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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 18, 2025) Case No.: PSH-25-0154
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Issued: January 20, 2026

Administrative Judge Decision

Matthew Rotman, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXXXXXXXXXXXXXX (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

The Individual is employed by a DOE contractor in a position for which he requires a security clearance. Exhibit (Ex.) 1 at 6.² In July 1998, the Individual was arrested and charged with Driving While Intoxicated (DWI), found guilty, and sentenced to pay fees and attend a victim impact panel. Ex. 12 at 176–77, 190. Between 1999 and 2008, the Individual was arrested five to nine times for Public Affray, Eluding Police, and Public Nuisance. *Id.* at 177. According to the Individual, these arrests occurred when he would “drink heavily,” “get in fights at bars,” and “then run away from officers when they responded.” *Id.* The Individual continued to consume alcohol regularly, and at the time he was interviewed by a security clearance investigator in January 2020, was drinking “one to two beers a day, approximately four times a week,” with “up to six beers” on weekends. *Id.* at 178.

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.

In the early morning hours of December 20, 2024, the Individual was arrested for DWI. Ex. 6 at 36. The arresting officer reported that the Individual was observed “driving in circles near the road,” and when stopped by the police, denied that he had consumed any alcoholic beverages prior to driving. *Id.* The officer nonetheless observed signs that the Individual had consumed alcohol, requested that the Individual undergo Standardized Field Sobriety Tests, and based on the results of those tests, placed the Individual under arrest. *Id.* at 36–37. Thereafter, the Individual agreed to submit to a chemical breath test and provided two samples, both of which indicated a breath alcohol concentration of .16 g/210L. *Id.* at 38. The Individual was charged and pled guilty to DWI, and on March 31, 2025, his sentence was deferred on conditions of probation, which included, among other requirements, completion of DWI school, completion of a victim impact panel, installation of an ignition interlock device for one year, 24 hours of community service, participation in an alcohol screening program, and abstinence from alcohol. Ex. 2 at 14.

After learning of the Individual’s DWI arrest, the local security office (LSO) requested that the Individual respond to a letter of interrogatory (LOI), which the Individual completed on February 11, 2025. Ex. 7. In his response to the LOI, the Individual admitted to consuming five shots of vodka and five shots of tequila within the five hours prior to his DWI arrest. *Id.* at 44. He had told the arresting officer he had not consumed any alcohol because he was “embarrassed,” but he now felt “ashamed of [his] actions and behavior.” *Id.* at 43. The Individual stated that his pattern of alcohol consumption had increased beginning in January 2024, when he discovered that his wife was cheating on him and began the difficult process of divorce and custody proceedings. *Id.* The Individual “turned to alcohol to cope.” *Id.* Prior to January 2024, he had been consuming two or three 12-ounce cans of light beer every day after work, and between six and twelve cans each day of the weekend. *Id.* at 47. Beginning in January 2024, his after-work intake increased to four 25-ounce cans of light beer and three or four 4-ounce shots of vodka, within a four-to-five-hour period.³ *Id.* at 47. At the time he completed the LOI, the Individual claimed he had not consumed any alcohol since his DWI arrest and intended to remain sober “from here on out.” *Id.* at 48, 50.

On March 24, 2025, the Individual underwent an evaluation with a DOE-contracted psychologist (DOE Psychologist). Ex. 8 at 55. The DOE Psychologist reviewed the Individual’s personnel security file, conducted a two-hour clinical interview, administered psychological testing, and had the Individual undergo a Phosphatidylethanol (PEth) test for recent alcohol consumption.⁴ *Id.* at 56. During the clinical interview, the Individual disclosed that he began drinking alcohol when he was fifteen years old, generally drinking once per month until he turned 18, when he began to drink six 12-ounce beers each day of the weekend, with occasional beers during the week. *Id.* at 56. After his first DWI arrest in 1998, the Individual stated, he reduced his alcohol consumption. *Id.* at 56. However, as he reported in response to the LOI, his intake increased significantly in January 2024 in connection with his marriage troubles. *Id.* at 57. In November 2024, after he was

³ The Individual acknowledged that this amount of alcohol consumption would cause him to become intoxicated. Ex. 7 at 47.

⁴ A PEth test is designed to detect the presence of PEth in the blood. Ex. 8 at 58. 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.” *Id.* PEth can be detected in the blood for approximately 28 days after alcohol is consumed. *Id.* A PEth result higher than 20 ng/mL is considered “evidence of moderate to heavy ethanol consumption.” *Id.* at 58, 71. The Individual’s PEth result was negative (i.e., below 20 ng/mL), which according to the DOE Psychologist, was consistent with his claim that he had abstained from alcohol since December 20, 2024. *Id.*

court-ordered to pay his wife \$60,000 and an additional \$26,000 in legal fees, his alcohol consumption began to “spiral out of control.” *Id.* (quoting the Individual). The Individual confirmed that his last alcohol consumption was on the day of his December 2024 DWI arrest, and upon being released from jail, “he went home and ‘tossed’ out anything that reminded him of alcohol such as liquor bottles or glasses.” *Id.*

The DOE Psychologist concluded, based on her evaluation, that the Individual met sufficient criteria for a diagnosis of Alcohol Use Disorder, Moderate, in early remission, pursuant to the *Diagnostic and Statistical Manual of Mental Disorders – Fifth Edition-Text Revision*. *Id.* at 59. To demonstrate rehabilitation, she opined, the Individual would need to “attend and successfully complete monthly counseling to include coping skills surrounding alcohol use for 12 months. Additionally, he would need complete monthly PEth testing for 12 months which will buttress his abstinence from alcohol as well as provide objective and scientific evidence of his sobriety.” *Id.* To demonstrate reformation, she stated, the Individual “would need to complete PEth testing monthly for 18 months and demonstrate lifestyle changes with effective coping mechanisms.” *Id.* at 59–60.

On May 19, 2025, the LSO issued the Individual a letter in which it notified him 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 letter, the LSO explained that the derogatory information raised security concerns under Guideline G (Alcohol Consumption) of the Adjudicative Guidelines. *Id.* at 5.

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 subsequently conducted an administrative hearing. The LSO submitted twelve exhibits (Ex. 1–12). The Individual submitted twenty-two exhibits (Ex. A–V).⁵ At the hearing, the Individual testified on his own behalf. Transcript of Hearing, OHA Case No. PSH-25-0154 (Tr.) at 10. The LSO offered the testimony of the DOE Psychologist. *Id.* at 67.

II. THE NOTIFICATION LETTER AND THE ASSOCIATED SECURITY CONCERNS

The LSO cited Guideline G as the basis for its substantial doubt concerning the Individual’s eligibility for access authorization. Ex. 1 at 5. Pursuant to 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. Conditions that could raise a security concern under Guideline G include “alcohol-related incidents away from work, such as driving while under the influence, fighting, . . . disturbing the peace, or other incidents of concern,” “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). According to the LSO, the Guideline G concerns were raised by the DOE Psychologist’s diagnosis of the Individual with AUD, Moderate, in early remission; by the Individual’s arrest for DWI in December 2024; by the

⁵ The Individual submitted Exhibits B–T as one PDF, and Exhibits A, U, and V as separate individual PDFs. Citations to the Individual’s exhibits reference the page numbers of the PDFs in which they were submitted.

Individual's admission that he drank to intoxication daily between January and December 2024; by the Individual's arrest five to nine times for alcohol-related offenses between 1999 and 2008; and by the Individual's arrest for DWI in July 1998. Ex. 1 at 5. The LSO's invocation of Guideline G 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 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).

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. HEARING TESTIMONY

The Individual testified that prior to his December 2024 DWI, some friends had advised him that he drank too much, but he did not believe his alcohol use was a problem. Tr. at 41. In hindsight, however, he acknowledged that he had a problem. *Id.* at 51. Immediately after his arrest, he decided that his job, his kids, and self-betterment were more important than alcohol, and since that time, he has not consumed any alcohol or experienced any urges to resume alcohol consumption. *Id.* at 10, 18–19, 25–26.

On January 29, 2025, the Individual entered into a two-year Formal Agreement for Recovery/Abstinence with his employer, which requires monthly PEth testing for one year, random drug and breath alcohol tests, and monthly monitoring visits with his employer's Employee Assistance Program (EAP). *Id.* at 24–25; Ex. L. The Individual submitted the laboratory reports of PEth tests from samples collected on February 13, March 21, April 21, May 21, June 16, July 16, August 19, September 18, October 10, November 7, and December 3, 2025. Ex. U; Ex. V. All of the reports indicate negative results.⁶ *Id.* The Individual testified further that all of

⁶ The laboratory report of the Individual's February 2025 PEth test described a "chemical interference" that prevented the laboratory from reporting a quantitative value for one biomarker (POPEth), but indicated a negative result as to a

his random breath alcohol tests have returned negative results. Tr. at 28–29. Beginning on December 23, 2024, the Individual has participated in monthly EAP counseling sessions, where he discusses his progress in living a sober life, as well as family issues and other sources of stress. *Id.* at 15–16; Ex. L (letter from the EAP counselor confirming the dates of their sessions). At the hearing, he spoke positively of his monthly counseling, describing it as “a weight off [his] shoulders” and an outlet to talk through personal struggles. Tr. at 61. He indicated that he “probably” will seek to continue counseling after the Formal Agreement period ends. *Id.* at 34–35.

The Individual indicated that, rather than consuming alcohol, he now manages stress by working out and communicating with his “lifelines” – his mother and his brother – on a daily basis. *Id.* at 17–18, 21, 23. He recounted being “proud” that when his father passed away in June 2025, he used the gym as his coping method to successfully avoid using alcohol. *Id.* at 17, 21. Additionally, the Individual has full custody of his children, and immediately after his DWI, he made a “pinkie promise” to his daughters that he wouldn’t drink alcohol again, which he takes seriously, as he wants to set a “good example” for his kids.⁷ *Id.* at 21–23, 38, 57.

The Individual testified that he has successfully completed all conditions of his probation, with the exception of the one-year ignition interlock requirement, which ends in March 2026. *Id.* at 29–32. He completed a victim impact panel on May 5, 2025. *Id.* at 10; Ex. P (certificate of completion). He completed DWI school on June 21, 2025. Tr. at 14; Ex. Q (certificate of completion). He completed the alcohol screening on May 2, 2025, and he completed the 24 hours of community service on May 14, 2025. Tr. at 31; Ex. O at 18. In recognition of his compliance, the Individual was removed from supervised probation on September 19, 2025, and placed on unsupervised probation for the remainder of the one-year period. Ex. O at 19.

The Individual testified that more than ten years ago, he and his ex-wife had abstained from alcohol for “like three years,” because they “wanted to get healthy.” Tr. at 53–54. When asked why he resumed drinking after three years of sobriety, he stated, “I had a friend come over . . . with a four-pack of Modelos. I remember that day. Just had a beer, and then just one of those beers turned to a couple beers, and yeah, just continued drinking from there.” *Id.* at 54. The Individual insists, however, that his current period of abstinence will not end in relapse like it did then, because he has “too much to lose right now,” including his job and his kids. *Id.* at 56–57.

When asked whether he will ever resume alcohol consumption, the Individual equivocated. First, he responded that he didn’t see himself drinking “anytime soon,” but suggested that he might

second biomarker (PLPEth). Ex. U at 1. At the hearing, the Individual stated his understanding that the “chemical interference” was due to “gym supplements” he was taking at the time, which he has since discontinued. Tr. at 26–27. In light of the partial negative result, as well as the unambiguously negative PEth results for the ten subsequent months, I accept the February PEth result as evidence of the Individual’s abstinence during the four weeks prior to the sample collection.

⁷ The Individual submitted six letters from friends, coworkers, and family members – including his mother and his brother – attesting to the positive changes he has exhibited since he committed to abstain from alcohol. Ex. A (letter from brother expressing how “proud” he is of the Individual and describing the Individual as “a different person now that he is not drinking”); Ex. B (letter from mother stating she is “proud” that the Individual has “stepped up” and taken “the steps necessary to continue to help himself and his family”); Ex. C (letter from friend); Ex. D (letter from a friend and coworker); Ex. E (letter from coworker); Ex. F (letter from friend).

consider it in five years after his youngest daughter turns 18. *Id.* at 35–36. When pressed, the Individual admitted, “no one knows what . . . five years is going to look like,” but “I don’t feel the urge to do it now. I probably won’t do it later either.” *Id.* at 57–58. If he were to resume drinking, the Individual stated confidently, “I know I could handle myself. Yes. I would be able to handle myself if that was – to start drinking again.” *Id.* at 59. He claimed that he is in a “better spot” because he has “better resources,” noting that he knows to use ridesharing services or to drink at home in order to avoid a DWI. *Id.* When pressed yet again about his intentions, however, he reflected that “nothing’s good that’s come out of my drinking,” and for that reason, “I see myself being abstinent for a very, very long time.” *Id.* at 62–63.

The DOE Psychologist testified that, based on the testimony and evidence she observed at the hearing, the Individual had shown adequate evidence of rehabilitation or reformation. *Id.* at 74. She confirmed that the Individual had complied with her recommendation for one year of monthly counseling that focused on coping skills, social supports, and accountability. *Id.* at 72–73. She further confirmed that, although the Individual had not quite demonstrated a full twelve months of abstinence, he had shown a “pretty good pattern” based on the negative results of 11 monthly PEth tests and his ability to maintain his abstinence when faced with the death of his father. *Id.* at 73–74. She gave the Individual a “good” prognosis on a three-point scale of poor, good, and excellent. *Id.* at 75. She opined that the Individual’s current period of abstinence was “different” from the prior three-year period, because he now has the benefit of counseling, external motivators, and objective testing. *Id.* at 77. As to whether the Individual might resume alcohol consumption in the future, she felt confident based on his testimony that the Individual would remain sober for at least the next five years. *Id.* at 80–81. She would not advise that the Individual attempt to resume alcohol consumption after five years of sobriety. *Id.* at 81–82. “It’s just not something that I think would have a very good outcome,” she stated. *Id.* at 82.

V. ANALYSIS

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.

Regarding the condition set forth at paragraph (a), the Individual's habitual and binge consumption of alcohol occurred daily and ended one year prior to the hearing. In light of the Individual's long and problematic history with alcohol – spanning nearly three decades – one year is not a sufficient period of time to assure me that it is unlikely to recur and does not cast doubt on his current reliability, trustworthiness, and judgment. For the same reason, I cannot find that the Individual's alcohol-related behavior was so infrequent or happened under such unusual circumstances that it meets the mitigating conditions of paragraph (a).

Nonetheless, the Individual has resolved the security concerns under the mitigating conditions of paragraphs (b) and (c).⁸ He has acknowledged his pattern of maladaptive alcohol use, and he has demonstrated a clear and established pattern of abstinence for nearly one year, which the DOE Psychologist found sufficient to satisfy her recommendation. Although the Individual does have a history of relapse after a three-year period of sobriety, it was not preceded by any alcohol-related treatment, such as the treatment he has undergone during the past year. The Individual has taken several actions to overcome his problem. He has participated in one year of monthly counseling, which has helped him to cope successfully with stressors, including the death of his father. He has developed new hobbies and routines, including going to the gym and talking regularly to family members, that help prevent him from consuming alcohol. He has also made a commitment to his job and to his kids that he will continue to refrain from drinking.

Given the Individual's long and troubled history with alcohol, his reluctance to commit to lifelong abstinence gives me some pause. Nonetheless, in light of his unequivocal intention to remain sober for at least five years, the accountability and support network he has developed, and the DOE Psychologist's favorable prognosis, I am sufficiently persuaded that the Individual will be able to resist falling back into the pattern of alcohol use that gave rise to the security concerns in this case.

For the foregoing reasons, I find the Individual has resolved the concerns raised by the LSO under Guideline G.

VI. CONCLUSION

⁸ Paragraph (d) is not applicable, as the Individual has not successfully completed a treatment program along with any required aftercare.

In the above analysis, I found that there was sufficient derogatory information in the possession of DOE to raise security concerns under Guideline G 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 set forth in the Summary of Security Concerns under Guideline G. 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.

Matthew Rotman
Administrative Judge
Office of Hearings and Appeals