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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 24, 2025)
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Case No.: PSH-25-0155

Issued: January 12, 2026

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 should not be granted access authorization.

I. BACKGROUND

On January 4, 2023, the Individual signed and submitted a Questionnaire for National Security Positions (QNSP) as part of seeking access authorization. Exhibit (Ex.) 14 at 145.² Therein, the Individual disclosed that he had been arrested and cited for several offenses, the most recent of which occurred in 2014. *Id.* at 134–37. A background investigation further developed the Individual’s criminal record, and established that, in addition to the arrests and citations he disclosed on the QNSP, he had been arrested and charged with Possession of Drug Paraphernalia in 2007, was cited or charged with shoplifting on three occasions from 2010 to 2012, was arrested on a bench warrant for failing to appear in court and cited for a license plate infraction in 2014, and was cited for speeding and operating a vehicle without evidence of registration or proof of insurance in 2022. *Id.* at 157, 163, 184–88.

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.

On January 16, 2025, while the Individual's eligibility for access authorization was still being adjudicated, the LSO received a Personnel Security Information Report (PSIR) indicating that the Individual had been arrested on multiple bench warrants for failing to appear in court at proceedings related to the Individual's 2022 traffic offenses and a 2023 citation for driving with a suspended driver's license. Ex. 7 at 28–29. The Individual was also cited for failure to register or title a vehicle as required and for operating a vehicle without proof of insurance. Ex. 9 at 42.

In February 2025, the Individual met with a DOE-contracted Psychologist (DOE Psychologist) for a psychological evaluation after the LSO learned that the Individual had been diagnosed with Bipolar II Disorder. Ex. 11 at 61. Following the evaluation, the DOE Psychologist contacted a psychiatric nurse practitioner (NP) treating the Individual's Bipolar II Disorder who volunteered that the Individual had reported engaging in marital infidelity, including with prostitutes. *Id.* at 63. The DOE Psychologist subsequently issued a report of the evaluation (Report) in which she endorsed the Individual's diagnosis with Bipolar II Disorder under the *Diagnostic and Statistical Manual of Mental Health Disorders – Fifth Edition (DSM-5)* and opined that this condition could impair the Individual's judgment, stability, reliability, and trustworthiness. *Id.* at 65.

Following receipt of the Report, the LSO issued the Individual a letter of interrogatory (LOI) seeking, among other things, information concerning his engagement in sexual activity with prostitutes. Ex. 10. In his response, the Individual stated that he had paid prostitutes for sexual services on four occasions from May 2023 to July 2024 because he had “lost self control.” *Id.* at 53–54.

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 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. The LSO submitted sixteen exhibits (Ex. 1–16). The Individual submitted one exhibit (Ex. A). The Individual testified on his own behalf. Hearing Transcript, OHA Case No. PSH-25-0155 (Tr.) at 3, 10. The LSO offered the testimony of the DOE Psychologist. *Id.* at 3, 37.

II. THE NOTIFICATION LETTER AND THE ASSOCIATED SECURITY CONCERNS

The LSO cited Guideline I (Psychological Conditions) of the Adjudicative Guidelines as the first basis for its substantial doubt regarding the Individual's eligibility for access authorization. Ex. 1 at 5. “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 DOE Psychologist's opinion that the Individual met criteria for a diagnosis of Bipolar II Disorder under the *DSM-5* and that this condition could impair his judgment, stability, reliability, and trustworthiness. Ex. 1 at 5. The

LSO's invocation of the DOE Psychologist'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 other basis for its substantial doubt regarding the Individual's eligibility for access authorization. Ex. 1 at 5–6. "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 Possession of Drug Paraphernalia offense, three shoplifting offenses, numerous traffic offenses, multiple arrests on bench warrants for failure to appear in court related to his traffic offenses, and admission to having paid for sexual intercourse with prostitutes on four occasions. Ex. 1 at 5–6. The LSO's allegations that the Individual engaged in a pattern of minor offenses which in combination cast doubt on his judgment, reliability, or trustworthiness and citation to the Individual having engaged in criminal conduct justify its invocation of Guideline J. Adjudicative Guidelines at ¶ 31(a)–(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 Unlawful Conduct from 2007 to 2014

In 2007, the Individual was arrested and charged with Possession of Drug Paraphernalia after a law enforcement officer observed a pipe used by the Individual to smoke marijuana in his vehicle during a traffic stop. Ex. 14 at 135, 157. The Individual was ordered to pay a fine and perform

community service as a result of the offense. *Id.* According to the Individual, he has not used marijuana since his 2007 arrest. *Id.* at 157.

The Individual was cited for or charged with shoplifting on three occasions from 2010 to 2012. *Id.* at 184–85. The first two instances involved goods valued under \$100, and the Individual received a citation in each instance. *Id.* In the third instance, the Individual was arrested attempting to shoplift diapers and baby clothes for a relative he represented could not afford the items. *Id.* at 163. The Individual pleaded guilty to the third shoplifting offense and was ordered to pay a fine. *Id.* at 163, 187. However, he did not pay the fine as required and was charged with failing to pay the court-ordered fine. *Id.* at 187. The Individual was found guilty and ultimately paid the fine. *Id.* at 163, 187.

At some point in 2014, the Individual was cited for speeding and required to pay a fine. *Id.* at 163. The Individual did not timely pay the fine, and a bench warrant was issued for his arrest. *Id.* In November 2014, law enforcement officers came to the Individual’s residence to investigate reports that a vehicle in the Individual’s possession was stolen. *Id.* The Individual established that the vehicle belonged to him; however, he was cited for not having proper license plates on the vehicle and arrested on the outstanding bench warrant. *Id.* He resolved these matters by paying a fine. *Id.*

B. Individual’s Recent Unlawful Conduct

On December 15, 2022, the Individual was cited for speeding and driving a vehicle without evidence of insurance or registration. *Id.* at 188. The Individual failed to appear at a hearing related to these offenses and a bench warrant was issued for his arrest. Ex. 10 at 48; *see also id.* (Individual stating in response to the LOI that he “forgot to go to court” on the day of the hearing). The Individual’s driver’s license was subsequently suspended, and on April 21, 2023, he was charged with driving with a suspended license and driving with expired registration. *Id.* at 49. The Individual failed to appear at a hearing concerning these charges, and another warrant was issued for his arrest. *Id.*; *see also id.* at 50 (Individual stating in response to the LOI that he failed to appear at the hearing because he, again, “forgot” to do so).

In May 2023, the Individual began meeting with prostitutes to engage in sexual intercourse. *Id.* at 53. The Individual utilized prostitutes on at least four occasions from May 2023 to July 2024. *Id.*; *see also* Tr. at 16 (Individual testifying that he used his government-issued work phone to make arrangements with the prostitutes and no longer possesses a work phone after the one he used was confiscated). According to the Individual, he engaged in these activities because of symptoms of then-undiagnosed Bipolar II Disorder and had “lost self control.” Ex. 10 at 53–54. In his hearing testimony, the Individual denied having utilized prostitutes since July 2024. Tr. at 16–17.

On January 2, 2025, the Individual was arrested on the warrants related to his failure to appear in court in connection with the 2022 and 2023 traffic offenses. Ex. 8; Ex. 10 at 51. The Individual was also charged with failing to register or title a vehicle as required and driving without proof of insurance.³ Ex. 9 at 42. The Individual testified at the hearing that in January 2025 he “went to

³ In his response to the LOI, the Individual denied that he was charged with these offenses and claimed that the only charges to which he was subject were those related to the 2022 and 2023 infractions. Ex. 10 at 51. However, records

jail” for one week and paid a fine to resolve all of his outstanding offenses. Tr. at 13–14. However, record evidence contradicts this claim.

With respect to the December 2022 citations, records from a state court database show that the Individual was ordered to pay a fine and an agreement to pay was mailed to him in February 2025. Ex. 15 at 2. On March 25, 2025, a criminal summons was issued after the Individual failed to pay the fine as required. *Id.* at 1. On April 10, 2025, a warrant was issued for the Individual’s arrest for failure to pay the fine. *Id.* While the Individual testified that he paid the fine, there is no corroborating evidence in the record that he did so or that the warrant is no longer outstanding. I find the records from the state court database more persuasive than the Individual’s uncorroborated testimony and conclude that the Individual did not pay the fine and that a warrant was issued for his arrest.

Records from the state court database show that in April 2025, the Individual was ordered to pay a fine related to his April 2023 offenses. Ex. 16 at 2. The Individual did not pay the fine within thirty days as required, and a hearing was scheduled for June 13, 2025, concerning the Individual’s failure to pay. *Id.* The Individual failed to attend the hearing and, on June 20, 2025, a warrant was issued for the Individual’s arrest due to his failure to appear at the hearing. *Id.* Again, although the Individual testified that he paid the fine, I find the state court database more reliable than the Individual’s testimony and conclude that the Individual did not pay the fine and that a warrant was issued for his arrest.

Additionally, the Individual was cited for failing to obey a stop sign in March 2025. Tr. at 15. According to the Individual, the proceeding related to the citation was eventually dismissed, though the circumstances of the purported dismissal are not present in the record. *See id.* (Individual testifying “well, it was just dismissed”).

C. Individual’s Diagnosis with Bipolar II Disorder and Treatment

In July 2024, the Individual met with the NP at his wife’s suggestion because she suspected he had a psychological condition that was influencing his behavior. Ex. 11 at 63; Ex. A; Tr. at 17, 31–32. The Individual reported to the NP that he was experiencing an inability to control himself from “spending a lot of money, racing thoughts, psychomotor agitation, distractibility, irritable mood, episodic depression,” and hypersexuality. Ex. 11 at 63. The Individual told the NP that his hypersexuality had resulted in “a lot of promiscuous relationships,” including sexual intercourse with prostitutes. *Id.* The NP diagnosed the Individual with Bipolar II Disorder and prescribed him medication. *Id.*; Ex. A.

obtained by the LSO from a state court database show that the Individual was charged with the additional offenses on January 2, 2025. Ex. 9 at 42. I find the evidence from the state court database more reliable than the Individual’s claims in response to the LOI and conclude that the Individual was charged with the additional offenses on January 2, 2025, despite his claims to the contrary.

At some point in the summer of 2024, the Individual began meeting with a counselor for individual counseling sessions.⁴ Ex. 11 at 63; Tr. at 19. The Individual met with the counselor approximately every two weeks until January 2025 when the therapist dropped the Individual as a client following his January 2025 incarceration. Ex. 11 at 63; Tr. at 19–20.

The Individual met with the DOE Psychologist on February 4, 2025, for a psychological evaluation. Ex. 11 at 61. The Individual told the DOE Psychologist that he had experienced symptoms he reported to the NP, such as racing thoughts and impulsive spending, since childhood. *Id.* at 62. However, he did not disclose his encounters with prostitutes to the DOE Psychologist. *Id.* at 63; Tr. at 17 (testifying that he did not disclose this information due to shame). The Individual told the DOE Psychologist that he believed the medication prescribed by the NP was effective in managing his symptoms and that he had not experienced symptoms since August 2024. Ex. 11 at 62.

After her clinical interview of the Individual, the DOE Psychologist spoke with the NP by phone. *Id.* at 63. The NP revealed the Individual's hypersexuality and sexual intercourse with prostitutes to the DOE Psychologist. *Id.* She also told the DOE Psychologist that she believed that the Individual was "very stable on his medication" and had a "good prognosis because he ha[d] been so compliant with taking his medication and keeping appointments." *Id.*

On February 11, 2025, the DOE Psychologist issued her Report. *Id.* at 65. She endorsed the NP's diagnosis of the Individual with Bipolar II Disorder and opined that the condition could, and in fact had, impaired the Individual's judgment, stability, reliability, and trustworthiness. *Id.* at 64–65. She opined that the Individual would "need to remain in treatment and in remission for 12 months" to establish that his Bipolar II Disorder was no longer impairing his judgment, stability, reliability, and trustworthiness. *Id.* at 65. She further opined that his prognosis would be good if he maintained his treatment program.⁵ *Id.*

The Individual met with a second therapist on a weekly basis from approximately February to June 2025. Tr. at 19–20. The Individual's therapy with the most recent therapist ended after the therapist changed employers, and the Individual did not take steps to obtain a new therapist. *Id.* at 20–21. Through therapy, the Individual learned techniques to manage the symptoms of his Bipolar II Disorder, such as coloring or talking to his wife when he experienced racing thoughts. *Id.* at 27. Although the Individual denied experiencing any symptoms since approximately May 2025, he continued to engage in the same coping skills out of habit. *Id.* at 27–28.

The Individual met with the NP every two to three months since July 2024 and took his prescribed medication as directed. *Id.* at 17; Ex. A. The Individual experienced symptoms of his Bipolar II

⁴ The Individual reported to the DOE Psychologist that he began meeting with a therapist at the recommendation of the NP, but the NP told the DOE Psychologist that the Individual's therapy predated her treatment of the Individual. Ex. 11 at 63. This factual discrepancy is of no consequence to my determination.

⁵ When she authored the Report, the DOE Psychologist was unaware that the Individual had been dropped as a client by the first therapist following his incarceration. Tr. at 41; *see also* Ex. 11 at 63 (indicating in the Report that the NP told the DOE Psychologist that the Individual was trying to reschedule with the first therapist following his incarceration). Accordingly, the DOE Psychologist intended to communicate that individual counseling should be part of the Individual's treatment regimen. Tr. at 41–42.

Disorder in May 2025 which he brought to the attention of the NP who increased the dosage of the Individual's prescribed medication in June 2025. Tr. at 23–24, 28. The Individual denied experiencing any symptoms of his Bipolar II Disorder, such as irritability or racing thoughts, since his medication was adjusted. *Id.* The Individual testified at the hearing that he intended to continue taking his prescribed medication as directed going forward. *Id.* at 26.

D. DOE Psychologist's Updated Opinion

The DOE Psychologist testified at the hearing that the Individual's medication management and therapy constituted "the minimum" intervention necessary to satisfy her recommendations, particularly in light of the Individual's inconsistent counseling attendance. *Id.* at 42–43. However, the DOE Psychologist nonetheless opined that the Individual's Bipolar II Disorder was being "managed and effectively treated" and was in remission. *Id.* at 45. She further opined that the Individual had a good prognosis for managing the symptoms of his Bipolar II Disorder in the future based in significant part on his proactive response to the reemergence of symptoms in May 2025 which he controlled by working with his NP. *Id.* at 47. Thus, she opined that, although Bipolar II Disorder is a chronic condition and symptoms are likely to reemerge, there is a low probability that those symptoms will impair the Individual's judgment, trustworthiness, or reliability, in light of his demonstrated ability to manage symptoms when they present themselves. *Id.* at 51–52.

V. ANALYSIS

A. 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.

Considering the Individual's inconsistent attendance of counseling which he was recommended to attend, I find that he has not demonstrated ongoing and consistent compliance with a treatment plan. Thus, the first mitigating condition is inapplicable. *Id.* at ¶ 29(a).

The fourth mitigating condition is irrelevant to the facts of this case because Bipolar II Disorder is a chronic condition and therefore not temporary. *Id.* at ¶ 29(d).

The remaining three mitigating conditions are all applicable. The Individual is currently receiving treatment from the NP, the DOE Psychologist opined that the Individual had a favorable prognosis for managing the symptoms of his Bipolar II Disorder in the future and that those symptoms had a low probability of negatively affecting his judgment, trustworthiness, or reliability, and the Individual is currently stable with no indications of a current problem. Thus, I find the second, third, and fifth mitigating conditions applicable. *Id.* at ¶ 29(b)–(c), (e).

In light of the applicability of numerous mitigating conditions, and particularly the positive opinion of the DOE Psychologist, I find that the Individual has resolved the security concerns asserted by the LSO under Guideline I.

B. 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 2007 arrest for Possession of Drug Paraphernalia is mitigated pursuant to the first mitigating condition. Nearly twenty years have passed since the Individual's arrest without him having been arrested for any drug-related offenses. Considering the passage of such a significant period of time without recurrence of drug-related offenses and the Individual's denial of having engaged in any marijuana use since his 2007 arrest, I find that the conduct no longer casts doubt on the Individual's reliability, trustworthiness, or good judgment. *Id.* at ¶ 32(a).

I likewise find that the Individual's shoplifting offenses are mitigated under the first mitigating condition. While the Individual committed shoplifting on three occasions, the aggravating factor presented by the frequency of the Individual's offenses is offset by the mitigating consideration that at least two of the offenses involved less than \$100 in merchandise. *See* 10 C.F.R. § 710.7(c) (requiring consideration of, among other things, the frequency and seriousness of the alleged conduct in applying the mitigating conditions). In addition to the passage of approximately thirteen years since the Individual's last alleged act of shoplifting without recurrence, I find it not unlikely that the Individual's lack of impulse control in engaging in shoplifting was contributed to by his then-undiagnosed Bipolar II Disorder. For the aforementioned reasons, I find the security concerns presented by the Individual's shoplifting offenses resolved pursuant to the first mitigating condition. Adjudicative Guidelines at ¶ 32(a).

I also find the Individual's sexual liaisons with prostitutes resolved under the first mitigating condition. The record strongly suggests that the Individual's decision to utilize the services of prostitutes was a product of hypersexuality attributable to his then-untreated Bipolar II Disorder. As described above, the Individual's Bipolar II Disorder is now under control, and he denied having utilized the services of prostitutes since July 2024. Considering the circumstances under which the Individual engaged in this criminal conduct, I find that it occurred under unusual circumstances, is unlikely to recur, and no longer casts doubt on his reliability, trustworthiness, or good judgment. *Id.*

The aforementioned considerations are not applicable to the Individual's traffic offenses and the related proceedings. While most of the offenses occurred prior to his treatment for Bipolar II Disorder, and thus might have been influenced by his lack of self-control while experiencing symptoms of that condition, the Individual was cited for additional offenses in January and March 2025 after he had received treatment from the NP for some time. More importantly, the Individual has failed to pay fines or attend hearings as required on multiple occasions since January 2025, and the record suggests that multiple warrants are outstanding for the Individual's arrest due to his noncompliance with judicial orders. Considering that the Individual's traffic-related offenses and disregard for judicial orders occurred even after treatment for Bipolar II Disorder, I find that no unusual circumstances are present. Moreover, considering that the offenses remain unresolved and that warrants for the Individual's arrest appear to be outstanding, I find that the Individual's unlawful conduct is ongoing and that no time has passed since he last engaged in the alleged conduct.

In applying the first mitigating condition, I am mindful that the underlying traffic offenses are minor. *See* 10 C.F.R. § 710.7(c) (requiring consideration of the seriousness of the conduct). However, the recurring nature of the Individual's noncompliance, even after being jailed in January 2025 for approximately a week as a result of that noncompliance, suggests an inability or unwillingness to comply with rules and regulations on the part of the Individual that magnifies the security concerns far beyond what would normally be the case for traffic offenses. *See id.* (requiring consideration of the nature of the conduct and the circumstances surrounding the conduct). Moreover, the fact that the Individual failed to comply with judicial orders even when his conduct was being scrutinized as part of the adjudication of his eligibility for access authorization leads me to conclude that his noncompliance with rules is almost

certain to continue when he is no longer under such scrutiny. *See id.* (requiring consideration of the absence or presence of pertinent behavioral changes and the likelihood of continuation or recurrence). For these reasons, I find that the security concerns presented by the Individual's 2014, 2022, 2023, and 2025 traffic-related infractions and the warrants issued in connection with the proceedings for those offenses are not resolved pursuant to the first mitigating condition. Adjudicative Guidelines at ¶ 32(a).

The second and third mitigating conditions are irrelevant to the facts of this case because the Individual was not pressured or coerced into committing traffic offenses or failing to comply with judicial orders and there is no dispute that the Individual committed the underlying offenses. *Id.* at ¶ 32(b)–(c).

Turning to the final mitigating condition, rather than complying with judicial orders related to his traffic offenses, the Individual has repeatedly disregarded them. Moreover, he has not brought forth any evidence of job training or higher education, good employment record, or constructive community involvement. Thus, the fourth mitigating condition is inapplicable. *Id.* at ¶ 32(d).

For the aforementioned reasons, I find that the Individual has not fully resolved 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 I and J of the Adjudicative Guidelines. After considering all relevant information, favorable and unfavorable, in a comprehensive, common-sense manner, including weighing all 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 under Guideline I and to partially resolve the security concerns asserted under Guideline J. However, the Individual has not fully resolved the security concerns asserted by the LSO under Guideline J. Accordingly, I have determined that the Individual should not be granted access authorization. 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