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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: August 20, 2025)
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Case No.: PSH-25-0189

Issued: January 27, 2026

Administrative Judge Decision

Noorassa A. Rahimzadeh, 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 not be granted.

I. Background

As part of the access authorization application process, the Individual completed and signed a Questionnaire for National Security Positions (QNSP) in August 2024. Exhibit (Ex.) 7.² When asked whether he had ever been "ordered to consult with a mental health professional[.]" the Individual marked "yes" and disclosed that in May 2024, he completed counseling sessions at a recovery center. *Id.* at 106–07. He stated that he did not receive a diagnosis at that time. *Id.* He further stated that this order was in connection with a September 2023 Operating While Intoxicated (OWI) charge. *Id.* at 108. The Individual recounted that he was flying to a different state on business and consumed "a few drinks on the airplane." *Id.* He retrieved a rental car upon landing, and on his way to his destination, was involved in an accident "which resulted in receiving a citation of OWI." *Id.* The Individual was convicted in May 2024, paid a fine, and was placed on probation from May 2024 to November 2024, with "early release" from his probation in August

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.

2024.³ *Id.* at 108–09. In connection with the criminal charge, the Individual, among other things, attended a victim impact panel, was subject to electronic monitoring, and underwent substance abuse counseling, which was not required by the court as the Individual had indicated on the QNSP, but was undertaken upon the advice and counsel of his attorney. *Id.* at 109.

The Individual underwent an Enhanced Subject Interview (ESI) in October 2024, which was conducted by an investigator. Ex. 8 at 183. The Individual recounted the events leading up to the OWI charge, stating that he consumed significant quantities of alcohol during his travel but “did not feel intoxicated” when he began driving. *Id.* While traveling on the interstate, the Individual was traveling through a construction zone without slowing down, and when he looked down at his phone, he “rear-ended another car that was sitting still.” *Id.* When police responded to the scene and spoke to the Individual, he admitted that he had been drinking alcohol. *Id.* The Individual was subject to field sobriety tests, which he failed. *Id.* He also submitted to a Breathalyzer test on the scene, and “blew a .23.” *Id.* The Individual spent that night in jail and when he was released in the morning, he was charged with misdemeanor OWI and received a court date. *Id.* The Individual pleaded guilty to the charge in May 2024, and as indicated above, was ordered to complete probation. *Id.* at 187. As part of his probation, he was ordered to undergo random drug testing, as well as “daily breath tests four times per day for [thirty] days.” *Id.* He noted to the investigator that this OWI was an isolated incident. *Id.*

As questions still remained, the Individual was asked to undergo a psychological evaluation conducted by a DOE-consultant psychologist (DOE Psychologist) in June 2025. Ex. 5. The DOE Psychologist issued a report (the Report) of his findings the same month. *Id.* In the Report, it was noted that prior to his arrest in September 2023, the Individual had engaged in the same pattern of alcohol consumption that he engaged in since graduating from college, consuming approximately six to eight light beers on weekends. *Id.* at 26–27. In connection with the evaluation, the Individual submitted to a Phosphatidylethanol (PEth) test, the results of which were 1014 ng/mL.⁴ *Id.* at 29. The DOE Psychologist concluded in the Report that, pursuant to the *Diagnostic and Statistical Manual of Mental Disorders–Fifth Edition-Text Revision*, the Individual suffers from Alcohol Use Disorder (AUD), Moderate, without adequate evidence of rehabilitation or reformation. *Id.* at 31. The DOE Psychologist also concluded that the Individual habitually consumes alcohol to the point of impaired judgment, reliability, and trustworthiness. *Id.*

The LSO began the present administrative review proceeding by issuing a letter (Notification Letter) to the Individual in which it notified him that it possessed reliable information that created a substantial doubt regarding his eligibility for access authorization. In a Summary of Security Concerns (SSC) attached to the Notification Letter, the LSO explained that the derogatory information raised security concerns under Guideline G (Alcohol Consumption) of the

³ In addition, a dog was killed during the accident, and the Individual was ordered to pay restitution for the dog. Ex. 8 at 187. The Individual had to withdraw thousands of dollars from his 401(k) to satisfy the cost of the restitution ordered. *Id.*

⁴ Per the information provided by a consulting medical doctor who can interpret PEth tests, “PEth is not a normal body metabolite[,]” and only “accumulates when ethanol binds to the red blood cell membrane.” Ex. 5 at 29. Therefore, “[t]he PEth level reflects the average amount of alcohol consumed over the previous [twenty-eight to thirty] days[.]” *Id.* A PEth test result exceeding 200 ng/mL suggests “heavy drinking (at least [four] drinks/day several days/week).” *Id.*

Adjudicative Guidelines. Ex. 1. The Notification Letter informed the Individual that he was entitled to a hearing before an Administrative Judge to resolve the substantial doubt regarding his eligibility to hold a security clearance. *See* 10 C.F.R. § 710.21.

The Individual requested a hearing, and the LSO forwarded the Individual's request to the Office of Hearings and Appeals (OHA). The Director of OHA appointed me as Administrative Judge in this matter. At the hearing I convened pursuant to 10 C.F.R. § 710.25(d), (e), and (g), the Individual testified on his own behalf. *See* Transcript of Hearing, OHA Case No. PSH-25-0189 (hereinafter cited as "Tr.") The Individual also submitted three exhibits, marked Exhibits A through C. The DOE Counsel submitted eight exhibits marked as Exhibits 1 through 8 and presented the testimony of the DOE Psychologist.

II. Notification Letter

Under 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. Among those conditions set forth in the Adjudicative Guidelines that could raise a disqualifying security concern are "alcohol-related incidents away from work, such as driving while under the influence[.]" "habitual or binge consumption of alcohol to the point of impaired judgment," and a "diagnosis by a duly qualified medical or mental health professional . . . of alcohol use disorder[.]" *Id.* at ¶ 22(a), (c)–(d). Under Guideline G, the LSO alleged that the DOE Psychologist diagnosed the Individual with AUD, Moderate, without adequate evidence of rehabilitation or reformation, and further, the DOE Psychologist concluded that the Individual habitually consumes alcohol to the point of impaired judgment, reliability, and trustworthiness. Ex. 1 at 5. Further, the LSO alleged that the Individual's PEth test result of 1014 ng/mL, which was taken in conjunction with the psychological evaluation, shows alcohol consumption within the previous twenty-eight to thirty days.⁵ *Id.* Finally, the LSO alleged that the Individual was charged with OWI in September 2023. *Id.* 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 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 Department of Navy v. Egan*, 484 U.S. 518, 531 (1988) ("clearly consistent with the national interest" standard for granting security clearances indicates "that security determinations should err, if they must, on the side of denials"); *Dorfmont v. Brown*, 913 F.2d 1399, 1403 (9th Cir. 1990) (strong presumption against the issuance of a security clearance).

⁵ The PEth test result does not constitute a concern in itself under the Adjudicative Guidelines, and is only considered to the extent it informed the DOE Psychologist's opinion.

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. Findings of Fact and Hearing Testimony

Prior to his arrest in September 2023, the Individual had engaged in the same pattern of alcohol consumption that he engaged in since graduating from college, consuming approximately six to eight light beers “each night of the weekend.” Ex. 5 at 26–27; Ex. B at 5. He would begin drinking in the afternoon and stop drinking around 10:00 pm. Ex. 5 at 26. The Individual would not drink on weekdays. *Id.* at 27.

The Individual underwent a one-time assessment with a therapist in late October 2023. Ex. B at 3. The therapist suggested that the Individual “complete outpatient counseling as determined by his provider[,]” and that he “work through his options regarding sobriety or reducing his consumption while examining his relationship with alcohol.” *Id.* at 5.

The Individual began attending Alcoholics Anonymous (AA) meetings following the 2023 OWI charge.. Ex. 5 at 25. He attended eleven meetings from October 2023 to January 2024 and seven meetings in December 2025. *Id.*; Ex. A.

The Individual began counseling at a recovery center in January 2024 and would see a licensed professional counselor (LPC). Ex. 5 at 26; Ex. B at 11. The therapy that the Individual received “focused on stressful issues that contributed to his drinking.”⁶ Ex. 5 at 26; Ex. B at 14. The Individual saw the LPC twice per month until he stopped attending, with his last appointment taking place in May 2024. Ex. 5 at 26; Ex. B at 13. The LPC characterized the OWI as being “the result of a lapse in judgment/decision making” rather than the result of an “alcohol-related diagnosis[.]” Ex. B at 13.

During his probation, the Individual was required to submit to a portable Breathalyzer four times per day for three months. Ex. 5 at 27. He was also subject to urine tests from May to July 2024, averaging five tests every month.⁷ *Id.* The Individual was not consuming alcohol while he was subject to testing. *Id.*

The Individual began consuming alcohol again in August 2024. *Id.* At the time of the psychological evaluation, the Individual was consuming six to eight light beers on Saturdays and Sundays. *Id.*

⁶ Records from the LPC’s evaluation of the Individual indicated a diagnosis of Adjustment Disorder and Anxiety. Ex. 5 at 28; Ex. B.

⁷ The DOE Psychologist obtained the results of the urine tests and confirmed that all ten tests “were negative for all drugs and alcohol.” Ex. 5 at 27.

The DOE Psychologist opined that, as indicated by the fact that he reported that he did not feel intoxicated prior to the OWI charge, the Individual had shown “significant tolerance for alcohol” and that “[t]olerance is associated with heavy and frequent drinking and results in impaired judgment, reliability, and trustworthiness.” *Id.* at 31. The DOE Psychologist also stated that should the Individual stop consuming alcohol by himself, he could potentially place himself in medical danger, and accordingly, he “should consider an alcohol detoxification program or some other form of medical supervision[.]” *Id.*

To show adequate evidence of rehabilitation, the DOE Psychologist recommended participation in an intensive outpatient treatment program (IOP) consisting of a “minimum of nine hours of therapeutic and education meetings a week, usually in three [three-hour] sessions, for between [twelve and sixteen] weeks.” *Id.* After completing the IOP, he recommended that the Individual attend weekly aftercare meetings for a total of nine months. *Id.* Finally, he stated that the Individual should provide evidence of ongoing abstinence from alcohol via monthly PEth testing for a total of twelve months. *Id.* In the alternative, the Individual could participate in AA for twelve months, attending four meetings per week, provide documentation of attendance, meet with an AA sponsor, and provide proof that he is working the Twelve Steps. *Id.* at 32. Again, the DOE Psychologist recommended that the Individual show proof of ongoing abstinence from alcohol via monthly PEth testing for a total of twelve months. *Id.*

At the hearing, the Individual confirmed that he had resolved all of his legal entanglements. Tr. at 14–15. Regarding the result of the PEth test that the Individual took in conjunction with the psychological evaluation, the Individual indicated that in the days prior to the evaluation, he had been consuming more alcohol than usual. *Id.* at 16–17, 25. As it was a holiday weekend prior to the psychological evaluation, the Individual had consumed alcohol seven out of the ten days prior to the psychological evaluation. *Id.* at 17, 25. Regarding the recommendations made in the Report, the Individual stated that he was going to start looking for an outpatient treatment program the Monday following the hearing. *Id.* at 18. He had, however, attended online AA meetings, attending approximately from December 2025 to the time of the hearing in early January. *Id.* at 19. The Individual stated that he intends to continue attending AA meetings. *Id.* at 21. He had not engaged a sponsor or worked the Twelve Steps, and he did not identify himself as an alcoholic at AA meetings. *Id.* at 33. When asked why he had not completed or started the recommendations made by the DOE Psychologist, the Individual indicated that he was going through a time of personal tumult and wanted to resolve those matters first. *Id.* at 22–24. He also admitted that the last time he had consumed alcohol was the Saturday before the hearing. *Id.* at 23. He estimated drinking about four to five beers. *Id.* at 26. He explained that since September or October 2025, he reduced his consumption to approximately four to five beers per sitting. *Id.* at 26–27. He confirmed that his spouse, who lives with him, also consumes alcohol and that they keep alcohol in their home. *Id.* at 28. When asked if he believes he has an issue with alcohol, the Individual indicated that it is “something [that has] been brought up[.]” and that he would like to talk to a professional about the matter. *Id.* at 29–30.

At the hearing, the DOE Psychologist declined to update the diagnosis, AUD, Moderate, or his opinion that the Individual had not demonstrated adequate evidence of rehabilitation or reformation. *Id.* at 37–38. When asked what he considered in making his diagnosis and recommendations, the DOE Psychologist indicated that he considered the PEth test result and the

fact that based on the information provided, it appeared that the Individual had built some tolerance to alcohol. *Id.* at 39. The DOE Psychologist also considered the fact that the Individual continued to drink and last consumed alcohol the Saturday prior to the hearing, which the DOE Psychologist opined showed poor judgment. *Id.* at 39–40. Specifically, he stated that the Individual’s poor judgment is connected to alcohol consumption. *Id.* He also was concerned about the fact that the Individual was attending virtual AA meetings, because he feels in-person meetings are more effective. *Id.* at 40–41. The DOE Psychologist indicated that the Individual had not experienced any form of remission. *Id.* at 42.

V. Analysis

The Adjudicative Guidelines provide that 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.

Adjudicative Guidelines at ¶ 23.

I am not able to conclude that the Individual has mitigated the stated Guideline G concerns. As the record shows, he received some counseling at the suggestion of his defense attorney and completed the requirements of his probation in 2024 in connection with the OWI charge, like remaining abstinent from alcohol for approximately three months. However, the Individual resumed consuming alcohol soon after. As the PEth test result indicates, he was consuming alcohol heavily prior the psychological evaluation. Although the Individual indicated that he had reduced his consumption, it was not by any meaningful amount, as he was still consuming approximately four to five beers per sitting at the time of the hearing. Further, although he had attended some AA meetings in late 2025 and early 2026, the Individual did not engage a sponsor, did not work the Twelve Steps, did not identify himself as an alcoholic, and when he was asked whether he feels alcohol is an issue for him, he indicated that he would like to speak to a professional regarding the matter to seek an opinion beyond that which was rendered by the DOE Psychologist. The

Individual did not complete any of the DOE Psychologist's recommendations, and accordingly, the DOE Psychologist did not find adequate evidence of rehabilitation or reformation.

As the Individual continues to routinely consume alcohol on the weekends, as he did for many years, I cannot conclude that the behavior was so far in the past, infrequent, or 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. Mitigating factor (a) is not applicable. There is no indication in the record that the Individual has acknowledged that his alcohol consumption is maladaptive. Nor is there any indication that the Individual has stopped consuming alcohol pursuant to treatment recommendations. Mitigating factor (b) is not applicable. The Individual is not currently in any treatment or counseling for his alcohol consumption, and I have no evidence before me that he completed a treatment program, including any required aftercare, for his alcohol consumption. Mitigating factors (c) and (d) are not applicable.

The Individual has failed to mitigate the stated Guideline G concerns.

VI. Conclusion

For the reasons set forth above, I conclude that the LSO properly invoked Guideline G of the Adjudicative Guidelines. After considering all the evidence, both 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 not brought forth sufficient evidence to resolve the Guideline G concerns set forth in the SSC. Accordingly, the Individual has not demonstrated that granting his security clearance would not endanger the common defense and security and would be clearly consistent with the national interest. Therefore, I find that the Individual's access authorization should not be granted. This Decision may be appealed in accordance with the procedures set forth at 10 C.F.R. § 710.28.

Noorassa A. Rahimzadeh
Administrative Judge
Office of Hearings and Appeals