September 14, 2024, consuming about a pint of liquor between about three p.m. and the time of his arrest. Tr. at 13; Ex. 19 at 82. He testified that he was charged with Domestic Assault on that day and that there was an Order of Protection entered against him. *Id.* at 13. He testified that the charges were dropped and that, after a few months, the Order of Protection was terminated as well. Tr. at 13. He testified that he was in compliance with the Order of Protection while it was active. *Id.* at 14.

The Individual testified that, after his September 2024 arrest, he re-entered an IOP and resumed therapy so he could recover and be a better father. Tr. at 15, 26. The Individual was introduced to

his current AA sponsor by the attorney representing him in the instant proceeding. *Id.* at 34. They first talked in July 2025. *Id.* at 35. He testified that he was currently starting Step 4 of the 12 Steps. *Id.* at 36. He testified that his first sponsor seemed to lose interest in him after his 2023 hearing. *Id.* at 22–23. He testified that his new sponsor was active in his recovery. *Id.* at 34–35. The Individual resumed seeing the Individual’s Psychologist in October 2024 and continued seeing him on a regular basis through the hearing date. Ex. A at 1. He testified that he had been working on the issues that led to his AUD, including his family history and his current family relationships. Tr. at 30–32.

The Individual’s Psychologist testified that the Individual relapsed because he stopped taking care of himself, stopped going to therapy and AA meetings, and had difficulty “holding onto or finding” a sponsor. Tr. at 104–06. He testified that the Individual’s wife was angry about how much the Individual’s actions had cost them in terms of legal fees, fines for criminal behavior, therapy expenses, and costs associated with the previous administrative review hearing. *Id.* at 104. He testified that the Individual was very motivated to make more money to compensate and did not continue doing what had been working for him to stay sober. *Id.* at 104–05. He testified that the Individual was now setting boundaries with his wife and was working on not needing to please others at the expense of his well-being. *Id.* at 106–07. He testified that the Individual’s relationships with his children could help him remain sober if he continues working the AA program. *Id.* at 108. The Individual’s Psychologist testified that the Individual’s self-esteem was improving. *Id.* at 108–09. He believed the Individual’s primary motivation now was maintaining his sobriety, not necessarily having his security clearance restored. *Id.* at 110. He testified that the Psychologist’s recommendations were sensible and that it was unfortunate that the hearing was taking place before the Individual had the opportunity to complete two years of sobriety. *Id.* at 111–12. He agreed that the Individual would need ongoing PEth tests and demonstrations of involvement in AA beyond his first year of sobriety to demonstrate rehabilitation. *Id.* He gave the Individual a good prognosis on the condition that he continued going to AA meetings, meeting with his sponsor, and doing the therapeutic work of recovery. *Id.* at 112, 120–21. He testified that his prognosis for the Individual would be poor if he stopped his recovery efforts. *Id.* at 122. He testified that typically a year of documented sobriety was sufficient to show recovery, but noted that the Individual was at risk of relapse if he did not continue with his treatment plan and recognized that the LSO had valid concerns about the length of the Individual’s sobriety. *Id.* at 113. He believed the Individual would need to make a lifelong commitment to remain in recovery activities to sustain his abstinence. *Id.* at 123–24.

The Individual’s sponsor testified that he first met the Individual virtually in July 2025 and in person in August 2025. Tr. at 178–80. He testified that he worked at the Individual’s worksite and that he held a Q clearance. *Id.* at 129. He testified that he was told someone at the worksite needed some help with AA, so he reached out to the Individual and, after some conversation, decided to sponsor him. *Id.* at 129–30. He testified that he was working through the 12 Steps with the Individual in a meaningful way. *Id.* at 130. He testified that he was working with the Individual on prioritizing AA because the Individual could not remain sober if sobriety was not his first priority. *Id.* at 136–37, 141–42, 145–47, 163–64. The sponsor testified that the Individual was engaged in the program and expressed a willingness to work on himself. *Id.* at 165–66, 172–74. He testified that he and the Individual had met in person to work on the steps six times. *Id.* at 181. He testified that what he was “seeing grow within [the Individual] is the power and influence of

what we're doing in these meetings to give him a more constructive response to [interpersonal stressors] and to realize what he does or does not need to maintain in his life." *Id.* at 170.

The Individual's foreman had known him since May 2025. *Tr.* at 149–50. He described the Individual as a friend, but had never been to his home. *Id.* at 159. They had seen each other Monday through Saturday from May through the middle of September 2025. *Id.* at 158. They would communicate through call or text message occasionally. *Id.* at 157. He testified that he had never suspected that the Individual was under the influence of alcohol at work. *Id.* at 151, 160. He was unaware of any criminal activity by the Individual. *Id.* at 160–61.

The Psychologist testified that she would update her earlier diagnosis to AUD, severe, in sustained remission. *Tr.* at 190. She further testified that she did not believe the Individual had shown adequate evidence of rehabilitation or reformation, and she would not change her recommendations for rehabilitation or reformation. *Id.* at 190–91, 206. Her primary concern was that the Individual had not yet remained sober for two years with monitoring via PEth tests, particularly because the Individual had been sober for about two years before his relapse. *Id.* at 207. She testified that the Individual had more work to do to stabilize his recovery and she believed the Individual's AUD remained a condition that could impair his judgment or reliability. *Id.* at 191, 209. She gave the Individual a guarded prognosis and testified that the Individual had been complying with her recommendations, but he had not been doing so long enough for her to be confident that he would continue this time. *Id.* at 198–99. She testified that he had too many risk factors for her to give a positive prognosis. *Id.* at 198. The Psychologist admitted that she had been "very confident" that the Individual would remain sober after his last hearing, but "even in that confidence [she] was wrong." *Id.* at 203. She felt that she had to apply more rigorous standards this time to overcome the Individual's history of relapse. *Id.* at 203–04.

V. ANALYSIS

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

The issue before me is whether the Individual, at the time of the hearing, presents an unacceptable risk to national security and the common defense. I must consider all the evidence, both favorable and unfavorable, in a commonsense manner. "Any doubt concerning personnel being considered for access for national security eligibility will be resolved in favor of the national security." Adjudicative Guidelines at ¶ 2(b). In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record. Because of the strong presumption against granting or restoring security clearances, I must deny access authorization if I am not convinced that the LSO's security concerns have been mitigated such that restoring the Individual's clearance is not an unacceptable risk to national security.

A. Guideline G

Conditions that may mitigate Guideline G concerns include:

- (a) So much time has passed, or the behavior was so infrequent, or it happened under such unusual circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or judgment;
- (b) The individual acknowledges his or her pattern of maladaptive alcohol use, provides evidence of actions taken to overcome this problem, and has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations;
- (c) The individual is participating in counseling or a treatment program, has no previous history of treatment and relapse, and is making satisfactory progress in a treatment program; or
- (d) The individual has successfully completed a treatment program along with any required aftercare, and has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations.

Adjudicative Guidelines at ¶ 23. None of the mitigating conditions apply.

Regarding condition (a), the Individual's last alcohol-related arrest was relatively recent, occurring just over a year prior to the hearing. When viewed in conjunction with his other alcohol-related arrests and problems, I cannot find that the behavior is in the distant past or infrequent. Particularly in light of the Individual's return to this tribunal for many of the same reasons as his prior administrative review, I also cannot find that the behavior is unlikely to recur. As much work as the Individual has done, he testified to many of the same actions and insights as he did at his 2023 hearing. I cannot be confident that the changes will stick this time because his actual behavior is stronger evidence than his testimony, and he has not yet achieved the same two-year duration of sobriety that he did before he relapsed in 2024. I find that condition (a) does not apply in this case.

Regarding conditions (b) and (d), the Individual has partially met the conditions. He has acknowledged the harm alcohol has done in his life and has completed an IOP. However, he has not yet demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations—a key provision in both conditions. Due to his relapse, the Individual received a treatment recommendation of two years of sobriety from the Psychologist. The Individual's own provider agreed with the Psychologist's recommendations. He simply has not had the time to establish a sufficient pattern of abstinence and, therefore, I find that conditions (b) and (d) do not apply in this case.

Regarding condition (c), the Individual's relapse precludes the condition's application.

While the Individual has taken many steps to recover from his AUD and has gone to some effort to document his sobriety, he has not presented enough evidence of recovery at this time to

overcome his history in the strict context of national security. Any doubt must be resolved in favor of the national security, and I have some doubt here in large part because I cannot discern a substantial difference between the Individual's insights and efforts in recovery in 2023 and in 2025, and he has not yet demonstrated a sufficient period of abstinence and treatment to overcome it. Accordingly, I cannot find that the Individual has mitigated the Guideline G security concerns.

B. Guideline J

Conditions that could mitigate Guideline J security concerns 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. None of the conditions apply.

The Individual's criminal conduct is inextricably linked to his alcohol consumption. Therefore, if doubt remains about whether the Individual will drink in the future, doubt also remains about whether the Individual will engage in criminal conduct while under the influence of alcohol. I cannot find that the behavior is unlikely to recur or that it no longer casts doubt on his judgment, reliability, trustworthiness, or good judgment because the Individual has not resolved the concerns related to his problematic alcohol consumption, and he had an alcohol-related arrest just one year prior to this hearing. *See* Adjudicative Guidelines at ¶ 32(a). The Individual does not allege coercion. *See id.* at ¶ 32(b). While the Individual maintains that he did not assault anyone on September 14, there is little evidence beyond his testimony to support that conclusion. The fact that the case was dismissed is not exculpatory in this instance because the record does not establish why the charges were dropped. Where the Individual has not provided sufficient evidence to establish that the charges were unfounded, I must, as stated above, find in favor of the national security. I therefore find that condition (c) does not apply for the September 2024 arrest. Finally, relatively little time has passed since the Individual's most recent alleged criminal conduct and he has not come forward with evidence of job training or higher education, constructive community involvement, or other indicia of rehabilitation. Even if he had presented evidence of rehabilitation in those ways, the Individual has not demonstrated rehabilitation from AUD, the primary contributor to and requisite condition for his criminal conduct. Until his alcohol issues are resolved, I cannot find the Individual rehabilitated from his pattern of criminal conduct. *Id.* at ¶ 32(d). For the foregoing reasons, I find that the Individual has not mitigated the Guideline J security concerns.

VI. CONCLUSION

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

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

Kristin L. Martin
Administrative Judge
Office of Hearings and Appeals