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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 19, 2025 ) Case No.: PSH-25-0184  
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Issued: April 16, 2026

**Administrative Judge Decision**

James P. Thompson III, 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 restored.

**I. BACKGROUND**

The Individual is employed by a DOE contractor in a position that requires a security clearance. The DOE Local Security Office (LSO) received information that a state court had issued several orders of protection against the Individual in 2024 and 2025. Based on that information and the allegations supporting the orders, the LSO informed the Individual in a Notification Letter that it possessed reliable information that created substantial doubt regarding his eligibility to possess a security clearance. In an attachment to the Notification Letter, entitled Summary of Security Concerns (SSC), the LSO explained that the derogatory information raised security concerns under Guideline J of the Adjudicative Guidelines.

The Individual exercised his right to request an administrative review hearing pursuant to 10 C.F.R. Part 710. 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 review hearing. At the hearing, the Individual testified on his own behalf and presented the testimony of

<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.

his supervisor, the attorney that represented him during the protective order hearings (hearing attorney), a criminal defense attorney, and his licensed therapist (therapist). *See* Transcript of Hearing, OHA Case No. PSH-25-0184 (Tr.). The Individual submitted fourteen exhibits, marked Exhibits A through N. The LSO submitted fourteen exhibits, marked Exhibits 1 through 14.<sup>2</sup>

## II. THE NOTIFICATION LETTER AND THE ASSOCIATED SECURITY CONCERNS

As indicated above, the LSO cited Guideline J (Criminal Conduct) as the basis for concern regarding the Individual's eligibility to possess a security clearance. Exhibit (Ex.) 1 at 6.

Guideline J provides that “[c]riminal activity creates doubt about a person’s judgment, reliability, and trustworthiness.” Adjudicative Guidelines at ¶ 30. “By its very nature, it calls into question a person’s ability or willingness to comply with laws, rules, and regulations.” *Id.* Conditions that could raise a security concern include “[e]vidence (including, but not limited to, a credible allegation, an admission, and matters of official record) of criminal conduct, regardless of whether the individual was formally charged, prosecuted, or convicted . . . .” *Id.* at ¶ 31(b). The SSC cited the following bases for its concern, verbatim:

- A. On November 21, 2024, the [local law enforcement] filed an incident report for allegations of Sexual Misconduct against [the Individual] resulting in the issuance of two Temporary Orders of Protection.
- B. On November 22, 2024, [a district court] . . . filed an Order of Protection from Domestic Abuse, a Temporary Order of Protection, and an Order to Appear against [the Individual].
- C. On November 26, 2024, a forensic interview of [the Individual’s] minor child was conducted at [a treatment center] . . . . During that interview, [the Individual’s] child stated her father would fondle his genitals and walk around naked in front of her and her siblings, he would touch her on the thigh, and she did not feel safe around him alone. Furthermore, she was concerned for the safety of her younger sibling due to witnessing [the Individual] pulling the younger sibling onto his stomach in bed and pushing her down to his navel.
- D. On December 3, 2024, a forensic interview of [the Individual’s] minor child was conducted at [a treatment center] in which the forensic interviewer discussed a family drawing, drawn by the youngest child, depicting four family members dressed and another naked with an erect penis. Based on the strong reaction by the child to the drawing, the interviewer was confident that the child was exhibiting signs of grooming and coaching by a sexual predator.
- E. On January 30, 2025, during a final hearing by the [district court] . . . , the court concluded that [the Individual] committed Acts of Domestic Abuse against his

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<sup>2</sup> References to the LSO exhibits are to the exhibit number and the page number of the combined .pdf of the exhibit book.

spouse and minor children, and the judge granted two Orders of Protection. Based on a preponderance of evidence presented during two hearings [in December 2024 and January 2025], the court determined that an incident of stalking or sexual assault, physical harm, severe emotional distress, and harm or threatened harm to children occurred. Furthermore, testimony by a [treatment center investigator and local agency case agent] was found to be credible and supported the finding that [the Individual] emotionally and physically abused his children.

Ex. 1 at 6 (internal citations omitted).

The cited information justifies the LSO's invocation of Guideline J.

### **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 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 or her 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.

The discussion below reflects my application of these factors to the testimony and exhibits presented by both sides in this case.

### **IV. FINDINGS OF FACT**

The Individual and his wife married in 2008. Tr. at 89–90. They have three minor children. *Id.* at 89. In November 2022, they began church- administered marriage counseling because, according to the Individual, his wife wanted to live a different, separate life and go back to school. *Id.* at 96, 119. According to the Individual, his wife decided to discontinue counseling and end the marriage in January 2023. *Id.* at 90. Upon making that decision, she moved to a different state. *Id.* They separated in February 2023. *Id.* In an effort to maintain his relationship with their children, the Individual asked his wife to come back while he pursued employment in the other state, which she

did in mid-March 2023. *Id.* at 91. According to the Individual, that same month his wife sent him a letter that provided her reasoning for wanting primary custody of the children that did not reference any abuse or sexual impropriety. *Id.* at 97; *see* Ex. I at 56 (an unsigned and undated letter which the Individual purported was authored by his wife).

In May 2023, his wife filed for divorce and moved from their shared home into a different residence in the same state. Tr. at 92; Ex. 9 at 63. The Individual successfully found a job in the other state and moved there in June 2023, expecting his wife to also move back to that state based on their agreement. Tr. at 93. However, the wife did not move back to that state. *Id.* The Individual reported that she told him that she would not move until she was satisfied with the terms of the divorce, including sole physical custody of their children. *Id.* at 93–94.

Since filing for divorce, his wife consistently sought full physical custody while the Individual sought equal custody. *Id.* at 95. They unsuccessfully participated in divorce mediation in October 2023 and November 2023. *Id.* at 101. The wife then requested a custody consultation (Consultation) in November 2024, which allows the court to engage “an advisor that does interviews with . . . both parents and sometimes the kids” to give the court advice regarding a potential custody arrangement.<sup>3</sup> *Id.* at 98. Six days later, the Individual’s wife filed the petition for order of protection from domestic abuse referenced in the SSC alleging sexual misconduct and psychological abuse towards herself and their children. Ex. 9 at 69, 71. The petition contained allegations that the Individual manipulated his wife into sexual intercourse by using religion to “push . . . his physical needs” on her, which escalated to initiating sexual intercourse while she was asleep without her consent. *Id.* at 71. She also asserted that he would fondle his genitals around the children and expose himself to their daughter, and the children reported that he continued to do so after their separation. *Id.*

The court issued a temporary protection order on the same day the wife filed the petition. *Id.* at 63, 66. A hearing to determine whether to extend the order occurred on December 12, 2024, and January 30, 2025. Ex. 8 at 42. Both the Individual and his wife were represented by counsel at that hearing. *Id.* at 47. Afterward, the court issued two orders of protection against the Individual—one covering his wife for a year and the other covering the children for six months.<sup>4</sup> *Id.* at 44–45.

The orders were accompanied by the court’s findings and decision. *Id.* at 47–48. The decision indicated that the court had received evidence from a forensic investigator and a case agent in addition to the Individual and his wife and found, among other things, that the Individual engaged in sexual contact with two of their minor children, sexually inappropriate conduct in front of all three children, and “unwanted sexual contact and sexual intercourse” with his wife “throughout the duration of their marriage.” *Id.* In reaching its conclusions, the court referenced that the Individual fondled his genitals in front of his children and exposed himself on multiple occasions by walking in the home in front of the children fully naked, which made the children

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<sup>3</sup> The Consultation occurred on January 2, 2025. Tr. at 99. The Individual testified that his wife brought the petition for temporary order of protection to the Consultation and, as a result, the Consultation recommended that the wife have sole custody of the children. *Id.* at 99–100.

<sup>4</sup> The order of protection in the record identifies the protected parties as the wife and their three children. Ex. 8 at 43. The second order of protection referenced in the record does not appear to be included as an exhibit, however, the included order of protection references a “related 1-year order” issued on behalf of his wife. *Id.*

uncomfortable. *Id.* at 48. The court specifically concluded that the Individual was not credible and that the wife was credible. *Id.* Accordingly, the court issued the orders of protection finding that the Individual committed “acts of domestic abuse” against his wife and their children. *Id.* at 49.

While the evidence the forensic investigator and case agent provided during the hearing is not included in the record, the record contains a police report from a November 26, 2024, interview with a forensic investigator who interviewed the eldest child. Ex. 8 at 59. The forensic investigator reported the eldest daughter’s statements that the Individual would fondle his genitals, that he would walk around naked, that he would touch her on the thigh, and that she did not feel safe around him alone. *Id.* at 57. She also expressed concern for the safety of her younger sibling due to witnessing the Individual pulling her younger female sibling onto his stomach in bed and pushing her down to his navel earlier that month. *Id.* at 57, 59. The report also indicates that the youngest child produced a drawing in April 2024 of the family in which every member was clothed except the father who “is nude with an erect penis.” *Id.* at 59. Based on the child’s reaction when questioned about her drawing separately by both the case agent and a forensic investigator, both were concerned, and the forensic investigator concluded that the child exhibited signs of coaching by a sexual predator. *Id.* at 58–59.

The Individual has consistently denied the allegations contained in the petition. *See, e.g.*, Ex. 9 at 63; Ex. 8 at 41; Tr. at 70. As demonstrated below, he asserted (1) that his wife fabricated the allegations in order to obtain full custody of their children, (2) the court’s findings were not based on evidence but rather rubber stamped the petition given the prejudice inherent in the state’s legal system, and (3) he relied on the bad legal advice of an inexperienced attorney when deciding to participate in the protective order hearing instead of stipulating to the order without a hearing.

As to the first point, the Individual asserted that his wife had fabricated the allegations by framing innocuous behavior as inappropriate. Tr. at 129–30. For example, he admitted to placing his hand down his pants to adjust his genitals after doing yardwork in the heat, which his wife used as an opportunity to mischaracterize the action as fondling. *Id.* at 106. Regarding his daughter’s drawing, he did not deny that she produced it but speculated that she may have been either imitating one of his wife’s several large nude paintings or her graphic anatomy encyclopedia the children enjoyed looking at. *Id.* at 106–07. He also testified that he walked around the home naked “extremely rarely” when they lived together. *Id.* at 107. Regarding placing his hand on his eldest daughter’s thigh in public, he admitted that he had placed his hand on her knee in public but testified that she never protested it. *Id.* at 131. He blamed the children’s statements on his wife’s “coaching and grooming.” *Id.* at 132.

Furthermore, the Individual presented the testimony of his hearing attorney who stated that the police completed their investigation into the allegations and declined to file criminal charges because there was an absence of reliable evidence. *Id.* at 29. The hearing attorney further testified that the investigator related that the wife began raising new allegations when she was informed of the decision to not charge the Individual, which the investigator reportedly perceived as a red flag since it often occurs when the complainant is not being truthful. *Id.* at 29–30.

Lastly, the Individual alleged that his wife had not raised any of these allegations before the November 2024 request for Consultation. *Id.* at 98. The Individual offered screenshots from a text

message conversation he had with his wife in June 2022 in which he was indignant that she had expressed empathy for women depicted in a television show who had been subjected to sexual assault as members of a religious cult. *Id.* at 103; *see* Ex. K at 60–61. The Individual became upset and responded forcefully to his wife’s statement that she felt that their marriage included the expectation of sex, retorting that she was not forced into marriage and the couple never had sex absent consent. Tr. at 103–04; Ex. K at 60–61. The wife asserted in response that the Individual “made it clear” on their honeymoon “what was expected” of a “godly wife” and that although sex then and since had been “consensual[,]” it was also “a hard and sad realization for our honeymoon.” Ex. K at 60. He responded to her by stating that she was taking “innocent normal things like raising your voice when the kids deserve it and [using that action to] say ‘well you’re kind of a child abuser too.’” *Id.* At the hearing, the Individual testified that the text message conversation documents his vehement opposition to sexual assault and provides another example of the wife taking an innocent behavior and attempting to turn it into something more disturbing. Tr. at 104. However, the conversation also documents that his wife expressed concerns regarding their sexual relationship during their marriage, starting on their honeymoon, which presumably occurred near in time to their marriage in 2008.

To undermine the court’s decision, the Individual provided testimony of a criminal defense attorney who had extensive experience in criminal defense in the jurisdiction where the Individual’s protection orders originated. *Id.* at 40–43. She testified that judges in that jurisdiction “rubber stamp[.]” request for protection orders, always granting them “whether it’s valid or not” because of several high-profile domestic violence incidents where the victims were seen as receiving insufficient protection from the court system. *Id.* at 43–45. As such, she stated that the Individual received poor legal advice to participate in the hearing and should have instead stipulated to the protective order to avoid the inevitable findings against him. *Id.* at 44. However, the criminal defense attorney confirmed that she did not participate in the Individual’s case and therefore did not interact with the court, the witnesses, or anyone else involved in it. *Id.* at 64. She also confirmed that the findings of the court regarding the sexually inappropriate conduct “could certainly constitute a crime under [the state’s] statute . . . .” *Id.* at 63.

The Individual also attempted to undermine the court’s decision by asserting that he could not effectively defend himself due to not having received a copy of the video recordings of his children’s interviews regarding the allegations. *Id.* at 26. The hearing attorney testified that the Individual’s case was his first of that kind and that he did not seek to obtain the video interviews of the children ahead of the hearing. *Id.* at 27, 31–32. There is no dispute that the video recording would have provided the opportunity to prepare a defense to the allegations contained in the petition, including determining whether the interviews were tainted by the interviewer. *Id.* at 47, 55 (criminal defense attorney testifying “that children are very susceptible to taint”); *see also id.* at 30 (hearing attorney testifying that the investigator gave the impression that the wife initially made the allegations in front of the children). The Individual testified that he should have stipulated to the order without a hearing and regrets listening to the poor advice from his inexperienced attorney. *Id.* at 108.

Turning to the Individual’s efforts since the date of the protective order, the Individual started treatment with his therapist in March 2025 as a result of the stress he experienced related to his wife’s allegations. *Id.* at 68. The therapist was unaware at the time of the hearing that the

Individual's wife had alleged the Individual abused her in their marriage. *Id.* at 80, 83. The therapist testified that he consulted with the Individual's children's therapist one time, and the children's therapist stated that the Individual had admitted the inappropriate behavior and felt there was nothing wrong. *Id.* at 75 (referencing the allegations that the Individual "might have masturbated in front of [his children] or walked naked often in front of them."). When the therapist confronted the Individual regarding this information, the Individual denied making any admissions, which the therapist accepted as true. *Id.* at 75–76. At the hearing, the Individual also denied ever admitting to conduct that could be considered inappropriate. *Id.* at 111. The Individual stated that the children's therapist is biased and just "reinforcing the court's assumptions." *See id.* at 116–17.

The record includes a letter dated February 2026 from the Individual's pastor in strong support of the Individual. Ex. F. The pastor detailed how he and church leadership conducted a formal investigation to determine whether the allegations of abuse were substantiated given the Individual's membership in their organization. *Id.* As a result of that inquiry, which included speaking to the pastors of the church who provided the Individual and his wife marriage counseling, attending the initial protective order hearing, reviewing the allegations in support of the petition, and having discussions with the Individual, the pastor and church leadership determined that the allegations were unsubstantiated because there was "no evidence" that the Individual had "violated the law or committed abuse of any kind toward his wife and children." *Id.*

The Individual's supervisor testified that the Individual is a model employee, a "phenomenal mentor and coach" to staff, and "very effective, very accomplished in what he does . . . ." Tr. at 14–15, 21.

While the order of protection for the children expired in February 2026, the order for his wife was set to expire after the hearing in March 2026. *Id.* at 36–37.

## **V. ANALYSIS**

### **A. Guideline J Considerations**

Conditions that can mitigate security concerns based on criminal conduct include the following:

- (a) So much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;
- (b) The individual was pressured or coerced into committing the act and those pressures are no longer present in the person's life;
- (c) No reliable evidence to support that the individual committed the offense; and

- (d) There is evidence of successful rehabilitation; including, but not limited to, the passage of time without recurrence of criminal activity, restitution, compliance with the terms of parole or probation, job training or higher education, good employment record, or constructive community involvement.

Adjudicative Guidelines at ¶ 32.

I conclude that none of the above conditions apply to resolve the Guideline J concerns. First, ¶ 32(a) does not apply to resolve the concerns for the following reasons. Approximately one year has passed since the court issued its decision and final orders in January 2025. And the Individual has consistently denied the allegations. One year is too short a period to conclude that the serious criminal conduct, for which the Individual has not taken responsibility, is mitigated by the passage of time. *See* 10 C.F.R. § 710.7(c) (requiring consideration of, among other considerations, the “nature, extent, and seriousness of the conduct”). Furthermore, there is no evidence in the record from which to conclude that the Individual’s alleged conduct resulted from unusual circumstances.

Next, ¶ 32(b) is patently inapplicable because the Individual did not present any evidence to demonstrate that he was pressured or coerced into committing criminal acts.

Regarding ¶ 32(c), it is inapplicable to resolve the concerns because the record contains reliable evidence supporting that the Individual committed the offenses alleged in the SSC. A court, after receiving sworn testimony, concluded that the Individual committed sexual contact with his children and acts of domestic abuse against his wife and children. I reject the Individual’s argument that the court’s decision is unreliable based on systemic bias against petition respondents or his attorney’s deficient advice. There is ample evidence in the record that the children provided statements supporting the court’s findings and therefore the allegations listed in the SSC. Furthermore, the conduct was concerning enough that both a forensic investigator and a case agent sought the assistance of law enforcement and their testimony was credited by the court. Thus, this does not appear to be a case where the court made an arbitrary decision based on anything other than the weight of the evidence it received. Finally, given the Individual’s burden, pointing to deficient legal representation does not demonstrate the court’s decision or underlying evidence is unreliable. In essence, he argues that if he had stipulated to the issuance of a protective order, the court would not have been able to make actual findings regarding the allegations, and therefore there would be an insufficient basis to conclude his conduct presented a security concern. However, that conclusion is speculative. Even if he had stipulated to the issuance of a protective order, the court would have still issued it presumably supported by the petition that contains the allegations that presently present a security concern. Furthermore, the fact that he was not able to prepare a proper defense does not establish that the information in the record is unreliable. What would have resulted from obtaining those recordings is speculative. Finally, the screenshots of the text communications between the Individual and his wife undermine his credibility because they directly contradict his assertions that his wife never brought up any allegations of inappropriate sexual behavior prior to their present custody dispute. It instead demonstrates that, back in 2022, she expressed concern regarding his sexual behavior and consent during their relationship.

My findings do not ignore the dubious timing of the wife’s petition and allegations in relation to seeking custody. However, any doubt raised by this timing does not outweigh the evidence in the

record referenced above. I also place minimal weight on the fact that law enforcement decided not to file charges. Setting aside the explanation provided by the hearing attorney, there are any number of reasons why law enforcement may have decided not to file charges against the Individual. There is no way to determine whether the investigator told the hearing attorney the true rationale. Even if the investigator had been candid, it does not outweigh the substantial, reliable information in the record that supports the allegations contained in the SSC.

Finally, ¶ 32(d) does not apply to resolve the concerns because the record does not demonstrate successful rehabilitation. Rehabilitation begins with an individual acknowledging and accepting that they engaged in concerning behavior. Here, there is no evidence of that. The Individual has consistently denied any inappropriate behavior toward his wife or children. However, even if he had acknowledged and accepted responsibility for his conduct, the passage of time has been minimal. *See supra*. The fact that he has not engaged in criminal activity and has continued his positive employment record for that brief period does not resolve the concerns. Furthermore, there is no evidence of constructive community involvement, job training, higher education, or restitution during the relevant period.

The Individual has therefore not resolved the Guideline J security concerns.

## **VI. CONCLUSION**

In the above analysis, I found that there was sufficient derogatory information in the possession of the DOE that raised security concerns under Guideline J of the Adjudicative Guidelines. After considering all of the relevant information, favorable and unfavorable, in a comprehensive, common-sense manner, including weighing all of the testimony and other evidence presented at the hearing, I conclude that the Individual has not brought forth sufficient evidence to resolve the Guideline J security concerns. 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.

James P. Thompson III  
Administrative Judge  
Office of Hearings and Appeals