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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: September 10, 2025) Case No.: PSH-25-0204
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Issued: February 17, 2026

Administrative Judge Decision

Matthew Rotman, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXXXXXXXXXXX (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 restored.

I. BACKGROUND

The Individual used marijuana as much as "a few times a month" between the ages of 16 and 32. Exhibit (Ex.) 10 at 117, 205–06; Ex. 5 at 29.² In 1996, he was arrested and pled guilty to Possession of Marijuana. Ex. 10 at 117, 204. He quit using marijuana in 2011 because he wanted a "clean and responsible life and career." Ex. 5 at 29.

In June 2018, the Individual became employed by a DOE contractor in a position requiring a security clearance. Ex. 1 at 6; Ex. 10 at 76. In July 2018, January 2019, and April 2024, the Individual signed Security Acknowledgment forms, in which he acknowledged that his involvement with any illegal drug could result in the loss of his security clearance. Ex. 7; Ex. 8; Ex. 9. In November 2018, the Individual responded to a letter of interrogatory (LOI) issued by the local security office (LSO), in which he acknowledged his past marijuana use and committed "to not use any illegal drugs in the future." Ex. 5 at 29–32. On December 10, 2018, the Individual

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.

signed a DOE Drug Certification form. Ex. 6. By signing this form, he certified that he understood illegal drug use by a clearance holder is prohibited, that he agreed he would not have any involvement with illegal drugs, and that he understood he could lose his security clearance if he broke the agreement “even once.” *Id.*

On May 5, 2025, the Individual tested positive for amphetamine/methamphetamine on a random drug test at work. Ex. 4 at 26.

On June 23, 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 H (Drug Involvement and Substance Misuse) of the Adjudicative Guidelines and prohibited him from holding a security clearance pursuant to the Bond Amendment, 50 U.S.C. § 3343(b). *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 ten exhibits (Ex. 1–10). The Individual submitted nine exhibits (Ex. A, B, B1, B2, B3, B4, C, D, and E).³ At the hearing, the Individual testified on his own behalf and called his brother as a witness. Transcript of Hearing, OHA Case No. PSH-25-0204 (Tr.) at 13, 56. The LSO did not call any witnesses.

II. THE NOTIFICATION LETTER AND THE ASSOCIATED SECURITY CONCERNS

The LSO cited Guideline H as the first basis for its substantial doubt concerning the Individual’s eligibility for access authorization. Ex. 1 at 5. Pursuant to Guideline H,

[t]he illegal use of controlled substances, to include the misuse of prescription and non-prescription drugs, and the use of other substances that cause physical or mental impairment or are used in a manner inconsistent with their intended purpose can raise questions about an individual’s reliability and trustworthiness, both because such behavior may lead to physical or psychological impairment and because it raises questions about a person’s ability or willingness to comply with laws, rules, and regulations.

Adjudicative Guidelines at ¶ 24. The LSO cited the Individual’s positive test for amphetamine/methamphetamine on May 5, 2025, “while in possession of an active DOE clearance” as the basis for its Guideline H concern. Ex. 1 at 5. This allegation justifies the LSO’s invocation of Guideline H. *See* Adjudicative Guidelines at ¶ 25(b), (f).

The LSO cited the Bond Amendment as the second basis for its determination that the Individual was ineligible for access authorization. Ex. 1 at 5. Under the Bond Amendment, “the head of a Federal agency may not grant or renew a security clearance for a covered person who is an

³ The Individual’s exhibits were submitted as a single PDF file. References to the Individual’s exhibits cite to the PDF page number.

unlawful user of a controlled substance or an addict” 50 U.S.C. § 3343(b). “Controlled substance” is defined with reference to 21 U.S.C. § 802(6), which defines it to include Schedule II substances under the Controlled Substances Act, such as amphetamine and methamphetamine. 21 U.S.C. § 812. According to the LSO, the Individual is prohibited by the Bond Amendment from holding a security clearance because he tested positive for amphetamine/methamphetamine on May 5, 2025. Ex. 1 at 5. This allegation justifies the LSO’s invocation of the Bond Amendment.

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

In his testimony, the Individual confirmed that he used methamphetamine in early May 2025, approximately two days before the random drug test. Tr. at 74, 121. He described the circumstances as follows. He had recently taken up a hobby involving vintage audio equipment. *Id.* at 71–72. He met an individual online who was selling audio equipment (Seller), and he visited the Seller at his home “several times.” *Id.* at 72–73. During one visit, when the Individual was feeling particularly overwhelmed, the Seller asked if the Individual “wanted to take the edge off.” *Id.* At this point, the Seller offered the Individual methamphetamine, and the Individual used it. *Id.* at 73, 116–17. At the hearing, the Individual admitted that when he used it, he knew he was violating the law and could be putting his security clearance at risk. *Id.* at 117–18. He testified this was the only time he ever used methamphetamine. *Id.* at 121.

The Individual characterized his methamphetamine use as a form of self-medication. *Id.* at 110–11. He explained that he was suffering from years of “unchecked trauma” that stemmed from a series of distressing events. *Id.* at 67. First, in 2017, his teenage son was diagnosed with leukemia, which required four or five years of treatment. *Id.* at 62. Then, in 2022, after treatment ended and

the cancer went into remission, his son decided to move away to be closer to extended family, which caused the Individual further anguish. *Id.* at 64–65, 212–13. In 2020, the Individual’s sister-in-law passed away, followed by the death of the Individual’s father two days later. *Id.* at 62. In early 2021, the Individual’s wife of twenty years informed him “she didn’t have the same feelings for [him] anymore,” which began a years-long process of trying to save his marriage. *Id.* at 59, 63–64.

By 2023, overwhelmed by this succession of misfortunes, the Individual began to experience lack of focus at work. *Id.* at 66, 213–14. He discussed the situation with his managers, and they referred him to his employer’s Employee Assistance Program (EAP). *Id.* at 66–67, 214. He met with an onsite EAP counselor for “a couple of sessions,” but he desired weekly ongoing counseling sessions, which EAP could not provide. *Id.* at 68–69, 216–17. When he tried to secure an offsite counselor, he found it difficult to find someone who was accepting new clients and whose services were not cost prohibitive. *Id.* at 218–19. He began to feel “just a huge sense of hopelessness.” *Id.* at 69. It was in this context, he testified, that when given the opportunity, he made the “shameful” decision to use methamphetamine. *Id.* at 69, 96.

The Individual confirmed that May 5, 2025, was the first time he had been selected for a random drug test since becoming a security clearance holder. *Id.* at 166. Upon arriving at work that day, he did not know he had a duty to self-report his illegal drug use two days prior, and he did not intend to do so. *Id.* at 176. When his manager notified him he was selected for a random drug test, his “heart sank.” *Id.* at 179. He informed his manager that he could not take the drug test because he had “something” in his system. *Id.* at 181. When asked to explain, he “freaked out” and told his manager that he had taken pain medicine for his tendinitis, but eventually recanted this statement and acknowledged it was not pain medication he was worried about. *Id.* at 183, 188–89. His manager informed him he nonetheless had to report for the drug test, and after some conversation, he decided to comply. *Id.* at 189–90.

After the positive test, the Individual’s employer sent him to a recovery center, he testified, where he was evaluated and recommended to meet with a counselor for a two-hour session. *Id.* at 75–76. During the two-hour session, the Individual stated, he and the counselor discussed the science of addiction and how to make better choices. *Id.* at 77; *see also* Ex. B2 (letter from the counselor dated May 31, 2025, confirming that the Individual completed two hours of “Substance Abuse Education” and “is motivated and committed to making low risk choices to maintain his employment”). According to the Individual, he was not diagnosed with a substance use disorder. *Tr.* at 76. The Individual decided to continue meeting with the counselor regularly. *Id.* at 78. Initially, he saw her weekly, but then stopped for several months because he was on unpaid leave from work and his “finances were getting bad.” *Id.* at 81, 89. As of the hearing, he was preparing to resume counseling once every two weeks. *Id.* at 80–81; *id.* at 235–37 (testifying that he had met with the counselor only “once or twice” since July 2025, but had a session scheduled the week following the hearing). He intends to continue regular counseling, regardless of the decision on his

clearance, because “I still need to have that outlet to talk about whatever circumstance I have going.”⁴ *Id.* at 81.

Not long after he began counseling, the Individual asked his counselor if he could enter an intensive outpatient program (IOP) at the recovery center. *Id.* at 83. According to his testimony, he wanted to show that he was taking his situation seriously. *Id.* at 83–84, 222–23. He was concerned that DOE and his family were “going to wonder if I’m addicted,” and he wanted to prove that he wasn’t. *Id.* at 226–28. Additionally, since methamphetamine “is a highly addictive drug” that he knew very little about, he worried that without more intensive treatment he could “get caught up in [it] again.” *Id.* at 224–26. In response to these concerns, the Individual’s counselor sent an email to the recovery center and requested that the Individual be permitted to attend the IOP. *Id.* at 230. The recovery center invited him to attend. *Id.* The IOP required attendance only once per week, but the Individual attended five times per week. *Id.* at 84–86. The program consisted of group sessions, where participants shared the circumstances around their drug use. *Id.* at 85. The Individual appreciated the opportunity to see firsthand how addiction works. *Id.* at 86. He was drug tested every three days and, to his knowledge, passed every test. *Id.* at 85, 87; Ex. B (letter from a counselor at the recovery center confirming that he tested negative on all eight drug screens). According to the Individual, he completed the program after 15 days instead of the usual 30, because he was found to have made sufficient progress. Tr. at 88; Ex. B (confirming that the Individual completed the program on July 28, 2025, but not indicating the duration of the IOP). Based on the Individual’s “progress and stated intentions,” he was found to “have a good prognosis for continued sobriety.” Ex. B.

The Individual testified he has not used any illegal drugs since testing positive on May 5, 2025, and he does not intend to use illegal drugs ever again.⁵ Tr. at 93–95. He is motivated to return to work and to set a good example for his son. *Id.* at 95–96. After the positive drug test, the Individual testified, he immediately “cut contact” with the Seller. *Id.* at 75. Knowing that another visit to the Seller’s house would only provide an opportunity to make another poor decision, he deleted all contact information for the Seller and did not initiate any further communication. *Id.* at 119–20. Although the Individual still experiences stress, largely stemming from ongoing marital strife, he feels confident he has the “tools” and the “outlets” to manage his stress in a healthy way. *Id.* at 97, 169–71. The Individual no longer suffers from “unchecked trauma,” he testified, because he has received counseling and is “very self-aware of it now.” *Id.* at 241–42.

According to the Individual, he has informed most people in his life about the positive drug test. *Id.* at 244. He told his son in June 2025. *Id.* at 69–70, 210. He told his older brother, who lives in another city but with whom he communicates almost daily, in July or August 2025. *Id.* at 19, 45, 242–43. He also informed several co-workers and friends. *Id.* at 244–46; Ex. C–E (letters from

⁴ When asked why he did not call his counselor to testify at the hearing, the Individual stated that he felt she could not have provided a consistent picture of his progress, due to the break in counseling when his “finances were getting kind of tight.” Tr. at 107.

⁵ The Individual has not undergone any drug testing since completing the IOP in July 2025 that could corroborate his abstinence. Tr. at 237–38. When asked why not, he stated that he had considered having himself tested but realized it would get “very expensive” to do so on a weekly basis, which he believed would be required to demonstrate continuous abstinence. *Id.* at 238–40. If he tested himself less frequently, on the other hand, he worried that it would appear he was trying to conceal drug use during the time periods not covered by the tests. *Id.* at 239–40.

three co-workers and friends attesting that the Individual informed them of his positive drug test, that he is “immensely remorseful and regretful,” and that he demonstrates trustworthiness and integrity in his professional and personal life). Of all the Individual’s friends and family members, only his brother gave testimony at the hearing.⁶ The brother testified that, regarding the Individual’s methamphetamine use, he was “a little disappointed,” but “also proud of [his brother] for owning up to it” and taking corrective actions. Tr. at 18. He felt that the Individual’s “bad decision” was a lapse that “any man” could have made under such stressful conditions. *Id.* at 22; *see also id.* at 19–23 (recounting all of the hardships the Individual has suffered since 2017). The brother has seen positive changes in the Individual’s outlook and demeanor since May 2025, and he expressed certainty that the Individual’s drug use was an “isolated event” that will not recur. *Id.* at 26, 36–37, 42. When asked why he is so certain, he responded, “because I know him” and because “he has all the tools” and is “doing it the right way now.” *Id.* at 42.

The Individual submitted a signed statement indicating, “I intend to abstain from all drug involvement in the future, and I can pledge to you that I will never put myself, or my employers or the U.S. Government in this position again and that I will never use drugs again unless validly prescribed by a doctor.” Ex. A at 6. Although he had made this same promise before when he completed the 2018 Drug Certification, the 2018 LOI, and the 2018, 2019, and 2024 Security Acknowledgments, he insists that his “promise is better” now, because he is “showing [DOE] tangibly the things that [he’s] done to correct the situation and to assure that [his] promise is valid this time, that [he’s] not just reading through something real quick and signing it for the sake of moving on” Tr. at 171. Moreover, having now undergone the administrative review process, he has gained “perspective” and realizes he needs to keep his “commitment at the forefront.” *Id.* at 202.

V. ANALYSIS

A. Guideline H

Conditions that could mitigate security concerns under Guideline H include:

- (a) The behavior happened so long ago, was so infrequent, or happened under such circumstances that it is unlikely to recur or does not cast doubt on the individual’s current reliability, trustworthiness, or good judgment;
- (b) The individual acknowledges his or her drug involvement and substance misuse, provides evidence of actions taken to overcome this problem, and has established a pattern of abstinence, including, but not limited to:
 - (1) Disassociation from drug-using associates and contacts;
 - (2) Changing or avoiding the environment where drugs were used; and
 - (3) Providing a signed statement of intent to abstain from all drug involvement and substance misuse, acknowledging that any future involvement or misuse is grounds for revocation of national security eligibility;

⁶ When asked why he did not call his wife as a witness at the hearing, he stated that he considered it, but he “he didn’t want to put her on the spot.” Tr. at 106.

- (c) Abuse of prescription drugs was after a severe or prolonged illness during which these drugs were prescribed, and abuse has since ended; and
- (d) Satisfactory completion of a prescribed drug treatment program, including, but not limited to, rehabilitation and aftercare requirements, without recurrence of abuse, and a favorable prognosis by a duly qualified medical professional.

Adjudicative Guidelines at ¶ 26.

As to the conditions set forth in paragraph (a), the Individual claims his illegal drug use was a one-time occurrence, that it has not recurred since early May 2025, and that it was prompted by difficult life circumstances that he has since learned to manage. As described below, based on the factual record developed in this case, I am unable to credit any of these bases for mitigating the Guideline H concerns.

Regarding the Individual's life circumstances, both he and his brother recounted the numerous hardships he has experienced since 2017. Without question the Individual has faced difficult circumstances. However, for several reasons, my concerns related to the Individual's judgment are not lessened because his drug use occurred under these circumstances. For one, these circumstances were present for eight years before the Individual admitted to engaging in any drug use, yet the self-control he exhibited across those eight years was evidently insufficient to prevent him from accepting methamphetamine on a whim when offered by a relative stranger. This raises grave concerns about the Individual's decision-making, which cannot be explained by the circumstances alone. Secondly, the Individual's life circumstances, while distressing for sure, are not so unique that he is unlikely to face them again, and despite his insistence that he now has the "tools" to handle stress, the record contains no testimony from his counselor or other treatment provider that supports this claim. Third, the Individual's age and experience at the time of the drug use strongly indicate he should have known better, especially since he had been previously interrogated by the LSO about past drug use and made keenly aware of the seriousness of the offense. *See* 10 C.F.R. § 710.7(c) (requiring me to consider the "age and maturity of the individual" as well as the seriousness of his conduct). Finally, the Individual fully understood that his drug use was illegal and could jeopardize his security clearance at the time he chose to use it. *See id.* (requiring me to consider whether the Individual participated knowledgeably and voluntarily in the behavior). For all these reasons, I conclude that the Individual's drug use did not happen under such circumstances that it is unlikely to recur or does not cast doubt on the Individual's current reliability, trustworthiness, or good judgment.

I next consider whether the security concerns are resolved on the basis that the drug use was sufficiently "long ago" and infrequent. To find that they are resolved on this basis, I would need to accept the Individual's testimony that his drug use was a one-time lapse that occurred in early May 2025. The record precludes me from reaching this conclusion. To begin, the Individual provided no testimony from a single witness – besides himself – who could attest firsthand to the extent of his drug involvement. He did not call his wife or any other individuals closely involved in his personal life – only his brother, who lives in another city and did not learn of the methamphetamine use until three months after it occurred. Second, the coincidental timing of the random drug test – just two days after he purportedly used methamphetamine the only time in his life – raises some suspicion as to the truthfulness of his account. This suspicion is compounded by

the Individual's admission that he would not have reported the drug use had he not been selected for testing, which raises the possibility he had concealed prior instances of drug use as well. Third, the Individual's testimony that his counselor recommended him for an IOP and that the IOP accepted him for participation, despite denying an addiction to drugs or a diagnosis of substance abuse disorder, raises questions as to his honesty in disclosing the extent of his drug use.⁷ Because the Individual declined to present the counselor as a witness, I was unable to resolve these questions on the record. Consequently, I am unable to find the LSO's security concerns resolved by the infrequency of the Individual's drug use or the length of time since it occurred.

Turning to the conditions set forth in paragraph (b), the Individual acknowledges he used methamphetamine. He further provided evidence of actions taken to address the problem, including written documentation that he completed two hours of substance abuse education and an IOP. He also provided testimony from his brother and letters from co-workers and friends who indicated that his outlook and ability to cope with stress have improved since May 2025. These facts all weigh in the Individual's favor. Paragraph (b), however, requires additionally that the Individual has established a pattern of abstinence. The Individual has not done so. He provided no evidence of drug testing beyond the eight negative tests he underwent during the IOP in July 2025. He submitted no evidence – beyond his own self-serving testimony – that he has disassociated from drug-using contacts or avoided the environment where drugs were used. Although he did submit a signed statement of intent to abstain from all drug involvement, I am unable to assign much value to this statement, given that he had made similar and repeated promises to DOE previously, which he ultimately failed to fulfill. Accordingly, the Individual has failed to mitigate the security concerns pursuant to the conditions in paragraph (b).

The conditions set forth in paragraph (c) do not apply in this case, since the LSO has not alleged that the Individual abused prescription drugs.

As to the conditions set forth in paragraph (d), the Individual provided a letter from a counselor at the recovery center confirming that he completed the IOP and giving him a favorable prognosis based on his "progress and stated intentions." But the letter is devoid of necessary context. It provides no explanation of the Individual's treatment program, what the program was prescribed to treat, and what specific information was considered when formulating the favorable prognosis. Moreover, as described in the preceding paragraphs, the record contains insufficient evidence to assure me that the Individual's drug abuse has not recurred. For these reasons, I am unable to find the security concerns mitigated pursuant to paragraph (d).

The Individual has failed to resolve the concerns raised by the LSO under Guideline H.

B. Bond Amendment

DOE's guidance for application of the Bond Amendment provides as follows:

⁷ An IOP is defined as "a highly structured treatment program *that addresses substance use disorder (SUD) issues and relapse prevention for individuals who do not require medical detoxification or 24-hour supervision.*" Intensive Outpatient Program (IOP): What is IT & Find IOPs Near Me, *available at* <https://americanaddictioncenters.org/intensive-outpatient-programs> (last accessed Feb. 12, 2026) (emphasis added).

- a. An unlawful user of a controlled substance is any person who uses a controlled substance and has lost the power of self-control with reference to the use of the controlled substance or who is a current user of the controlled substance in a manner other than as prescribed by a licensed physician. Such use is not limited to the use of drugs on a particular day, or within a matter of days or weeks before, but rather that the unlawful use occurred recently enough to indicate the individual is actively engaged in such conduct.
- b. An addict of a controlled substance is as defined in 21 U.S.C. § 802(1), which is any individual who habitually uses any narcotic drug so as to endanger the public morals, health, safety, or welfare; or is so far addicted to the use of narcotic drugs as to have lost the power of self-control with reference to his or her addiction.

DOE O 472.2A, Appendix C: Adjudicative Considerations Related to Statutory Requirements and Departmental Requirements, at Page C-1 (June 10, 2022). The Individual has failed to present sufficient evidence that proves the LSO applied the Bond Amendment improperly. He insists that his drug use was a one-time event that occurred more than eight months prior to the hearing, but for the reasons described above, I question the truthfulness of his claim. Even supposing it were true, the Individual effectively acknowledged in his testimony that he “lost the power of self-control” when he decided to accept methamphetamine from a relative stranger, in spite of the known risks. That fact alone is enough to establish that the Individual is an “unlawful user of a controlled substance” prohibited from holding a security clearance pursuant to the Bond Amendment, 50 U.S.C. § 3343(b).

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 H of the Adjudicative Guidelines and to support the LSO’s invocation of the Bond Amendment. 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 not brought forth sufficient evidence to resolve the security concerns set forth in the Summary of Security Concerns under Guideline H or to establish that the Bond Amendment does not bar him from holding a security clearance. Accordingly, I have determined that the Individual’s access authorization should not 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