

The LSO subsequently issued the Individual a Notification Letter advising him that it possessed reliable information that created substantial doubt regarding his eligibility for access authorization. Ex. 1 at 6. In a Summary of Security Concerns (SSC) attached to the letter, the LSO explained that the derogatory information raised security concerns under Guideline G of the Adjudicative Guidelines. *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 conducted an administrative hearing. The LSO submitted fourteen exhibits (Ex. 1–14). The Individual submitted one exhibit (Ex. A). The Individual testified on his own behalf and offered the testimony of four additional witnesses. Hearing Transcript, OHA Case No. PSH-26-0013 (Tr.). The LSO called the DOE Psychologist to testify. *Id.*

II. THE SECURITY CONCERNS

Guideline G, under which the LSO raised the security concerns, relates to security risks arising from excessive alcohol consumption. “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 include “alcohol-related incidents away from work, such as driving while under the influence” and “diagnosis . . . of alcohol use disorder.” *Id.* at ¶ 22(a), (d). In citing Guideline G, the LSO relied upon the Individual’s 2013 and 2025 DWI arrests and the DOE Psychologist’s July 2025 diagnosis that the Individual suffered from AUD, moderate. Ex. 1 at 5. The aforementioned allegations justify the LSO’s invocation of Guideline G.

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 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).

An 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). An 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.* at

§ 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

When the Individual was in college in the early 2010s, he consumed alcohol and drove. Ex. 14 at 263; Tr. at 64. The Individual was pulled over by law enforcement and charged with DWI. Ex. 14 at 263. The Individual took a plea agreement where he pled guilty to a lesser charge, and he completed a year of probation. *Id.*; Tr. at 64.

In May 2025, the Individual attended a going away party with a group of his friends. Ex. 8 at 39. The Individual was at this party from 4:00 PM to 11:30 PM, and, during that time, he consumed “nine light beers and two liquor drinks.” *Id.*; *but see* Ex. 9 at 52 (police report indicating that when the Individual was later pulled over that he told the police officer he had consumed two beers and a shot and eventually admitted to consuming an additional mixed drink). While driving home from the party, the Individual was pulled over by a police officer because he was speeding. Ex. 8 at 39; Ex. 9 at 51. When the police officer made contact with the Individual, the Individual smelled of alcohol and his eyes were bloodshot. Ex. 9 at 52. The Individual refused to participate in field sobriety tests and refused a breath test. *Id.* He was then arrested for DWI and taken to the county jail. *Id.* The Individual did not believe that he was intoxicated at the time of his arrest, saying that he “wasn’t fully intoxicated. [He] was intoxicated by legal standards, but [he] think[s] everyone is different.” Ex. 11 at 95. At the time of the hearing, the charges related to this arrest had not been resolved. Tr. at 58.

The Individual was evaluated by the DOE Psychologist on July 28, 2025. Ex. 11. As part of his evaluation, the Individual underwent a Phosphatidylethanol (PEth) test³ on the same date. *Id.* at 97. The PEth test came back negative. *Id.* During the evaluation, the Individual reported that he stopped consuming alcohol following the May 2025 DWI but had regularly consumed six or more alcoholic drinks on Fridays and Saturdays when he did not have work prior to deciding to abstain. *Id.* at 95. He also stated that he would need to consume twelve beers in four hours in order to become intoxicated. *Id.* at 96. The Individual told the DOE Psychologist that he became hungover “sometimes” after drinking on the weekends, which would cause him to neglect housework and also caused him to miss some family activities. *Id.*

After the Individual completed the evaluation, the DOE Psychologist issued a report in which he concluded that the Individual met sufficient criteria for a diagnosis of AUD, moderate.⁴ *Id.* at 100. In order for the Individual to show rehabilitation from the AUD, the DOE Psychologist stated that the Individual should: (1) complete an intensive outpatient program (IOP) and any recommended

³ “PEth levels in excess of 20 ng/mL are considered evidence of moderate to heavy ethanol consumption.” Ex. 11 at 105.

⁴ Based on his evaluation, the DOE Psychologist found that the Individual met the following criteria for AUD: he (1) consumed alcohol in “larger amounts or over a longer period than was intended”; (2) continued to consume alcohol “despite having persistent or recurrent social or interpersonal problems caused or exacerbated by the effects of alcohol”; (3) missed “[i]mportant social, occupational, or recreational activities” due to his alcohol use; (4) used alcohol “in situations in which it [was] physically hazardous”; and (5) had increased tolerance for alcohol consumption. Ex. 11 at 99.

aftercare; and (2) maintain abstinence as corroborated by monthly negative PEth test results. *Id.* In order to show reformation, the Individual would need to complete monthly PEth testing for a period of 18 months. *Id.*

At the hearing, the Individual testified that the last time that he consumed alcohol was before his DWI on May 21, 2025. Tr. at 53. To support this testimony, the Individual provided one PEth test dated November 6, 2025. Ex. A at 6. That test came back negative for alcohol use. *Id.* He has not undergone any alcohol-related treatment since his arrest for DWI, attended any alcohol education classes, or joined any substance abuse-related support groups. Tr. at 49, 52. The Individual went to counseling for a period of time, but after the counselor spoke with the DOE Psychologist there was “a big misunderstanding” and the Individual “didn’t agree with in [sic] the way she was treating [him]” so he “stopped seeing her” and has not sought out a new counselor. *Id.* at 52.

At the hearing, when asked what steps he had taken to ensure he does not relapse and resume consuming alcohol, the Individual testified that he has been attending church regularly and has joined a men’s group. *Id.* at 50–51. He explained that at the men’s group, they talk about “sports and – everything [they] possibly can – as men.” *Id.* at 51–52. The Individual clarified that while the group does sometimes talk about alcohol, talking about alcohol is not the purpose of the group. *Id.* at 52. The Individual also testified that he has been going to the gym, trying to live a healthier lifestyle, and sees his family at least once a month. *Id.* at 51.

The Individual testified that he does not think he has a problem with alcohol and does not think he ever had a problem with alcohol. *Id.* at 52, 64. He does not feel he needs any alcohol-related treatment. *Id.* at 54. At the time of the hearing, he said that he had no desire to consume alcohol, but “maybe when [he] retire[s]” or “like [at] a ceremony, a wedding or special event, [he] might have a drink or two.” *Id.*

The Individual stated that his mother and two sisters talk to him about alcohol “all the time.” *Id.* They discuss how he is doing and triggers and it “seems to help.” *Id.* If he felt the urge to consume alcohol again, he would call one of them to help him. *Id.* at 55.

The Individual’s current supervisor testified that he has known the Individual for a little over a year and worked with him on a daily basis since October 2025. *Id.* at 13. The supervisor has seen the Individual in work-adjacent social situations where others may consume alcohol and has not seen the Individual consume alcohol. *Id.* at 15–16.

The Individual’s former coworker (Coworker One) testified that he has known him for about three years. *Id.* at 24. Now that they do not work together on a daily basis, he sees the Individual when they go golfing every few months. *Id.* at 25. Prior to the Individual’s DWI arrest, the Individual would consume alcohol on these golf outings, but now he does not. *Id.* at 27, 34. The Individual told Coworker One that he does not plan to consume alcohol in the future. *Id.* at 32.

A second coworker (Coworker Two) testified that she has known the Individual since 2018 or 2019. *Id.* at 38. Now that she does not work with the Individual in person, she will text or call him every two or three months. *Id.* Around the time of the Individual’s DWI, she offered to have dinner

with him if he needed a friend who was not consuming alcohol. *Id.* at 41–42. He told her that he has not consumed alcohol since the DWI, and she believes he is very committed to his abstinence. *Id.* at 42–43.

The DOE Psychologist testified that in his view, the Individual was not adequately rehabilitated or reformed from his AUD. *Id.* at 70. He stated that without monthly PEth testing, “there [was] no credible evidence that – that there’s been abstinence [other than for the time periods covered by the July 2025 and November 2025 PEth tests].” *Id.* The DOE Psychologist also noted that he continued to believe that the Individual would benefit from some kind of treatment program or alcohol education. *Id.* at 70–71.

V. ANALYSIS

An individual may be able to mitigate security concerns under Guideline G through the following conditions:

- (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 maladaptive alcohol use, provides evidence of actions taken to overcome this problem, and has demonstrated a clear and established pattern of modified alcohol 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.

As to mitigating factor (a), the Individual was arrested for DWI less than a year prior to the hearing. By his own account, he did not believe he was intoxicated at the time of his arrest, and, prior to his arrest, was regularly consuming six or more alcoholic beverages several times a month. Therefore, I cannot say that so much time has passed or that the behavior was infrequent. The Individual did not testify to any unusual circumstances that would make the DWI incident unlikely to recur, and he did not display adequate insight into the LSO’s concerns about his conduct, so I cannot say that the incident does not cast doubt on his reliability, trustworthiness, and judgment. Therefore, mitigating factor (a) does not resolve the security concerns.

As to mitigating factor (b), the Individual testified that he does not believe that he has, or has ever had, a problem with alcohol consumption. Further, he did not provide any evidence that he has taken any action to overcome the problem of his alcohol use. He did not attend any classes related to alcohol use, engage with a therapist or other medical professional about his alcohol use, attend a treatment program, or join any kind of substance-abuse support group. Finally, while the Individual testified that he had not consumed any alcohol since his 2025 DUI, the only evidence he provided to corroborate that testimony was a single negative PEth test taken on November 6, 2025, and the testimony of witnesses who only occasionally interact with the Individual under circumstances when he might consume alcohol. Without additional evidence to demonstrate that the Individual abstained from alcohol consumption between his 2025 DWI and the date of the hearing, I cannot say that he has demonstrated a clear and established pattern of abstinence. Therefore, the security concerns are not mitigated pursuant to mitigating factor (b).

While the Individual has no history of treatment and relapse, he did not testify that was participating in counseling or a treatment program at the time of the hearing. Therefore, mitigating factor (c) does not apply.

Mitigating factor (d) does not apply because the Individual has not alleged that he has successfully completed a treatment program and required aftercare. Further, as explained above, the evidence that he presented is not sufficient to establish a pattern of abstinence in accordance with treatment recommendations.

Accordingly, I find that the Individual has not resolved the security concerns asserted by the LSO under Guideline G.

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 G of the Adjudicative Guidelines. 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. 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.

Erin C. Weinstock
Administrative Judge
Office of Hearings and Appeals