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

Issued: January 16, 2026

Administrative Judge Decision

Phillip Harmonick, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXXXXXX (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

On February 27, 2019, the Individual completed and signed a Questionnaire for National Security Positions (QNSP) as part of seeking access authorization. Exhibit (Ex.) 15 at 194.² Therein, the Individual disclosed that he had been arrested and charged with Driving Under the Influence (DUI) in 2015. *Id.* at 182. The Individual was subsequently granted access authorization.

On October 7, 2024, the local security office (LSO) received a Personnel Security Information Report (PSIR) indicating the Individual had been arrested and charged with DUI. Ex. 7. In the PSIR, the Individual represented that he had consumed “a couple” of alcoholic beverages prior to his arrest. *Id.* at 214. The LSO issued the Individual a letter of interrogatory (LOI) concerning his arrest and alcohol consumption. Ex. 9 at 210–11. On April 29, 2025, the Individual met with a

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.

DOE-contracted psychologist (DOE Psychologist) for a psychological evaluation. Ex. 10 at 57. The DOE Psychologist subsequently issued a report of the evaluation (Report) in which she opined that the Individual met sufficient diagnostic criteria for a diagnosis of Alcohol Use Disorder (AUD), Mild, in early remission, under the *Diagnostic and Statistical Manual of Mental Health Disorders – Fifth Edition-Text Revision (DSM-5-TR)*. *Id.* at 63.

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 6–8. A Summary of Security Concerns (SSC) attached to the letter explained that the derogatory information raised security concerns under Guideline G 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 conducted an administrative hearing in December 2025. The LSO submitted eleven exhibits (Ex. 1–11) and the Individual submitted twenty-three exhibits (Ex. A–W).³ The Individual testified on his own behalf and offered the testimony of his Alcoholics Anonymous (AA) sponsor (Sponsor) and a psychologist who conducted an evaluation of the Individual (Individual’s Psychologist). Transcript of Hearing, OHA Case No. PSH-25-0181 at 3, 11, 28, 78 (Tr.). The LSO offered the testimony of the DOE Psychologist. *Id.* at 3, 89.

II. THE NOTIFICATION LETTER AND THE ASSOCIATED SECURITY CONCERNS

The LSO cited Guideline G (Alcohol Consumption) of the Adjudicative Guidelines as the basis for its substantial doubt regarding the Individual’s eligibility for access authorization. Ex. 1 at 5. “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’s DUI arrests and charges in 2015 and 2024, and the DOE Psychologist’s opinion that the Individual met sufficient diagnostic criteria for a diagnosis of AUD under the *DSM-5-TR*. Ex. 1 at 5. The LSO’s allegations that the Individual experienced alcohol-related incidents away from work and was diagnosed with AUD by a duly qualified mental health professional justify its invocation of Guideline G. Adjudicative Guidelines at ¶ 22(a), (d).

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”

³ The Individual submitted Ex. A–T as a single PDF and submitted Ex. U–W as three separate PDFs. This Decision cites to the Individual’s exhibits by reference to their exhibit labels and pagination in the PDFs within which they are contained.

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 2015 DUI

The Individual was arrested and charged with DUI in March 2015 after he fell asleep while driving and drove into a median. Ex. 15 at 203, 228. The charges were subsequently reduced to Reckless Endangerment, of which the Individual was found guilty in April 2016. *Id.* at 228. The Individual was sentenced to pay fines and costs, serve forty-eight hours in jail, complete a DUI education class and victim impact panel, perform community service, and have an ignition interlock device installed on his vehicle. *Id.* The Individual successfully completed all court-ordered requirements in 2017. *Id.* at 203.

The alcohol education class provider evaluated the Individual for substance use disorders in connection with his 2015 DUI. *Id.* at 224–25. The evaluator diagnosed the Individual with “Alcohol Abuse” and recommended that the Individual abstain from alcohol and attend AA or another alcohol abstinence support group for four months; however, the Individual did not do so. *Id.*; Ex. 10 at 60. According to the Individual, he abstained from alcohol for approximately three months following his 2015 DUI arrest but resumed consuming alcohol because he lacked a sufficient support system. Tr. at 53.

B. Individual’s 2024 DUI

On October 5, 2024, the Individual began consuming alcohol at a bar at approximately 7:00 PM. Ex. 10 at 58. The Individual left the bar at approximately 4:00 AM on October 6, 2024. *Id.* The Individual fell asleep at the wheel of his vehicle while driving and the vehicle ran off the road and struck a barrier. *Id.* The Individual was subsequently arrested and charged with DUI. Ex. 6 at 28. A blood sample collected from the Individual at 6:03 AM on October 6, 2024, measured his blood alcohol concentration (BAC) at .123 g/210L. *Id.* at 31; Ex. 12 at 94.

The 2024 DUI charge was reduced to Aggravated Reckless Driving, of which the Individual was adjudged guilty in April 2025. *See* Ex. 10 at 59 (reflecting information provided by the Individual to the DOE Psychologist during the clinical interview). The Individual was ordered to attend a victim impact panel, undergo a substance abuse evaluation, and pay fines and costs. *See id.* The

Individual completed the victim impact panel on April 16, 2025, and the substance abuse evaluation on July 31, 2025. Ex. I at 31; Ex. P at 56–59.

In addition to the court-ordered actions, the Individual’s employer required him to undergo a substance abuse evaluation with a Licensed Professional Counselor (LPC) on October 23, 2024. Ex. H at 27 (LPC report). Following the evaluation, the LPC diagnosed the Individual with Alcohol Intoxication Without Use Disorder. *Id.* The LPC recommended that the Individual complete an eight-hour alcohol education class and participate in seventeen hours of AA meetings or another recovery support group. *Id.* On November 27, 2024, the LPC conducted a follow-up meeting with the Individual, based on which the LPC concluded that the Individual had complied with his recommendations. *Id.*

C. Opinion of the DOE Psychologist

The Individual met with the DOE Psychologist for the clinical interview portion of the psychological evaluation on April 29, 2025. Ex. 10 at 57. The Individual described his alcohol consumption on the night of his arrest for DUI, and the DOE Psychologist estimated that the Individual’s BAC reached as high as .24 g/210L. *Id.* at 59. During the clinical interview, the Individual reported having abstained from alcohol since his arrest on October 6, 2024, and indicated that he intended to permanently abstain from alcohol because he did not believe that he could consume alcohol in a controlled manner or limit himself to just one drink when he consumed alcohol. *Id.* at 59, 61. The Individual provided a sample for a Phosphatidylethanol (PEth) test, which was negative for traces of alcohol consumption.⁴ *Id.* at 68.

Based on the extremely elevated BAC she calculated that the Individual reached on the night of his arrest for DUI and his admitted difficulty in stopping himself from consuming alcohol once he began to do so, the DOE Psychologist found that the Individual met two *DSM-5-TR* diagnostic criteria for AUD – “Alcohol is often taken in larger amounts or over a longer period than was intended” and “tolerance.” *Id.* at 61; *see also id.* at 65–66 (listing the *DSM-5-TR* diagnostic criteria for AUD). Accordingly, the DOE Psychologist found that the Individual met sufficient criteria for a diagnosis of AUD, Mild. *Id.* at 63. She further specified that the Individual’s AUD was in early remission based on the Individual’s claimed six months of abstinence from alcohol, which she credited due to partial substantiation from the PEth test. *Id.* at 61–62. The DOE Psychologist recommended that the Individual demonstrate rehabilitation by establishing at least five consecutive months of abstinence from alcohol following the evaluation, documented by monthly PEth tests, attending AA meetings at least three times weekly for five months, and working with an AA sponsor. *Id.* at 63.

D. Individual’s Treatment and Opinion of the Individual’s Psychologist

⁴ “PEth is a biomarker for alcohol consumption that can be detected in blood for approximately thirty days following moderate or greater episodes of alcohol consumption.” *See Personnel Security Hearing*, OHA Case No. PSH-25-0093 at 5 n.3 (2025) (summarizing information from a medical doctor and journal article concerning PEth testing).

The Individual began attending AA meetings in October 2024 and usually attended meetings three times weekly since then. Tr. at 30, 50; Ex. K; Ex. U; *but see* Ex. K at 35 (AA sign-in sheets showing that the Individual's attendance was sporadic in May and June of 2025); Tr. at 58 (Individual attributing his reduced attendance during this period to moving to a different residence). The Individual introduces himself as an alcoholic at AA meetings. Tr. at 32–33. In approximately July 2025, the Individual began working with the Sponsor. *Id.* at 13. Starting in July 2025, the Individual and the Sponsor met weekly to work the twelve steps of the AA program and then attend an AA meeting immediately thereafter. *Id.* at 13–14, 30. The Individual and the Sponsor also interacted through other AA meetings they attended together, phone calls, and text messages. *Id.* at 14. The Individual completed the first three steps of the AA program and, as of the hearing date, was working on the fourth step. *Id.* According to the Sponsor, the Individual's participation in the AA program had been “above average” and the Individual had “put[] in the effort.” *Id.* at 23.

The Individual testified at the hearing that he had not consumed alcohol since his October 2024 DUI arrest. *Id.* at 28, 49. The Individual provided samples for PEth testing on August 1, 2025, August 29, 2025, October 3, 2025, November 3, 2025, November 20, 2025, and December 12, 2025, each of which was negative for traces of alcohol consumption. Ex. C at 14; Ex. D at 16; Ex. E at 18; Ex. F at 20; Ex. V; Ex. W. The Individual utilized his Sponsor and the teachings of the AA program to support his abstinence from alcohol; for example, in October 2025, at his daughter's wedding where alcohol was served, he carried an AA chip and communicated with his Sponsor throughout the day to support his decision not to consume alcohol. Tr. at 18, 30. The Individual testified at the hearing that he intends to permanently abstain from alcohol. *Id.* at 29.

The Individual met with the Individual's Psychologist for a clinical interview and a series of psychological tests over several days in September and October 2025. Ex. A at 2. The information collected by the Individual's Psychologist led him to conclude that the Individual recognized that alcohol had caused him difficulties in his life and was taking adequate steps to address these issues through attending AA and abstaining from alcohol. *Id.* at 3–4. Based on the Individual's clinical presentation, AA attendance, and self-reported abstinence from alcohol of one year, some of which was documented through PEth testing, the Individual's Psychologist opined that the Individual had “demonstrated commitment to his recovery and reformation.” *Id.* at 4.

E. Updated Opinions of the DOE Psychologist and Individual's Psychologist

The Individual's Psychologist testified at the hearing that he concurred with the DOE Psychologist's diagnosis of the Individual with AUD, Mild. Tr. at 83. He opined that the Individual had an excellent prognosis for avoiding a return to maladaptive alcohol use considering the Individual's AA attendance, the Sponsor's testimony as to the Individual's diligent participation in the AA program, the Individual's testimony as to his positive attitude towards sobriety, and the evidence from the PEth testing of the Individual's abstinence from alcohol. *Id.* at 83–85.

The DOE Psychologist testified that, as of the hearing date, the Individual's AUD was in sustained remission. *Id.* at 89. She opined that the Individual's AA participation had been effective and that he had complied with her treatment recommendations. *Id.* at 92–93. Accordingly, the DOE Psychologist concluded that the Individual had demonstrated rehabilitation and had a good prognosis. *Id.* at 93. Supporting her conclusion, the DOE Psychologist noted the Individual's

positive support through the AA program and his ability to maintain sobriety during potentially challenging circumstances, such as his daughter's wedding, major holidays, and the security clearance adjudicative process. *Id.* at 93–94.

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; 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.

Id. at ¶ 23.

The Individual has acknowledged his pattern of maladaptive alcohol use, identifying himself as an alcoholic in AA meetings and stating to the DOE Psychologist, to the Individual's Psychologist, and at the hearing that he cannot consume alcohol in a controlled manner and intends to abstain going forward. The Individual has also demonstrated action to control this problem through his participation in AA. Furthermore, he has abstained from alcohol, demonstrating his abstinence therefrom through alcohol testing, consistent with the DOE Psychologist's recommendations. Both the Individual's Psychologist and DOE Psychologist provided positive prognoses for the Individual, convincing me that his maladaptive alcohol use and alcohol-related criminal conduct are unlikely to recur. *See* 10 C.F.R. § 710.7(c) (requiring consideration of "the likelihood of continuation or recurrence" in applying the mitigating conditions). Accordingly, I find that the Individual has demonstrated the applicability of the second mitigating condition. Adjudicative Guidelines at ¶ 23(b).

Based on the applicability of the second mitigating condition, and particularly the positive prognoses offered by the experts at the hearing, I find that the Individual has resolved the security concerns asserted by the LSO under Guideline G.

VI. CONCLUSION

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 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. 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