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

In the Matter of: Personnel Security Hearing )  
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Filing Date: June 3, 2025 ) Case No.: PSH-25-0139  
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Issued: April 10, 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."<sup>1</sup> 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 application process for an access authorization, the Individual completed, signed, and submitted a Questionnaire for National Security Positions (QNSP) in June 2024. Exhibit (Ex.) 10.<sup>2</sup> In the QNSP, the Individual disclosed that in approximately September 2019, he was charged with Driving Under the Influence (DUI) and Open Container. *Id.* at 145. As part of the investigation process, a copy of the Individual's criminal record was obtained, which revealed that the Individual was arrested and charged with the aforementioned criminal offenses in September 2020. Ex. 11 at 218.

The Individual underwent an Enhanced Subject Interview (ESI) conducted by an investigator in August 2024. *Id.* at 158. During the ESI, the Individual disclosed that in early August 2024, while employed by a DOE contractor, his supervisor told him that "someone reported that [he] smelled of alcohol." *Id.* Accordingly, the Individual was escorted to a different building and submitted to

<sup>1</sup> 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.

<sup>2</sup> 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.

an alcohol test, which registered positive for alcohol. *Id.* at 158–59. The Individual was “suspended for two weeks without pay.” *Id.* at 159. In those two weeks, the Individual spoke to someone with his employer’s Employee Assistance Program (EAP), and, at the recommendation of the EAP representative, was evaluated by a mental health professional at a local recovery center prior to returning to work. *Id.* at 159; Ex. 8 at 44. The Individual told the investigator that following the evaluation, he was “told to take a [two-hour] alcohol education class.” Ex. 11 at 159; Ex. 8 at 44; Ex. B. The Individual completed the class and returned to work in late August 2024. Ex. 11 at 159; Ex. 6 at 24. The Individual was subsequently enrolled in a recovery and abstinence program in September 2024, which required him to see “an EAP [c]ounselor twice per month[.]” for alcohol counseling and to undergo random urine and breath alcohol tests. Ex. 6 at 24; Ex. 8 at 44.

The Individual was asked to complete a Letter of Interrogatory (LOI) at the behest of the Local Security Office (LSO). Ex. 7. In his January 2025 response to the LOI, he answered questions regarding his alcohol consumption. As questions still remained, the Individual was asked to undergo a psychological evaluation conducted by a DOE-consultant psychologist (DOE Psychologist) in February 2025, who compiled a report (the Report) of his findings the same month. Ex. 8. In conjunction with the psychological evaluation, the Individual submitted to a Phosphatidylethanol (PEth) test, which registered a result of 364 ng/mL.<sup>3</sup> *Id.* at 56. The DOE Psychologist concluded that the Individual “habitually and/or binge consum[ed] alcohol to the point of impaired judgment[.]” without any evidence of rehabilitation or reformation. *Id.* at 49.

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 continued 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 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-25-0139 (hereinafter cited as “Tr.”). The Individual also submitted two exhibits, marked Exhibits A and B. The DOE Counsel submitted eleven exhibits marked as Exhibits 1 through 11 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

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<sup>3</sup> “PEth is a normal body metabolite” and “accumulates when ethanol binds to the red blood cell membrane.” Ex. 8 at 56. PEth results “reflect[] the average amount of alcohol consumed over the previous 28-30 days[.]” *Id.* The PEth test results were interpreted by a consultant medical doctor, who determined that based on the results of the PEth test, 364 ng/mL, the Individual consumed about five alcoholic drinks per day in the month prior to the test. *Id.* at 57.

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,” “alcohol-related incidents at work, such as reporting for work or duty in an intoxicated or impaired condition,” and “habitual or binge consumption of alcohol to the point of impaired judgement, regardless of whether the individual is diagnosed with alcohol use disorder.” *Id.* at ¶ 22(a)–(c). Under Guideline G, the LSO alleged that:

1. The DOE Psychologist concluded in the Report that the Individual “habitually and/or binge consumes alcohol to the point of impaired judgment.” Ex. 1 at 4. The DOE Psychologist also concluded that the Individual has not shown adequate evidence of rehabilitation or reformation. *Id.*
2. In early August 2024, the Individual underwent an alcohol breath test at work, which was positive and registered a result of .022. *Id.* He admitted in his January 2025 LOI that he had consumed “a little more than a pint” of liquor “along with two [25-ounce] cans of beer the night prior to [the] test.” *Id.*
3. The Individual was arrested and charged with DUI and Open Container in September 2020, after he consumed “four or five shots of [liquor] and then proceeded to drive.” *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).

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**

The Individual confirmed in his LOI that when he had tested positive for alcohol while at work in August 2024, the test had registered a result of .022. Ex. 7 at 30. He explained that the night before he was tested at work, he had argued with his wife, causing him to drink “more than a pint of” whiskey and two twenty-five-ounce cans of beer to reduce his stress. *Id.* He believed that enough time would pass from the time of consumption to the time he reported to work “for the alcohol to leave [his] system.” *Id.* at 31. The Individual was subsequently placed on probation by his employer, and he anticipated being on probation until July 2026. Tr. at 18.

The Individual explained at the hearing that he was seeing the EAP counselor on a monthly basis pursuant to the recovery and abstinence program.<sup>4</sup> Tr. at 24. Further, he explained that the random testing had been reduced from monthly to once per quarter. *Id.* The Individual stated that outside of seeing an EAP therapist as required by the aforementioned program, he sought additional counseling with another EAP therapist and attended three sessions with her. *Id.* at 11. Although he had a fourth appointment scheduled, he failed to attend the appointment, and he has not seen her since their third session. *Id.* He also indicated that he underwent a self-directed thirty-day “detox,” during which he and his wife decided to exercise daily and abstain from alcohol. *Id.* at 11–12. They started the “detox” on December 1, 2025, and ended the program on January 1, 2026. *Id.* at 12, 23. Although the Individual attended one Alcoholics Anonymous (AA) meeting, he ultimately decided that the meetings were inconvenient to attend and did not attend any other meetings. *Id.* at 18.

He started consuming alcohol again after the December 2025 detox, and he last consumed alcohol the weekend prior to the March 2026 hearing, consuming two sixteen-ounce beers.<sup>5</sup> *Id.* He explained that at the time of the hearing, he was consuming beer once or twice a week on the weekends.<sup>6</sup> *Id.* He explained that he typically consumes three or four beers in one sitting if he is drinking at home, but that he consumes two or three beers if he is drinking elsewhere.<sup>7</sup> *Id.* at 13. He noted that his “triggers” include conflict and stress. *Id.* at 18. He has learned that exercise, spending time with family, “yard work, working on cars,” and associating with individuals who are a positive influence help him cope with his triggers. *Id.* at 19. He admitted that he experiences cravings for alcohol, and that he last craved alcohol a month prior to the hearing. *Id.* at 20. He explained that at the time he experienced that craving, he substituted alcohol with an energy drink.

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<sup>4</sup> At the time the DOE Psychologist evaluated the Individual, the Individual was in the first phase of the recovery and abstinence program, which required two sessions per month with the EAP counselor and monthly random alcohol testing. Ex. 8 at 46.

<sup>5</sup> The Individual testified that he started drinking alcohol again when he celebrated the 2026 new year with his family. Tr. at 23.

<sup>6</sup> In the January 2025 LOI, he explained that he would typically consume two cans of beer and one ounce of liquor on weekend nights. Ex. 7 at 33. This was a reduction from what he would drink around August 2024, which consisted of a pint or more of liquor and three to four beers, between three to four times per week. *Id.* at 33–34. He told the DOE Psychologist in February 2025 that he was consuming, on average, “three 1.5-ounce shots of whiskey on weekends[.]” Ex. 8 at 45.

<sup>7</sup> At the hearing, the Individual testified that he considers “two to three” alcoholic beverages at home to be “normal or healthy drinking[.]” Tr. at 20.

*Id.* He testified that he was initially in denial regarding the problematic nature of his alcohol consumption and clarified that after “going through this process and seeing where [he has come] from[,]” he “can say [that he does] not” have a problem with alcohol.<sup>8</sup> *Id.* at 21. In reaching this conclusion, he indicated that he had reduced his alcohol consumption, improved his relationship with his family, had more “drive,” and developed the ability to resist the temptation to pity himself when faced with unfavorable circumstances. *Id.* at 22.

Since August 2024, the Individual had been subject to random urine and breath testing for alcohol.<sup>9</sup> Tr. at 10; Ex. A. He testified that he last submitted to a urine and breath alcohol test at the end of January 2026. Tr. at 10–11. Other than the random urine and breath tests, he has not submitted to any other testing, like a PEth test. *Id.* at 11.

The DOE Psychologist’s Report contained an attached assessment of the Individual’s PEth test results. Ex. 8 at 56. The assessment, which was conducted by a medical doctor, indicated that the Individual’s PEth test results were past the threshold of “heavy drinking,” which is a PEth result greater than 200 ng/mL. *Id.* Heavy drinking consists of “at least [four drinks per day] several [days per week].” *Id.* The assessment indicated that the Individual’s result of 364 ng/mL was more consistent with five drinks per day, and that a PEth of 253 ng/mL or higher is “at the threshold to identify alcohol dependent persons who may need detox treatment.” *Id.* The medical doctor, accordingly, concluded that the Individual was likely consuming more alcohol than the amount he reported to the DOE Psychologist. *Id.* at 56–57. Based on this assessment, the DOE Psychologist concluded that the Individual’s PEth test result provided “objective scientific evidence that he is habitually and/or binge consuming alcohol to the point of impaired judgment.” *Id.* at 49. He also concluded that the results provided “evidence that [the Individual] was not honest in his self-report” regarding his average alcohol consumption. *Id.*

The DOE Psychologist concluded that in order for the Individual to show adequate evidence of rehabilitation or reformation, he should “participate in an intensive outpatient rehabilitation program (IOP)” that consists of “nine hours of therapeutic and educational meetings a week . . . for between [twelve] and [sixteen] weeks.” *Id.* The IOP should have group and individual therapy components, and upon the completion of the IOP, the Individual “should continue in weekly aftercare meetings for twelve . . . months.” *Id.* at 49–50. His abstinence should be evidenced by monthly PEth testing for twelve months. *Id.* at 50. In the alternative, to show either rehabilitation or reformation, the Individual should attend AA for twelve months, documenting his attendance of four meetings per week, engage a sponsor, work through the Twelve Steps, and abstain from alcohol. *Id.* If the Individual chose to pursue the second option, the DOE Psychologist recommended that his abstinence should be evidenced by monthly PEth testing for twenty-four months. *Id.*

The DOE Psychologist testified that he is troubled by the fact that the Individual has continued to consume alcohol, as the Individual’s PEth test result was high. *Id.* at 31–32, 34. The DOE

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<sup>8</sup> In later testimony, the Individual described himself as previously being a “functioning alcoholic.” Tr. at 26–27.

<sup>9</sup> The Individual did not submit test results after July 2025, despite being subject to random testing past July 2025. Tr. at 10. He credibly testified that none of the random tests to which he has submitted have registered a positive result. *Id.* at 18.

Psychologist explained that the Individual, who described himself during the hearing to have previously been a functioning alcoholic, would generally “be classified as alcohol dependent.” *Id.* at 36. Accordingly, the DOE Psychologist would have liked to have seen the Individual engage in one year of continuing abstinence.<sup>10</sup> *Id.* The DOE Psychologist also would have also liked the Individual to participate in an IOP. *Id.* He explained that abstinence and recovery is easier when one is involved with a group of people with the same goals. *Id.* at 37–38. Although the DOE Psychologist did note that the Individual has a desire to “to improve his life” and is “concerned about his family,” based on the evidence in the record and the testimony, the DOE Psychologist did not find adequate evidence of rehabilitation or reformation. *Id.* at 40.

## 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.

The record reveals that the Individual has had a history of negative involvement in alcohol since at least 2020. In September 2020, he was charged with alcohol-related crimes, and as recently as August 2024, he violated the terms and conditions of his employment when he tested positive for alcohol following a breath test at work. More recently, the DOE Psychologist concluded that the Individual habitually and/or binge consumed alcohol to the point of impaired judgment, and the Individual himself admitted to consuming a pint or more of liquor in a sitting. While the record contains negative breath and urine tests, and the Individual testified that he has learned how to avoid triggers and substitute alcohol with a different, non-alcoholic beverage when he experiences cravings, the Individual testified that he nonetheless continues to consume alcohol. Accordingly, I cannot conclude that the aforementioned efforts render any meaningful results to reduce or

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<sup>10</sup> The DOE Psychologist noted that he is familiar with the recovery and abstinence program in which the Individual has been required to participate, and he stated that the program requires abstinence. Tr. at 36–37.

eliminate his alcohol consumption. I am also concerned by the fact that the Individual believes that he does not currently have a problem with alcohol when he continues to give in to his desire to consume alcohol, despite the fact that his employer is monitoring his alcohol use via random testing. This ongoing behavior casts doubt on his ability or willingness to comply with rules.

Considering the Individual's history of alcohol misuse under routine circumstances and that he continues to consume alcohol in and outside of his home, I cannot conclude that enough time has passed or that 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. The fact that the Individual continues to consume alcohol, irrespective of the ongoing alcohol monitoring conducted by his employer, suggests very strongly that the Individual continues to exercise poor judgment. The Individual has failed to mitigate the stated concerns pursuant to mitigating factor (a).

Although the Individual identified himself as previously being a "functioning alcoholic," he never explicitly indicated any understanding that his alcohol consumption is maladaptive. In fact, he testified that he does not believe that he currently has a problem with alcohol. Furthermore, the Individual has not stopped consuming alcohol, which is inconsistent with the DOE Psychologist's recommendations. Accordingly, the Individual has failed to mitigate the stated concerns pursuant to mitigating factor (b).

As the Individual has not participated in a treatment program of the sort recommended by the DOE Psychologist, mitigating factors (c) and (d) are not applicable.

For the aforementioned reasons, I find that none of the mitigating conditions are applicable and the Individual has not resolved the security concerns asserted by the LSO.

## **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