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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: June 10, 2025)
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Case No.: PSH-25-0144

Issued: October 29, 2025

Administrative Judge Decision

Phillip Harmonick, 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 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 2019 and 2020, the Individual was cited for speeding and failing to maintain the minimum speed, respectively. Exhibit (Ex.) 16 at 193.² The Individual was granted access authorization in 2021 following a background investigation. Transcript of Hearing, OHA Case No. PSH-25-0144 at 73–74 (Tr.). In July 2024, the Individual disclosed to the local security office (LSO) that he had been charged with Aggravated Driving While Under the Influence (DWI). Ex. 10 at 40.

In September 2024, the Individual met with a DOE-contracted Psychiatrist (DOE Psychiatrist) for a psychiatric evaluation. Ex. 13 at 98. Following the evaluation, the DOE Psychiatrist issued a report of the evaluation (Report) in which she opined that the Individual habitually and binge consumed alcohol to the point of impaired judgment and "demonstrate[d] traits of antisocial

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 local security office (LSO) 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 LSO.

personality disorder.” *Id.* at 103–04. In November 2024, the Individual was arrested and charged with driving with a revoked driver’s license. Ex. 8 at 31.

The LSO issued the Individual a Notification Letter advising him that it possessed reliable information that created substantial doubt regarding his eligibility for access authorization. Ex. 1 at 7–9. In a Summary of Security Concerns (SSC) attached to the letter, the LSO explained that the derogatory information raised security concerns under Guidelines G, I, and J of the Adjudicative Guidelines. *Id.* at 5–6.

The Individual exercised his right to request an administrative review hearing pursuant to 10 C.F.R. Part 710. Ex. 2. The Director of the Office of Hearings and Appeals (OHA) appointed me as the Administrative Judge in this matter, and I conducted an administrative hearing in October 2025. The LSO submitted sixteen exhibits (Ex. 1–16). The Individual submitted eight exhibits (Ex. A–H). The Individual testified on his own behalf and offered the testimony of a friend and the Individual’s sister. Tr. at 3, 12, 27. The LSO offered the testimony of the DOE Psychiatrist. *Id.* at 3, 77.

II. THE NOTIFICATION LETTER AND THE ASSOCIATED SECURITY CONCERNS

The LSO cited Guideline G (Alcohol Consumption) of the Adjudicative Guidelines as the first basis for its substantial doubt regarding the Individual’s eligibility for access authorization. Ex. 1 at 6. “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. The SSC cited the Individual having been arrested and charged with Aggravated DWI and the opinion of the DOE Psychiatrist that the Individual habitually and binge consumed alcohol to the point of impaired judgment. Ex. 1 at 5. The LSO’s allegations that the Individual experienced alcohol-related incidents away from work and habitually and binge consumed alcohol to the point of impaired judgment justify its invocation of Guideline G. Adjudicative Guidelines at ¶ 22(a), (c).

The LSO cited Guideline I (Psychological Conditions) of the Adjudicative Guidelines as another basis for its substantial doubt regarding the Individual’s eligibility for access authorization. Ex. 1 at 6. “Certain emotional, mental, and personality conditions can impair judgment, reliability, or trustworthiness. A formal diagnosis of a disorder is not required for there to be a concern under this guideline.” Adjudicative Guidelines at ¶ 27. The SSC cited the opinion of the DOE Psychiatrist that the Individual “demonstrate[d] traits of antisocial personality disorder” and that these traits constituted a “personality condition or conditions that [could] impair [the Individual’s] judgment, stability, reliability or trustworthiness.” Ex. 1 at 6. The LSO’s invocation of the DOE Psychiatrist’s opinion that the Individual had a condition that may impair his judgment, stability, reliability, or trustworthiness justifies its invocation of Guideline I. Adjudicative Guidelines at ¶ 28(b).

The LSO cited Guideline J (Criminal Conduct) of the Adjudicative Guidelines as the final basis for its substantial doubt regarding the Individual’s eligibility for access authorization. Ex. 1 at 7. “Criminal 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. The SSC cited the Individual’s 2019 and 2020 traffic

infractions, his July 2024 arrest for Aggravated DWI, and his November 2024 arrest for driving with a revoked driver's license. Ex. 1 at 7. The LSO's allegations that the Individual engaged in criminal conduct justify its invocation of Guideline J. Adjudicative Guidelines 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 regulatory standard implies that there is a presumption against granting or restoring a security clearance. *See Dep't 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).

An 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). An individual is afforded a full opportunity to present evidence supporting his or her 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

A. Individual's Traffic Infractions and Aggravated DWI

The Individual was cited for numerous traffic infractions from 2010 to 2015. Ex. 12 at 88–89 (criminal records indicating that the Individual was cited for failing to maintain required insurance, vehicle registration, and a valid driver's license and for speeding); Ex. 16 at 192–93, 195–97 (additional criminal records related to the Individual's traffic infractions); *see also* Ex. 11 at 56 (reflecting the Individual's admission to having been cited for the offenses in his response to a letter of interrogatory).³ In 2019, the Individual was cited for speeding. Ex. 16 at 193. In 2020, the Individual was cited for failing to maintain the minimum speed. *Id.*

On July 5, 2024, the Individual was pulled over by a law enforcement officer who observed the Individual speeding on his motorcycle. Ex. 10 at 44, 46. The officer perceived signs that the Individual was intoxicated and requested that the Individual undergo a physical field sobriety test, which the Individual failed. *Id.* at 46. The Individual refused to undergo breath alcohol testing and was arrested and charged with Aggravated DWI. *Id.* at 42, 46. At the time of his arrest for Aggravated DWI, the Individual was in his mid-thirties and had possessed access authorization for

³ These infractions were not cited by the LSO in the SSC. Ex. 1 at 6.

over three years. Ex. 16 at 146 (indicating the Individual's birthdate); Tr. at 73–74 (testifying that he was granted access authorization in early 2021).

B. Letter of Interrogatory and Evaluation by the DOE Psychiatrist

The LSO issued the Individual a letter of interrogatory (LOI) concerning his criminal conduct and alcohol consumption patterns. Ex. 11. In his August 24, 2024, response to the LOI, the Individual admitted that he was intoxicated on the date of his arrest and indicated that he typically consumed alcohol to intoxication twice monthly. *Id.* at 58.

The Individual met with the DOE Psychiatrist for the psychiatric evaluation on September 24, 2024. Ex. 13 at 98. Regarding his alcohol consumption, the Individual reported that for approximately ten years prior to his arrest for Aggravated DWI he had consumed alcohol to intoxication twice monthly. *Id.* at 98–99. The Individual denied having consumed alcohol since his arrest, and a phosphatidylethanol (PEth)⁴ test conducted directly after the psychiatric evaluation, which was negative for traces of alcohol consumption, corroborated his claimed abstinence from alcohol. *Id.* at 102, 105.

Based on the Individual's self-described pattern of alcohol consumption, the DOE Psychiatrist concluded that the Individual habitually⁵ and binge⁶ consumed alcohol to the point of impaired judgment. *Id.* at 103. She recommended that the Individual demonstrate rehabilitation or reformation by completing an alcohol awareness class, working with a therapist, and engaging in “minimal alcohol use . . . verified for . . . 6 months through the use of PEth testing.” *Id.* at 104.

In addition to the aforementioned portions of the psychiatric evaluation, the Individual completed the Minnesota Multiphasic Personality Inventory-3 (MMPI-3). *Id.* at 107. The Individual's responses on the MMPI-3 produced a t-score of 81 on the L validity scale. *Id.*; *see also* Tr. at 87 (DOE Psychiatrist testifying at the hearing that an “L score over 80 is two standard deviations above” the mean). Based on the Individual's elevated t-score on the L validity scale, “multiple discrepancies in [the Individual's] history,”⁷ and the Individual's history of traffic infractions, the DOE Psychiatrist concluded that the Individual demonstrated “traits consistent with antisocial personality disorder.” Ex. 13 at 103. However, she opined that “these traits appear to be relatively

⁴ PEth is a biomarker for alcohol consumption that can be detected in blood for approximately one month following moderate or greater episodes of alcohol consumption. Ex. 13 at 102.

⁵ The DOE Psychiatrist defined habitual consumption of alcohol to the point of impaired judgment as “drinking to the point of intoxication more than once a month” based on OHA precedent. *Id.* at 102.

⁶ The DOE Psychiatrist defined binge consumption of alcohol as “consuming more than five drinks in one sitting” based on what she characterized as a definition from the National Institute on Alcohol Abuse and Alcoholism. *Id.* at 102; *but see Alcohol's Effects on Health*, NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM, <https://www.niaaa.nih.gov/alcohols-effects-health/alcohol-drinking-patterns> (Feb. 2025) (citing a Substance Abuse and Mental Health Services Administration definition of binge drinking for men as consumption of “five or more drinks . . . in about two hours”).

⁷ In her hearing testimony, the DOE Psychiatrist stated that the discrepancies in the clinical interview on which she relied were the Individual underreporting his alcohol consumption prior to his arrest for Aggravated DWI, minimizing the severity of his traffic infractions, and failing to disclose a suspension from high school for a prank. Tr. at 86.

mild.” *Id.* Nevertheless, she concluded that the traits constituted a personality disorder that could impair the Individual’s trustworthiness. *Id.* at 104. The DOE Psychiatrist recommended that the Individual meet with a therapist weekly “until treatment goals are met.” *Id.*

C. Individual’s Arrest for Driving with a Revoked Driver’s License and Resolution of Aggravated DWI Charge

In October 2024, the attorney representing the Individual in connection with the Aggravated DWI charge attended a hearing without the Individual being present related to the charge. Tr. at 57. Several weeks later, the judge who presided over the hearing issued an order directing the Individual to have an ignition interlock device installed on his vehicle. *Id.*; Ex. F at 14 (letter from the attorney representing the Individual in connection with the Aggravated DWI charge). The order was conveyed to the Individual’s attorney, who did not communicate the judge’s order to the Individual. Ex. F at 14; Tr. at 57–58. The Individual’s driver’s license was subsequently revoked for failing to comply with the judge’s order and on November 20, 2024, the Individual was arrested for driving with a revoked driver’s license. Ex. 8 at 28. While in jail following his arrest, the Individual made an appointment to have an ignition interlock device installed on his vehicle and, immediately following his release, the Individual had an ignition interlock device installed on his vehicle. Tr. at 59–60; Ex. F at 14. The Individual was ordered to maintain the interlock device on his vehicle until November 2025. Tr. at 54. At the hearing, the Individual testified that, although he had sent messages to his attorney via text and through an online portal regarding the hearing prior to his arrest to which he did not receive a response, he was “upset at [him]self” for not being more proactive and that he had committed to “staying on top of” his responsibilities in the future to ensure that “this never happens again.” *Id.* at 57–58, 60–61; *see also id.* at 33 (Individual’s sister testifying that the Individual had conveyed the same information to her shortly after his arrest).

The Individual pleaded no contest to the Aggravated DWI charge and was sentenced to probation. *Id.* at 53, 75; Ex. E at 12. In order to comply with the terms of his probation, the Individual completed a DWI education class, attended a Mothers Against Drunk Driving victim impact panel, and performed twenty-four hours of community service. Ex. A at 1; Ex. B at 2; Ex. C at 3. On July 24, 2025, the Individual was discharged from probation after having successfully completed the requirements thereof. Ex. E at 12.

D. Individual’s Alcohol-Related Treatment

Following his arrest for Aggravated DWI, the Individual’s employer required him to attend a weekly alcohol awareness class for six weeks. Ex. 11 at 60. According to the Individual, the alcohol awareness class provided him with information on alcohol’s effects on the body and quantifying excessive drinking. Tr. at 52. The Individual successfully completed the alcohol awareness class in October 2024. Ex. 9 at 33–36 (reflecting that the Individual completed steps required by his employer following his arrest for Aggravated DWI).

In August 2024, the Individual began attending counseling with a licensed mental health counselor (Individual’s Counselor). Tr. at 46; Ex. H at 19–20 (e-mail from Individual’s Counselor concerning his participation in treatment). The counseling addressed accountability for the Individual’s actions related to alcohol, identification of triggers that led the Individual to consume

alcohol, and coping strategies for abstaining from alcohol. Ex. H at 19; *but see* Tr. at 48–51 (testimony of the Individual at the hearing that, although he had learned about triggers, he did not believe that he had any triggers and that he had successfully abstained from alcohol prior to counseling without coping mechanisms based on his self-determination). The Individual successfully completed counseling with the Individual’s Counselor in September 2025. Ex. H at 19 (reflecting the Individual’s Counselor’s determination that the Individual had successfully completed her treatment plan); Tr. at 46. The Individual’s Counselor did not provide the Individual with any recommendations for further treatment or aftercare. Tr. at 74–75.

The Individual testified at the hearing that he had abstained from alcohol since his July 2024 arrest for Aggravated DWI. *Id.* at 44; *see also id.* at 33 (Individual’s sister testifying that the Individual told her he had not consumed alcohol since his arrest for Aggravated DWI). In support of his claimed abstinence, the Individual provided samples for PEth testing in January 2025, March 2025, April 2025, May 2025, June 2025, July 2025, and August 2025.⁸ Ex. D at 4–10. The Individual’s friend, who sees him approximately twice weekly and who has seen him consume alcohol to intoxication in her home in the past, denied having seen the Individual consume alcohol for over one year prior to the hearing. Tr. at 12, 17–18, 23–24.

The Individual intends to abstain from alcohol consumption in the future. *Id.* at 52; *see also id.* at 39 (Individual’s sister testifying that the Individual told her he intended to abstain from alcohol in the future). The Individual has made other positive lifestyle changes, such as eating more healthily and exercising more, and attributes his motivation to improve his health to learning about the negative health effects of alcohol consumption. *Id.* at 52–53; *see also id.* at 34 (corroborating testimony from the Individual’s sister). Although the Individual enjoyed the social aspects of alcohol consumption, since beginning to abstain from alcohol he has participated in social activities, such as parties and sporting events, where he used to consume alcohol and experienced no difficulties abstaining from alcohol. *Id.* at 49; *see also id.* at 19–20 (Individual’s friend testifying that she had observed the Individual abstain from alcohol in social situations in which he previously would have consumed alcohol); *id.* at 27 (Individual’s sister testifying that the Individual told her that some of his friends no longer like to socialize with him because of his abstinence from alcohol). The Individual identified his sister and friend, among others, as part of his support system. *Id.* at 54–55; *see also id.* at 39, 41 (Individual’s sister testifying that she is part of the Individual’s support system, speaks to him frequently and has access to his location via cellphone application, and would know if the Individual had resumed alcohol consumption based on changes to his routine or habits).

E. DOE Psychiatrist’s Updated Opinion

The DOE Psychiatrist testified at the hearing that the Individual had complied with her recommendations regarding alcohol and demonstrated both rehabilitation and reformation. *Id.* at 81. She cited to the Individual’s PEth testing and witness accounts of the Individual’s behavioral modifications as satisfactory to show reformation and the opinion from the Individual’s Counselor that the Individual had successfully completed her treatment plan as sufficient to show

⁸ The Individual testified during the hearing that he did not obtain a PEth test in the month of February due to being “distracted” by his ongoing legal proceedings related to the Aggravated DWI and driving with a revoked driver’s license. Tr. at 74.

rehabilitation. *Id.* The DOE Psychiatrist opined that the Individual's prognosis was "good" on a scale from poor to excellent. *Id.* at 84. She indicated that the Individual's prognosis would be better with the passage of more time without maladaptive alcohol use. *Id.*

Regarding her opinion as to the Individual's psychological wellbeing, the DOE Psychiatrist opined that the Individual's work with the Individual's Counselor on accountability demonstrated "rehabilitation" from the negative personality traits she identified. *Id.* at 81–82. She opined that the Individual's prognosis with respect to his psychological status was good based on his self-described accountability for his actions. *Id.* at 84.

V. ANALYSIS

A. Guideline G

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; 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.

The Individual has acknowledged his maladaptive alcohol use and expressed the intention to abstain from alcohol going forward. Additionally, he completed an alcohol education class and substance abuse counseling as recommended by the DOE Psychiatrist and provided six consecutive months of negative PEth tests to establish the period of modified consumption or abstinence specified by the DOE Psychiatrist in the Report. The Individual's testimony, the corroborating testimony of his witnesses, and the results of the January 2025 and September 2024 PEth tests suggest that he has abstained from alcohol for longer than the six months recommended by the DOE Psychiatrist. Moreover, the Individual has made positive lifestyle changes that will aid him in maintaining an alcohol-free lifestyle going forward. Consequently, the DOE Psychiatrist opined that the Individual had demonstrated rehabilitation and had a good prognosis for avoiding a return to maladaptive alcohol use.

In light of the aforementioned considerations, I find that the Individual has demonstrated the applicability of both the second and fourth mitigating conditions. *Id.* at ¶ 23(b), (d). Therefore, I conclude that the Individual has resolved the security concerns asserted by the LSO under Guideline G.

B. Guideline I

Conditions that could mitigate security concerns under Guideline I include:

- (a) The identified condition is readily controllable with treatment, and the individual has demonstrated ongoing and consistent compliance with the treatment plan;
- (b) The individual has voluntarily entered a counseling or treatment program for a condition that is amendable to treatment, and the individual is currently receiving counseling or treatment with a favorable prognosis by a duly qualified mental health professional;
- (c) Recent opinion by a duly qualified mental health professional employed by, or acceptable to and approved by, the U.S. Government that an individual's previous condition is under control or in remission, and has a low probability of recurrence or exacerbation;
- (d) The past psychological/psychiatric condition was temporary, the situation has been resolved, and the individual no longer shows indications of emotional instability;
- (e) There is no indication of a current problem.

Adjudicative Guidelines at ¶ 29.

The "condition" identified by the DOE Psychiatrist was based on personality traits and did not rise to the level of a formal, diagnosable disorder. Moreover, the condition was based on inferences the DOE Psychiatrist drew from a relatively small number of negative data points, and the DOE Psychiatrist herself characterized the condition as "mild" in the Report. For these reasons, in applying the mitigating conditions, I consider "[t]he nature, extent, and seriousness" of the concerns under Guideline I to be minor. *See* 10 C.F.R. § 710.7(c) (listing considerations that must be considered in applying the Adjudicative Guidelines).

The DOE Psychiatrist indicated that the Individual's counseling had resulted in the Individual developing a sense of accountability for his actions which she considered evidence of the personality condition she identified as having been potentially resolved. Moreover, she opined that the Individual had a good prognosis for preventing this condition from impairing his trustworthiness in the future. Taking into account the relatively minor concerns presented under Guideline I, and the opinion of the DOE Psychiatrist at the hearing, I find that the Individual has established the applicability of both the third and fifth mitigating conditions. Adjudicative Guidelines at ¶ 29(c), (e).

Having concluded that the Individual has demonstrated the applicability of two mitigating conditions, I find that the Individual has resolved the security concerns asserted by the LSO under Guideline I.

C. Guideline J

Conditions that could 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 arrest for driving with a revoked driver's license occurred under unusual circumstances; namely, his legal counsel failing to communicate to him the critical information that he was required to have an ignition interlock device installed on his vehicle in order to maintain his driving privileges. The Individual took prompt action to have the interlock device installed on his vehicle after being arrested. Moreover, he credibly testified that he will be proactive in obtaining information regarding such important matters in the future rather than passively waiting for information to be communicated to him, as he did the result of the hearing in which he was ordered to have the interlock device installed. In light of these considerations, I find that the Individual's arrest for driving with a revoked driver's license is mitigated under the first mitigating condition. *Id.* at ¶ 32(a).

The traffic infractions cited by the LSO in the SSC are also mitigated under the first mitigating condition. In applying this mitigating condition, I have considered "[t]he nature, extent, and seriousness of the conduct," which I deem relatively minor. 10 C.F.R. § 710.7(c). In light of the relatively minor nature of the traffic offenses, I find that the passage of approximately five years since the Individual's last citation is sufficient to resolve the security concerns presented by the traffic infractions. Adjudicative Guidelines at ¶ 32(a).

With respect to the Individual's arrest for Aggravated DWI, the Individual successfully completed all of the requirements of his probation and was discharged therefrom. Moreover, as discussed above, the Individual has resolved the concerns presented by his alcohol misuse which led to the

Aggravated DWI. Considering that the Individual is unlikely to misuse alcohol in the future, his alcohol-related criminal conduct is unlikely to recur. 10 C.F.R. § 710.7(c) (requiring consideration of the “presence of . . . pertinent behavioral changes” and “the likelihood of recurrence”). The Individual’s age and maturity and the relative recency of his criminal conduct are two countervailing considerations that weigh against finding the mitigating condition applicable. *Id.* However, on balance, I find that the Individual’s behavioral changes with regard to alcohol, which make his alcohol-related criminal conduct unlikely to recur, significantly outweigh the considerations under 10 C.F.R. § 710.7(c) against finding rehabilitation. Accordingly, I find that the concerns presented by the Individual’s Aggravated DWI are resolved pursuant to the fourth mitigating condition. Adjudicative Guidelines at ¶ 32(d).

For the aforementioned reasons, I find that the Individual has resolved each of the security concerns asserted by the LSO under Guideline J.

VI. CONCLUSION

In the above analysis, I found that there was sufficient derogatory information in the possession of DOE to raise security concerns under Guidelines G, I, and J of the Adjudicative Guidelines. After considering all the relevant information, favorable and unfavorable, in a comprehensive, common-sense manner, including weighing all the testimony and other evidence presented at the hearing, I find that the Individual has brought forth sufficient evidence to resolve the security concerns asserted by the LSO. Accordingly, I have determined 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.

Phillip Harmonick
Administrative Judge
Office of Hearings and Appeals