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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)	Case No.: PSH-25-0187
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)	

Issued: March 19, 2026

Administrative Judge Decision

Diane L. Miles, 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 of 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 is employed by a DOE Contractor, in a position that requires that he hold a security clearance. In February 2025, the Individual was arrested and charged with Driving Under the Influence (DUI). Exhibit (Ex.) 8; Ex. 10.² The Individual also has a history of four additional alcohol-related arrests, between 2014 and 2017, including two arrests for DUI and two arrests for Minor in Possession of Alcohol. Ex. 9 at 46; Ex. 15 at 157, 175, 232–33.

In April 2025, the Local Security Office (LSO) issued a Letter of Interrogatory (LOI) to the Individual requesting additional details about his arrests. Ex. 9. In the LOI, the Individual reported that before his February 2025 arrest for DUI, he consumed "around 3–5 beers." *Id.* at 44.

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 DOE's exhibits were combined and submitted in a single, 325-page PDF workbook. Many of the exhibits are marked with page numbering that is inconsistent with their location in the combined workbook. This Decision will cite to the DOE's exhibits by reference to the exhibit and page number within the combined workbook regardless of any internal pagination.

Due to the security concerns raised by the Individual’s alcohol consumption, the LSO referred the Individual for an evaluation by a DOE-contractor psychologist (DOE Psychologist), who conducted a clinical interview of the Individual in May 2025 and issued a report (the Report) of his findings. Ex. 11. As part of his evaluation, the Individual underwent alcohol testing, in the form of a Phosphatidylethanol (PEth)³ test, the result of which was positive at a level of 202 ng/mL. *Id.* at 68, 74. The Report indicates that the Individual’s PEth test result suggested that he consumed “on average 3–4 standard drinks per day, most if not all days of the week.” *Id.* at 68–69. Based on his evaluation of the Individual and his review of the Individual’s PEth test result, the DOE Psychologist opined that the Individual did not have an alcohol use disorder, but he habitually or binge-consumed alcohol to the point of impaired judgment. *Id.* at 69–70.⁴

In July 2025, the LSO informed the Individual, in a Notification Letter, 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 Notification Letter, the LSO explained that the derogatory information raised security concerns under Guideline G (Alcohol Consumption) of the Adjudicative Guidelines. *Id.* at 5.

The Individual requested an administrative hearing, and the LSO forwarded the Individual’s request to the Office of Hearings and Appeals (OHA). Ex. 2. The Director of OHA appointed me as the Administrative Judge in this matter. At the hearing I convened pursuant to 10 C.F.R. § 710.25(d), (e), and (g), I took testimony from seven witnesses: the Individual, the Individual’s Father, the Individual’s Manager, the Individual’s Alcoholics Anonymous (AA) Sponsor, the Individual’s Friend, the Individual’s Former Roommate, and the DOE Psychologist. *See* Transcript of Hearing, OHA Case No. PSH-25-0187 (Tr.). Counsel for the DOE submitted 15 exhibits, marked as Exhibits 1 through 15. The Individual submitted eight exhibits, marked as Exhibits A through H.

II. The Summary of Security Concerns

Under Guideline G, “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. Conditions that could raise a security concern under Guideline G include: “alcohol-related incidents away from work, such as driving while under the influence . . . or other incidents of concern, regardless of the frequency of the individual’s alcohol use or whether the individual has been diagnosed with alcohol use disorder;” and the “habitual or binge-consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed with alcohol use disorder.” *Id.* at ¶ 22(a), (c).

In invoking Guideline G, the LSO cited the following conduct:

³ The Report indicates that PEth accumulates in the blood when “ethanol binds to the red blood cell membrane,” and the level of PEth in the blood reflects the “average amount of alcohol consumed over the previous 28–30 days.” Ex. 11 at 68. A PEth test result exceeding 200 ng/mL “constitutes heavy drinking (at least 4 drinks/day several days/week).” *Id.* at 68, 74.

⁴ The Report indicates that the National Institute on Alcohol Abuse and Alcoholism (NIAAA) defines “binge” drinking for men as “the consumption of five or more drinks over two hours,” and that the Substance Abuse and Mental Health Services Administration (SAMSHA) defines “binge” drinking for men as “consuming five or more drinks on the same occasion. SAMSHA does not define a specific timeline.” Ex. 11 at 72.

- A. In May 2025, the DOE Psychologist opined that the Individual habitually or binge-consumes alcohol to the point of impaired judgment, and that he had not demonstrated adequate evidence of rehabilitation or reformation;⁵
- B. In February 2025, the Individual was arrested and charged with DUI. In the April 2025 LOI, the Individual admitted that he consumed three to five beers before this arrest;
- C. In January 2017, the Individual was arrested and charged with Minor in Possession of Alcohol;
- D. In January 2017, the Individual was arrested and charged with DUI;
- E. In May 2016, the Individual was arrested and charged with DUI; and
- F. In June 2014, the Individual was arrested and charged with Minor in Possession of Alcohol.

Ex. 1 at 5.

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).

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 their eligibility for an access authorization. The Part 710 regulations are drafted 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.

⁵ The LSO also cited the Individual's May 7, 2025, PEth test result of 202 ng/mL, which the DOE Psychologist opined indicated the Individual had consumed alcohol 30 days before the test. Ex. 1 at 5. While this information informed the DOE Psychologist's opinion that the Individual habitually or binge-consumed alcohol to the point of impaired judgment, it does not raise security concerns in and of itself and, therefore, I will not consider it as a discrete security concern.

IV. Findings of Fact and Hearing Testimony

During the May 2025 psychological evaluation, the Individual told the DOE Psychologist that despite his history of alcohol-related arrests and treatment,⁶ he continued to consume alcohol. Ex. 11 at 65. At the time of the evaluation, the Individual typically consumed beer on Thursdays and Saturdays, between 7:00 p.m. and midnight. *Id.* He also reported that social situations made him feel afraid and anxious, and that he believed consuming alcohol eased his anxiety in these settings by making them “more pleasurable” for him. *Id.* at 67–69. He reported that he last consumed alcohol on May 3, 2025, four days before the evaluation, when he drank three beers at a wedding and then “two or three more beers” at a local bar. *Id.* at 65.

On May 7, 2025, four days after his last reported drink, the Individual underwent PEth testing as part of the psychological evaluation. Ex. 11 at 76. The result of the Individual’s PEth test was 202 ng/mL, which a medical doctor opined was evidence that the Individual likely consumed “on average 3–4 standard drinks per day, most if not all days of the week.” *Id.* at 74–76. The DOE Psychologist believed that the Individual used alcohol to socialize, and as a coping strategy for his fear of social situations. *Id.* at 69. He also believed that the Individual was underestimating the amount of alcohol he consumed and that he was “regularly and heavily consuming alcohol.” *Id.*

The DOE Psychologist opined that the Individual habitually or binge-consumed alcohol to the point of impaired judgment. Ex. 11 at 70.⁷ To show adequate evidence of rehabilitation from his habitual or binge-consumption of alcohol, the DOE Psychologist recommended that the Individual participate in an IOP, for 12 to 16 weeks. *Id.* He also recommended that, after completing the IOP, the Individual participate in aftercare meetings, weekly, for six months, and obtain monthly PEth tests for six months after completing the program. *Id.* If the Individual chose to not participate in an IOP, he could demonstrate evidence of reformation from his habitual or binge-consumption of alcohol by attending AA for 12 months, four meetings a week, working with a sponsor, and showing evidence of working AA’s 12-Step program. *Id.* If the Individual chose to abstain from alcohol on his own, without the support of AA, the DOE Psychologist recommended that the Individual abstain from alcohol for 18 months, supported by monthly PEth testing. *Id.*

At the hearing, the Individual testified that after meeting with the DOE Psychologist in May 2025, and reading his Report in July 2025, he did not take the DOE Psychologist’s treatment recommendations seriously. Tr. at 101–04, 106–07. The Individual did not seek alcohol treatment until October 20, 2025, when he enrolled in an IOP. Tr. at 108, 110–11; Ex. E at 1; Ex. F. As a part of the IOP, the Individual attended weekly group sessions and individual sessions, every Thursday, for an hour and a half. Tr. at 108, 112. The group sessions taught the Individual about alcohol’s effects on the body, the cycles of addiction, and ways to avoid “high risk” drinking

⁶ After his May 2016 arrest for DUI, the Individual considered that he may have had a problem with alcohol, so he enrolled in an alcohol treatment program. Tr. at 217. From May 2016 to July 2016, the Individual attended an intensive outpatient program (IOP) for alcohol treatment. Ex. 11 at 62; Tr. at 127. At the hearing, the Individual recalled that this IOP consisted of group meetings and random alcohol testing. Tr. at 127–28.

⁷ The DOE Psychologist opined that the Individual also met sufficient *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, Text Revision (DSM-5-TR)* diagnostic criteria for a diagnosis of Social Anxiety Disorder, because he described having a “significant fear of social situations,” and used alcohol as his “primary coping strategy for his fear.” Ex. 11 at 69. However, the DOE Psychologist opined that the Individual’s Social Anxiety Disorder was not a mental condition that impaired his judgment, stability, reliability, or trustworthiness. *Id.* at 70.

situations. *Id.* at 108, 112. The group sessions also taught the Individual how to cope with his alcohol cravings. *Id.* at 112. He also received recommendations on how to deal with anxiety and peer pressure. *Id.* at 108. The Individual explained that the peer support he has received from the IOP has encouraged him to spend more time outdoors, and he now spends more time fishing and playing pickleball. *Id.* at 112–13. The Individual also met with a physician, weekly, who recommended that he use medication to help with his cravings for alcohol. *Id.* at 109. The Individual explained that he used one medication, which helped him with his cravings, but he did not like the side effects of using the medication, so he weaned himself off of it. *Id.* at 109, 113–14, 134. He does not think he needed medication to help him stop drinking alcohol. *Id.* at 109. The Individual submitted a copy of his treatment plan from the IOP, which indicates that the Individual is expected to complete the IOP on April 29, 2026. Ex. H.

Since October 2025, the Individual has also attended AA meetings. Tr. at 115. The Individual testified that sometimes he attends AA meetings once a week, and other times two or three meetings a week, depending on how he feels. *Id.* at 109–10, 115–16, 136–37. Since early 2026, the Individual has been working with an AA Sponsor. *Id.* at 51–52, 109–10. The Individual explained that he talks to his AA Sponsor every day, and that they work through AA’s 12-Step program together. *Id.* at 109. As of the hearing, the Individual was on either step four or step five of the program.⁸ *Id.* at 53, 105, 116. The Individual’s AA Sponsor testified that he believed the Individual drank alcohol to help him manage social interactions, but he stated that the Individual is steering away from social interactions. *Id.* at 60. The Individual’s AA Sponsor and the Individual’s Friend explained that they have attended AA meetings with the Individual and that he is an active participant during meetings; he speaks during the meetings, and he gives other participants encouragement. *Id.* at 53–54, 68–69. The Individual’s Friend and the Individual’s AA Sponsor each submitted a letter summarizing the Individual’s AA attendance since October 2025, and his active participation in the program. Ex. B; Ex. C. The Individual received a 30-day chip from AA, representing 30 days of his sobriety. *Id.* at 55, 116. The Individual did not submit documentary evidence of his attendance at AA. *Id.* at 119.

The Individual further testified that although he was participating in an IOP and attending AA, he continued to drink alcohol until January 2026. Tr. at 101–04, 106–07. In November 2025, he drank alcohol for “two to three straight days.” *Id.* at 103. He also consumed alcohol on New Year’s Eve, December 31, 2025, when he consumed approximately “four or five drinks and had champagne at midnight.” *Id.* at 101–02. On January 1, 2026, the Individual decided to stop drinking, as a New Year’s resolution. *Id.* at 107. He also realized that his drinking could spiral out of control and that he needed to get a handle on his level of consumption. *Id.* at 111. He explained that through his alcohol treatment, he has learned that his triggers to drink included feeling anxious about social situations. *Id.* at 120. He intends to stay sober and he will rely on his family, his friends, and the people he has met in his AA meetings as a support network to avoid drinking. *Id.* at 118, 122–23. To support his testimony that he has not consumed alcohol since January 2026, the Individual submitted documentary evidence that on January 22, 2026, he underwent Ethyl Glucuronide (EtG)⁹ testing, the result of which was negative for alcohol consumption. Ex. G.

⁸ The Individual testified that he was unsure which step of the AA program he was working on as of the hearing date. Tr. at 116.

⁹ EtG “is a metabolite of ethyl alcohol that is present in the urine for up to 80 hours after any alcohol beverage is consumed.” *Personnel Security Hearing*, OHA Case No. PSH-24-0154 at 6 (2024) (citing definition of EtG contained

The Individual's Father testified that the Individual does not consume alcohol at family functions, and that he has not seen him drink alcohol in over a year. *Id.* at 19. The Individual's Father and Friend testified that since the time when they believed the Individual had stopped drinking, his mood has improved, he is laughing and smiling more, and he has expressed a desire to live an alcohol-free life. *Id.* at 27, 67–69. The Individual's Former Roommate testified that he recently went out to dinner with the Individual, during which the Individual did not consume alcohol, and he submitted a letter indicating that the Individual is committed to “changing for the better.” *Id.* at 91; Ex. D. The Individual's Manager testified that he has known the Individual since 2014, and that he has never had concerns about the Individual's alcohol consumption. Tr. at 41–42. He found the Individual to be a reliable, honest, and trustworthy person who was a good, hard-working employee with initiative. *Id.* at 42–43. The Individual's Manager also submitted a letter summarizing the Individual's work ethic and good character. Ex. A.

The DOE Psychologist testified that after listening to the testimony provided during the hearing and reviewing the Individual's exhibits, he believed the Individual had not shown adequate evidence of rehabilitation from his habitual or binge-consumption of alcohol to the point of impaired judgment. Tr. at 145. As for the Individual's treatment, the DOE Psychologist explained that the Individual had not completed the IOP as recommended. *Id.* at 146–147. He also noted that due to the Individual's history of alcohol consumption, he did not have confidence that attending just one to two AA meetings a week would be sufficiently helpful to the Individual in the long-term. *Id.* at 145, 152. As for his recommendation that the Individual abstain from alcohol, because the Individual testified that he last consumed alcohol on New Year's Eve, and that he recently received a 30-day chip from AA, the Individual had only abstained from alcohol for approximately 40 days. *Id.* at 151. The DOE Psychologist explained that the risk of a person relapsing is highest within the first 90 days of their sobriety. *Id.* at 145. Although the Individual testified to having a good support network around him and his witnesses testified that he has shown motivation to remain sober, he is still at high risk of relapse because he has not shown he can abstain from alcohol for 90 days. *Id.* at 148.

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;

in the report of a DOE-consultant psychologist). A negative EtG test “provides strong medical evidence that the subject was abstinent from alcohol during the three days prior to the sample collection.” *Id.*

- (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.

As to factor (a), the Individual's habitual or binge-consumption of alcohol to the point of impaired judgment occurred as recently as January 1, 2026, one month before the hearing. The Individual has a history of five alcohol-related arrests within 11 years, including two arrests for DUI within eight months of each other, which demonstrates that his pattern of problematic alcohol consumption has been a frequent occurrence since 2014. His most recent DUI occurred in February 2025, one year before the hearing, and this is an insufficient amount of time, for the passage of time alone, to mitigate the security concerns related to the Individual's alcohol consumption. There is no evidence that the Individual's problematic alcohol consumption and alcohol-related arrests occurred under unusual circumstances. Finally, I am persuaded by the opinion of the DOE Psychologist, that because the Individual has not yet completed the IOP, has been attending AA meetings for just over three months, and has only abstained from alcohol for approximately 40 days, he is not yet rehabilitated or reformed from his habitual and binge-consumption of alcohol, which the DOE Psychologist opined required at least nine months of treatment, consisting of an IOP and six months aftercare. I cannot conclude that the Individual's problematic alcohol consumption is unlikely to recur, and it continues to cast doubt on his current reliability, trustworthiness, and judgment. Accordingly, I find that the Individual has not satisfied the mitigating condition set forth at ¶ 23(a).

As to factor (b), the Individual continued to binge-consume alcohol weekly after his February 2025 arrest for DUI, his third DUI arrest since 2016. Despite being notified, in July 2025, that the DOE had concerns about his alcohol consumption and that the DOE Psychologist recommended that he receive alcohol treatment, the Individual did not take the recommendations seriously or modify his drinking habits. He continued to drink days before his psychological evaluation, and for two months while enrolled in an IOP and in AA. Although he testified that he stopped drinking on January 1, 2026, he admitted that he did so as a New Year's resolution, and not because he believed he should modify his alcohol consumption to address the DOE's security concerns. The Individual did not recognize that he had a problem with his alcohol consumption until one month before the hearing, and it is still not clear that he has fully done so. Furthermore, the Individual has not yet completed the IOP and has attended AA for just over three months. Although the Individual provided several witnesses during the hearing and submitted documentary evidence to support his testimony that he was an active participant in both programs, I am unable to give that evidence greater weight, when compared to his admission, at the hearing, that he continued to drink alcohol while participating in both programs. Finally, I am persuaded by the opinion of the DOE Psychologist, who opined that because the Individual has only abstained from alcohol for approximately 40 days, he had not established a clear and established pattern of abstinence from alcohol and is not yet rehabilitated or reformed from his habitual and binge-consumption of alcohol. Accordingly, I find that the Individual has not satisfied the mitigating condition set forth at ¶ 23(b).

Regarding factor (c), the Individual admitted during the hearing that he participated in an IOP, from May 2016 to July 2016. Although his previous time spent in an IOP was brief, it supports that he has a history of alcohol treatment and relapse which prevents the applicability of this mitigating condition. Furthermore, as explained above, the DOE Psychologist opined that, because the Individual had only received alcohol treatment for three months at the time of the hearing, and had only abstained from alcohol for 40 days, he is not yet rehabilitated or reformed from his habitual and binge-consumption of alcohol to the point of impaired judgment, which the DOE Psychologist opined required at least nine months of treatment. Accordingly, I find that the Individual has not satisfied the mitigating condition set forth at ¶ 23(c).

Regarding factor (d), as explained above, the Individual has only received alcohol treatment for three months, which is short of the nine minimum months of treatment recommended by the DOE Psychologist. The Individual testified that at the time of the hearing, he had only abstained from alcohol for approximately 40 days, so he has not established a pattern of abstinence from alcohol in accordance with the DOE Psychologist's treatment recommendations. Accordingly, I find that the Individual has not satisfied the mitigating condition set forth at ¶ 23(d).

Having concluded that the Individual has not demonstrated the applicability of any of the mitigating conditions, I find that he has not resolved the security concerns asserted by the LSO under Guideline G.

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 concerns set forth in the SSC. Accordingly, the Individual has not demonstrated that restoring 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 restored. This Decision may be appealed in accordance with the procedures set forth at 10 C.F.R. § 710.28.

Diane L. Miles
Administrative Judge
Office of Hearings and Appeals