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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: May 19, 2025) Case No.: PSH-25-0123
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Issued: May 4, 2026

Administrative Judge Decision

Diane L. Miles, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXX (the Individual) to hold an access authorization under the United States Department of Energy's (DOE) regulations, set forth at 10 C.F.R. Part 710, "Procedures for Determining Eligibility for Access to Classified Matter and Special Nuclear Material or Eligibility to Hold a Sensitive Position."¹ As discussed below, after carefully considering the record before me in light of the relevant regulations and the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (June 8, 2017) (Adjudicative Guidelines), I conclude that the Individual's access authorization should be restored.

I. Background

The Individual is employed by a DOE Contractor, in a position for which he holds a security clearance. In January 2024, the Individual completed a Questionnaire for National Security Positions (QNSP), in which he reported that between January 2023 and March 2023, he received counseling, for reasons involving his alcohol use. Exhibit (Ex.) 10 at 106.²

In January 2025, the Local Security Office (LSO) issued a Letter of Interrogatory (LOI) to the Individual requesting additional details about his alcohol consumption and alcohol treatment. Ex. 6. In the LOI, the Individual admitted that in December 2022, while under the influence of alcohol outside of work, he threatened to harm a co-worker. *Id.* at 28–29. He also reported that he last consumed alcohol on January 1, 2025. *Id.* at 32.

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, 293-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 LOI responses, the LSO referred the Individual for an evaluation by a DOE-contractor psychologist (DOE Psychologist), who conducted a clinical interview of the Individual in February 2025 and issued a report (the Report) of his findings. Ex. 7. During the evaluation, the Individual told the DOE Psychologist that he last consumed alcohol on January 1, 2025. *Id.* at 50. However, on February 14, 2025, approximately 45 days after his reported last alcoholic drink, the Individual underwent Phosphatidylethanol (PEth)³ testing, the result of which was positive at a level of 181 ng/mL, which a medical doctor opined was irrefutable evidence that the Individual consumed alcohol after January 1, 2025. *Id.* at 55–58.

The Report indicates that after taking his February 14, 2025, PEth test, but before learning of the results, the Individual admitted the DOE Psychologist that he lied about not drinking after January 1, 2025, and that he drank the night before the evaluation. Ex. 7 at 52. The DOE Psychologist opined that the Individual's dishonesty during his evaluation casts doubt on his judgment, reliability, and trustworthiness. *Id.* Based on his evaluation of the Individual and his review of the Individual's PEth test result, the DOE Psychologist opined that the Individual met sufficient diagnostic criteria in the *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, Text Revision (DSM-5-TR)* for a diagnosis of Alcohol Use Disorder (AUD), Moderate, without adequate evidence of rehabilitation or reformation. *Id.* at 53–54.

In April 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 E (Personal Conduct) and Guideline G (Alcohol Consumption) of the Adjudicative Guidelines. *Id.* at 5.

On May 6, 2025, 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 five witnesses: the Individual, the Individual's ex-wife, the Individual's Alcoholics Anonymous (AA) sponsor, the Individual's Counselor, and the DOE Psychologist. *See* Transcript of Hearing, OHA Case No. PSH-25-0123 (Tr.). Counsel for the DOE submitted ten exhibits, marked as Exhibits 1 through 10. The Individual submitted nine exhibits, marked as Exhibits A through I.

³ The Report indicates that "PEth can only be made when consumed ethyl alcohol reacts with a compound in the Red Blood Cell (RBC) membrane." Ex. 7 at 50. PEth builds up in the RBC with repeated drinking episodes, and a parallel process slowly eliminates the accumulated PEth (with an elimination half-life of about 6 days). *Id.* PEth can still be detected in the blood for about 28 days after alcohol consumption has ceased. *Id.* A PEth test result exceeding 20 ng/mL is evidence of "moderate to heavy ethanol consumption." *Id.*

II. The Summary of Security Concerns

As previously mentioned, the Notification Letter included the SSC, which sets forth the derogatory information that raised concerns about the Individual's eligibility for access authorization. The SSC informed the Individual that information in the possession of the DOE created substantial doubt concerning his eligibility for a security clearance under Guideline E (Personal Conduct) and Guideline G (Alcohol Consumption) of the Adjudicative Guidelines. Ex. 1 at 5–6.

A. Guideline E

Under Guideline E, “[c]onduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual’s reliability, trustworthiness, and ability to protect classified or sensitive information.” Adjudicative Guidelines at ¶ 15. “Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes.” *Id.* Among those conditions set forth in the Adjudicative Guidelines that could raise a disqualifying security concern is “deliberately providing false or misleading information; or concealing or omitting information, concerning relevant facts to an employer, investigator, security official, competent medical or mental health professional involved in making a recommendation relevant to a national security eligibility determination, or other official government representative.” *Id.* at ¶ 16(b).

In invoking Guideline E, the LSO cited that the Individual, in his January 2025 LOI and during his February 2025 psychological evaluation, reported that he last consumed alcohol on January 1, 2025. Ex. 1 at 5. However, the Individual’s February 14, 2025, PEth test result was positive at a level of 181 ng/mL, which “indicate[d] alcohol consumption in the last 30 days and suggest[ed] a significant discrepancy in [his] self-reported drinking and problems with his trustworthiness and reliability.” *Id.* The LSO’s invocation of Guideline E is justified.

B. Guideline G

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, fighting, child or spouse abuse, disturbing the peace, 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.” *Id.* at ¶ 22(a). A security concern may also be raised by a “diagnosis by a duly qualified medical or mental health professional (e.g., physician, clinical psychologist, psychiatrist, or licensed clinical social worker) of alcohol use disorder.” *Id.* at ¶ 22(d).

In invoking Guideline G, the LSO cited the DOE Psychologist’s opinion that the Individual met sufficient *DSM-5-TR* diagnostic criteria for a diagnosis of AUD, Moderate, without evidence of rehabilitation or reformation. *Id.*⁴ The LSO also cited the Individual’s admission, in his January

⁴ The LSO also cited the Individual’s February 14, 2025, PEth test result of 181 ng/mL, which a medical doctor opined indicated alcohol consumption within the prior 30 days. Ex. 1 at 5. While this information informed the DOE Psychologist’s opinion, it does not appear to raise security concerns in of itself and therefore I will not consider it as a discrete security concern.

2025 LOI, that in December 2022, he threatened to harm a co-worker while under the influence of alcohol. *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 their 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

In December 2022, the Individual was consuming alcohol while at home, and he sent text messages to a work group chat, which included his supervisor. Ex. 10 at 120; Ex. 6 at 28. The Individual sent a text message to the group chat, threatening to hit a co-worker with a bat. Ex. 10 at 120; Ex. 3 at 17. Because the Individual was certified in the DOE's Human Reliability Program (HRP), the Individual's supervisor notified the cognizant HRP officials that that Individual threatened to harm someone and was potentially misusing alcohol. Ex. 10 at 124. The Individual's supervisor also told the Individual to see the HRP's lead psychologist (HRP Psychologist). *Id.* The Individual told the HRP Psychologist that, at the time he sent the text message, he was going through a divorce, he was grieving a family member, and that he could not manage his emotions. *Id.* at 120. In January 2023, the HRP Psychologist reported to the DOE that the Individual's text message was related to his divorce and alcohol use, and he referred the Individual to his Counselor, for individual therapy sessions. Ex. 10 at 124; Ex. 4 at 20.

From January 2023 to March 2023, the Individual used his employer's Employee Assistance Program (EAP) to attend six, bi-weekly sessions with his Counselor, which were focused on grief coping mechanisms. Ex. 10 at 124, 136; Tr. at 68, 90–91. The Individual's Counselor told the Individual that his primary problem was his alcohol consumption, but the Individual believed that he needed to focus on his grief and sadness. Tr. at 90–91. The Individual's Counselor explained that during these sessions, he recommended that the Individual drink alcohol in moderation, rather than abstain from alcohol. *Id.* at 91. For the next two years, the Individual continued to consume alcohol, weekly. *Id.* at 93.

In the January 2025 LOI, the Individual reported that in December 2022, he was using alcohol as a coping mechanism to manage his grief. Ex. 6 at 30. He consumed three to six 12-ounce beers, once a week. *Id.* at 31. After the text message incident, he claimed to have decreased his alcohol consumption to “a few beers on Friday evenings only,” and he stopped drinking “hard liquor.” *Id.* at 31–32. He also reported that he last consumed alcohol on January 1, 2025. *Id.* at 32.

During his February 2025 psychological evaluation, the Individual reported that he had attempted to cut down on his drinking in the past, but alcohol had control over him. Ex. 7 at 49. The DOE Psychologist contacted the Individual’s Counselor, who told the DOE Psychologist that, in 2023, the Individual was remorseful for his text message incident and that he was committed to managing his alcohol consumption to be more responsible. *Id.* at 48. The DOE Psychologist noted that the Individual reported to him he last consumed alcohol on January 1, 2025, just as he reported in his January 2025 LOI. *Id.* at 50. After reviewing the results of the Individual’s February 2025 PEth test, which was positive at a level of 181 ng/mL, the DOE Psychologist wrote that, based on the opinion of the medical doctor, if the Individual had abstained from alcohol since January 1, 2025, his February 2025 PEth test would have been negative and his test result therefore suggested a lack of trustworthiness. *Id.* The Individual later admitted to the DOE Psychologist that he lied about not drinking after January 1, 2025, and that he drank the night before the evaluation. *Id.* at 52.

The DOE Psychologist opined that the Individual met sufficient diagnostic criteria in the *DSM-5-TR* for a diagnosis of AUD, Moderate, without adequate evidence of rehabilitation or reformation. *Id.* at 53–54. The DOE Psychologist wrote in the Report that the Individual could demonstrate adequate evidence of rehabilitation from his AUD, Moderate, by seeking alcohol treatment, in the form of an intensive outpatient treatment program (IOP), with structured aftercare. *Id.* at 53. The DOE Psychologist further recommended that, to show rehabilitation, the Individual should abstain from alcohol for 12 months, supported by monthly PEth testing. *Id.* To demonstrate reformation from his AUD, Moderate, the DOE Psychologist opined that the Individual could abstain from alcohol for a period of 18 months, supported by monthly PEth testing. *Id.*

In March 2025, the Individual started attending AA meetings and he obtained an AA sponsor. Tr. at 28. He found the AA meetings to be a judgment-free zone where he could be honest, and explained that he chaired AA “newcomers meetings,” during which he shared his life story. *Id.* at 65–67. The Individual submitted AA attendance sheets to support his testimony that he has attended since March 2025. Ex. E; Ex. G. The Individual’s AA sponsor described the Individual as meticulous and eager to find a solution to his alcohol addiction, and he stated that the Individual had responded well to the AA program. Tr. at 29. Between March 2025 and June 2025, the Individual attended AA meetings with his sponsor once or twice a week, as reflected in the Individual’s AA attendance sheets, and as of June 2025, they started working the steps of the AA program together. Tr. at 30–31; Ex. G. The AA sponsor and the Individual also work together on homework assignments, and identifying “resentments and fears” related to alcohol. Tr. at 38–39. As of the date of the hearing, the Individual was on step nine of the AA program. *Id.* at 37. The AA sponsor explained that the Individual actively participates during the meetings, and he chaired AA meetings in September 2025 and October 2025. *Id.* at 32. The AA sponsor taught the Individual that, if he feels stressed, he should contact him and attend an AA meeting. *Id.* at 45. The AA sponsor believed that the Individual no longer had the urge to drink. *Id.* at 38, 50–51. The Individual intends to continue attending AA for the foreseeable future. *Id.* at 52. As of the hearing, the Individual was still attending AA. *Id.* at 68, 97–99.

On March 31, 2025, the Individual started attending an IOP, which helped him learn that there was a part of his brain telling him that he needs alcohol to feel satisfied. Tr. at 69–70, 84. The Individual explained that, compared to AA, which he described as a fellowship, where people can share their feelings about alcohol, the IOP was more clinical, and helped him identify the cause of his alcohol problem. *Id.* at 70. He learned that he was using alcohol as a coping mechanism, it made him feel more confident, and it helped him “numb bad feelings.” *Id.* The Individual submitted IOP attendance records to support his testimony that he attended the IOP four nights a week, three hours a night, for eight weeks. *Id.* at 71; Ex. D at 1, 3–4. His group sessions covered the reasons for substance abuse, understanding the triggers to drink, and how to manage one’s emotions without alcohol. Tr. at 95–96. The Individual submitted a Certificate of Completion for the IOP, which indicated that he completed that IOP on May 22, 2025. Ex. A. The Individual’s Counselor explained that he leads the group sessions at the IOP, the Individual’s participation in the IOP was “more engaged than [he] anticipated,” and the Individual showed a lot of enthusiasm and interest. Tr. at 112. He stated that during the group sessions, the Individual was very supportive to other participants. *Id.* at 115.

The Individual submitted attendance records to support his testimony that since May 2025 he had attended the IOP’s aftercare program, twice a week, and he stated that the aftercare sessions included discussions about the disease of alcoholism. Tr. at 72, 74; Ex. D at 1–2; Ex. I. The meetings were run by either the Individual’s Counselor or another therapist at the IOP. Tr. at 73. As of the hearing, the Individual still attended aftercare sessions, about once or twice a week, and he expressed that he intended to continue attending the aftercare program. *Id.* at 98. The Individual submitted evidence that he underwent 12 PEth tests, dated from March 2025 to February 2026, the results of which were negative for alcohol consumption. Ex. B; Ex. F.

The Individual also had individual therapy sessions, monthly, with his Counselor, from March 2025 to December 2025. Tr. at 96–97; Ex. H. During these sessions, he discussed his progress through recovery, what he learned from AA and the IOP, and the tools he was learning to manage his life without alcohol. Tr. at 97. The Individual’s Counselor explained that the Individual’s minimization of his alcohol use, and his initial dishonesty to the DOE Psychologist, was a typical symptom of AUD. *Id.* at 130–31. He believed the Individual was adequately rehabilitated from his AUD by his participation in the IOP, his attendance at the aftercare program, and his negative PEth tests. *Id.* at 136–37. Based on his interactions with the Individual, he believed the Individual had gained insight into his prior alcohol use and understood the consequences of his alcohol use. *Id.* at 129. He stated the Individual’s prognosis for maintaining sobriety was “good to excellent.” *Id.* at 122.

The Individual’s ex-wife testified that she maintains regular contact with the Individual because of their co-parenting responsibilities, seeing him at least once a week and texting with him almost daily. Tr. at 12. When she learned that the Individual’s security clearance was suspended, she knew the Individual wanted to talk to someone who had experience with recovering from alcohol addiction, so she reached out to a friend, who introduced the Individual to a man who became his AA sponsor. *Id.* at 15. She believed the Individual was dedicated to attending AA and was learning a lot by listening to other people share their experiences. *Id.* at 16. The Individual also told her that since he stopped drinking, he is “clearheaded,” he likes the way he feels, and he understands that he is changing his lifestyle. *Id.* at 16–17. She had not seen alcohol in the Individual’s home and

she was confident she would know if the Individual had resumed drinking, based on her past experience with him during their marriage. *Id.* at 21.

The Individual testified that he realized the extent of his alcohol problem when he was waiting to take a PEth test after meeting with the DOE Psychologist. Tr. at 61. He realized that all the time he spent rationalizing his behavior, he did to keep his alcohol habit “alive,” and drinking alcohol the day before he was scheduled to see a government psychologist showed that he had a serious problem. *Id.* at 62. He also admitted to lying about his alcohol consumption during his initial interview with the DOE Psychologist. *Id.* at 60.

The Individual also testified that his sobriety is important to him because he likes how he feels and how present he can be in his children’s lives. Tr. at 75–76. He explained that when he tried to abstain from alcohol in the past, he wasn’t happy about it, and he felt like he was doing it for someone else. *Id.* at 87–88. Now, he realizes that he can enjoy his life without alcohol. *Id.* at 88. He has removed all alcohol and alcohol paraphernalia from his home. *Id.* at 79, 100. When he goes out to dinner, he does not drink, and he does not feel the need to buy alcohol at the grocery store. *Id.* at 101. He believes his relationship with alcohol is such that one drink would lead him back to his old behaviors, and he has no intention of drinking again. *Id.* at 43, 79, 84–85. He also uses the Serenity Prayer as a coping mechanism for his emotions. *Id.* at 87. Finally, he explained that because he now acknowledges that he had an alcohol problem, he is very honest and forthcoming about his prior alcohol use, which he wasn’t comfortable with in the past. *Id.* at 102–03.

The DOE Psychologist testified that after listening to the testimony provided during the hearing and reviewing the Individual’s exhibits, he believed the Individual was rehabilitated from his AUD, Moderate. Tr. at 143. He explained that the Individual’s minimization of his alcohol use, and his lack of candor during the evaluation, are typical of substance abusers. *Id.* at 134. The Individual completed an IOP and aftercare, going beyond required aftercare to maintain regularity, consistency, and commitment to the program, and he had achieved one year of abstinence, as reflected in his 12 negative PEth tests. *Id.* at 136–37, 143. He believed the Individual had gained insight into his need to maintain his relationship with his children and maintain his career. *Id.* at 137. He also stated that the Individual’s participation in AA and individual counseling were positive factors and showed his commitment to recovering from his AUD. *Id.* at 137, 144–45.

V. Analysis

A. Guideline G

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.

I have thoroughly considered the record of this proceeding, including the submissions tendered in this case and the testimony of the witnesses presented at the hearing. After due deliberation, I have determined that the Individual has sufficiently mitigated the security concerns raised by his alcohol consumption under ¶ 23(b) and ¶ 23(d) of the Adjudicative Guidelines.

The Individual initially denied that his text messaging incident was caused, in part, by his alcohol consumption. However, he later admitted he had a problem with alcohol when he realized he had consumed alcohol the day before he was to meet with a government psychologist, and his job was at stake. Since meeting with the DOE Psychologist, the Individual submitted evidence that he successfully completed the treatment program recommended by the DOE Psychologist to resolve his AUD, Moderate. From March 2025 to May 2025, the Individual participated in, and successfully completed, an IOP, during which he identified his use of alcohol as a coping mechanism for managing difficult emotions. The Individual's Counselor testified that the Individual was actively engaged in the IOP program. The Individual also submitted sufficient evidence to establish that he continues to attend the IOP's aftercare program, twice a week. The Individual also went beyond the DOE Psychologist's treatment recommendation by actively participating in AA, since March 2025, and using the assistance of his AA sponsor to work the steps of the program. The Individual's Counselor testified that between March 2025 and December 2025, the Individual had participated in individual counseling sessions, during which he focused on using the tools he learned to manage his life without alcohol, and he demonstrated that he had gained insight into his prior alcohol use. The Individual's Counselor stated that the Individual's prognosis for maintaining his sobriety was good to excellent.

Finally, the Individual submitted 12 negative PEth tests, dated from March 2025 to February 2026, to demonstrate a clear and established pattern of abstinence from alcohol, the full length of which has been approximately one year, and the DOE Psychologist opined that the Individual was rehabilitated from his AUD, Moderate. The Individual testified that since he stopped drinking, he is more present in his children's lives, and he no longer feels the urge to drink. His stated commitment to continue attending AA and the IOP's aftercare program shows he is committed to maintaining his sobriety.

Therefore, I conclude that the Individual has acknowledged his pattern of maladaptive alcohol use, provided evidence of actions taken to overcome this problem, successfully completed the treatment program recommended by the DOE Psychologist, and demonstrated a clear and established pattern of abstinence from alcohol sufficient to mitigate the stated Guideline G concerns. Adjudicative Guidelines at ¶ 23(b), (d).

B. Guideline E

The Adjudicative Guidelines provide that conditions that could mitigate security concerns under Guideline E include:

- (a) The individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;
- (b) The refusal or failure to cooperate, omission, or concealment was caused or significantly contributed to by advice of legal counsel or of a person with professional responsibilities for advising or instructing the individual specifically concerning security processes. Upon being made aware of the requirement to cooperate or provide the information, the individual cooperated fully and truthfully;
- (c) The offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;
- (d) The individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that contributed to untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur;
- (e) The individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress;
- (f) The information was unsubstantiated or from a source of questionable reliability; and
- (g) Association with persons involved in criminal activities was unwitting, has ceased, or occurs under circumstances that do not cast doubt upon the individual's reliability, trustworthiness, judgment, or willingness to comply with rules and regulations.

Adjudicative Guidelines at ¶ 17.

Having mitigated the alcohol concerns under Guideline G, I conclude that the Guideline E concerns raised by the Individual's dishonesty during his psychological evaluation have also been mitigated under ¶ 17(d) of the Adjudicative Guidelines.

As explained above, the Individual admitted that he lied to the DOE Psychologist about his alcohol consumption, and that since completing alcohol treatment, he has acknowledged that he had an alcohol problem and he is now honest and forthcoming about his prior use. The Individual's Counselor who had discussed the Individual's alcohol consumption with him since 2023 and counseled the Individual during the IOP and on an individual basis, testified that based on his interactions with the Individual, he believed the Individual had since gained insight into his alcohol use. Finally, both the DOE Psychologist and the Individual's Counselor opined that the

Individual's minimization of his alcohol use, and his initial dishonesty to the DOE Psychologist, was a typical symptom of AUD.

The Individual also submitted sufficient evidence to show that he obtained alcohol treatment to address his AUD, Moderate, and alleviate the factors that contributed to his dishonesty related to his prior alcohol consumption. The Individual completed an IOP and aftercare, as recommended by the DOE Psychologist, and he received additional treatment in the form of participating in AA and individual counseling sessions with his Counselor. The Individual also submitted evidence he had abstained from alcohol for approximately one year. Finally, I am persuaded by the DOE Psychologist's opinion that the Individual has shown adequate evidence of rehabilitation from his AUD, Moderate.

Therefore, I find that the security concerns related to the Individual's previous dishonesty as to his alcohol consumption are unlikely to recur in the future and he has mitigated the stated Guideline E concerns. Adjudicative Guidelines at ¶ 17(d).

VI. Conclusion

For the reasons set forth above, I conclude that the LSO properly invoked Guidelines E and 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 brought forth sufficient evidence to resolve the concerns set forth in the SSC. Accordingly, the Individual has 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 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