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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: January 9, 2026 ) Case No.: PSH-26-0039  
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Issued: June 24, 2026

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**Administrative Judge Decision**

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Andrew Dam, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXXXXXXX (the Individual) to hold 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 holds access authorization in connection with his employment with a DOE contractor. Exhibit (Ex.) 1 at 6.<sup>2</sup> On July 30, 2025, the Individual was arrested for Driving Under the Influence of Drugs/Alcohol (DUI) and Speeding. Ex. 9 at 64–68 (arrest records and criminal complaint). The Individual self-reported the arrest on August 8, 2025. Ex. 6 at 22–23. The LSO issued the Individual a Letter of Interrogatory (LOI), to which the Individual provided responses in September 2025. Ex. 5 at 20; Ex. 7 at 25–33 (September 2025 LOI Response). In his September 2025 LOI Response, he admitted to consuming 200 mL of whiskey and 2 beers prior to driving. Ex. 7 at 26. His arrest records reflect a breath alcohol content (BAC) of .191, over the .08 legal limit. Ex. 9 at 67, 70.

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<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 Local Security Office (LSO) combined Exhibits 1–14 into a single, Bates-stamped PDF workbook. This Decision references these exhibits by the exhibit number and the Bates stamp page number.

The LSO also referred the Individual for a psychological evaluation with a DOE-contracted psychologist (DOE Psychologist) in October 2025. Ex. 11 at 85 (DOE Psychologist’s Report). During the evaluation, the Individual admitted to consuming a six-pack of 8% ABV beer five days per week between November 2023 and March 2024, with an additional one-quarter-to-one-half a 750mL bottle of liquor if he drank on a Friday and Saturday night. *Id.* at 90. The Individual further disclosed that he restarted this pattern of drinking from October 2024 to March 2025. *Id.* The Individual reported to the DOE Psychologist that from June 2025 to July 2025 he drank two-to-three times per week and would have three or four beers with an 8% alcohol by volume (ABV). *Id.* After his July 2025 arrest for drunk driving, the Individual reported that he generally stopped drinking but had relapsed on one occasion in August 2025. *Id.* After the evaluation, the DOE Psychologist issued his Report, wherein he found that the Individual engaged in binge or habitual drinking, and more specifically that the Individual “consumes alcohol at a significantly high rate that is problematic.” *Id.* at 91. The DOE Psychologist found that the Individual had not adequately demonstrated rehabilitation or reformation. *Id.*

The LSO subsequently issued the Individual a Notification Letter advising him that it possessed reliable information creating substantial doubt regarding his eligibility for access authorization. Ex. 1 at 6–8. In the 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 at 10–11. 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 ten exhibits (Ex. A–J).<sup>3</sup> The Individual testified on his own behalf and offered the testimony of two additional witnesses: his friend (Friend) and his former manager (Former Manager). Hearing Transcript, OHA Case No. PSH-26-0039 (Tr.) at 3. The LSO offered the DOE Psychologist as its sole witness, and the Individual stipulated to the DOE Psychologist’s expertise in psychology. *Id.* at 3, 7.

## II. THE SECURITY CONCERNS

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 and trustworthiness.” Adjudicative Guidelines at ¶ 21. Conditions that could raise security concerns include “alcohol-related incidents away from work, such as driving while under the influence [or] . . . disturbing the peace . . .” and “habitual or binge consumption of alcohol to the point of impaired judgment . . .” *See id.* at ¶ 22(a), (c). In citing Guideline G, the LSO cited the opinion in the DOE Psychologist’s Report that the Individual habitually or binge consumed alcohol to the point of impaired judgment and regularly consumed alcohol at a problematic rate and the Individual’s July 2025 DUI. Ex. 1 at 5. The DOE possesses sufficient derogatory information to raise security concerns under Guidelines G.

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<sup>3</sup> The Individual submitted his Exhibits A through H as a single PDF file. He also submitted Exhibit I and Exhibit J as two separate PDF files. This Decision references his exhibits by their exhibit letter and the PDF page number.

### 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).

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 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, the Individual is afforded the utmost latitude in the presentation of evidence to mitigate the security concerns at issue.

### IV. FINDINGS OF FACT

#### a. The Individual's Background and History of Alcohol Consumption

During his October 2025 evaluation with the DOE Psychologist, the Individual reported that he started drinking at 17. Ex. 11 at 89.<sup>4</sup> At around that age, he would consume "a couple of beers monthly." *Id.* Then, while deployed in the military from December 2009 to October 2010, he did not drink any alcohol. *Id.* After October 2010, the Individual began drinking two or three beers every couple of weeks. *Id.* With some unspecified frequency, he also would consume a 750-mL bottle of vodka over a weekend. *Id.* (telling the DOE Psychologist that he would consume this volume of vodka "at times").

At the hearing, the Individual indicated that in 2019 he returned home from an extended military reclassification course. Tr. at 47–48. Upon returning home, his alcohol consumption "remained fairly light until later [ ] that year" due to "issues" with his now ex-wife. *Id.* The Individual indicated that he began work with the DOE contractor in 2020, at which time his alcohol consumption lessened again. *Id.* at 48; Ex. 14 at 148–49.

However, the Individual admitted that he engaged in cycles of "light drinking"; "moderate drinking"; and "heavy drinking" that he described as "all over the place" from 2020 to 2025. Tr. at 48. The Individual estimates that he and his ex-wife began the process of separating in November or December 2023. *Id.* at 49; Ex. 11 at 90. The Individual described feeling "very

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<sup>4</sup> The Individual turned 17 in 2006. Ex. 14 at 143 (2023 Questionnaire for National Security Positions (QNSP) indicating his birthyear as 1989).

isolated” and “lonely” as he transitioned into living by himself in a camper and that he started drinking “fairly heavily” between “December 2023 and August 2024.” Tr. at 49. He would drink about “five days a week” and “consume a six pack of 8% ABV beer” in addition to “anywhere from one quarter to one half a 750-mL bottle of liquor on Friday and Saturday night[s].” Ex. 11 at 90. The Individual testified to “lightening [his] drinking in August” 2024 as his divorce became finalized, expressing that he started “ma[king] peace” with his “new reality”; however, in the winter of 2024, his alcohol consumption increased again due to “cabin fever.” Tr. at 49–50. The frequency and amount of his drinking in 2024 returned to previous levels until May 2025. *Id.* at 50; *see also* Ex. 11 at 90 (DOE Psychologist reporting that the Individual from October 2024 to May 2025 returned to “such levels”).

In May 2025, the Individual received notification from the military that he was selected for deployment. Tr. at 50. Accordingly, he lessened his alcohol consumption again in anticipation of his deployment. *Id.* (explaining that he would eventually not be authorized to consume alcohol while deployed). According to the DOE Psychologist’s Report, the Individual self-reported that he had reduced his alcohol consumption to the following levels: “from June to July [2025] . . . , he would consume alcohol two or three times a week and would drink three or four beers that were 12 ounces each and 8% ABV.” Ex. 11 at 90.

#### **b. The Individual’s July 2025 Arrest**

On the evening of July 29, 2025, the Individual completed his last day of work prior to his scheduled deployment. Tr. at 49–50. That evening, on the way home from work, he stopped by his ex-wife’s residence to visit his children. *Id.* at 51. The Individual then returned to his residence and started packing his belongings in anticipation of putting them in storage for his upcoming deployment. *Id.* at 51–52. While packing, he drank approximately “200 [mL] of wild turkey . . . and two . . . beers” over about five hours. Ex. 7 at 26; Ex. 11 at 87. He had not eaten dinner, so he chose to drive his vehicle to get food. Tr. at 52. When returning home, a police officer pulled over the Individual on July 30, 2025, at around 1:00 a.m. *Id.*; Ex. 10 at 77.

The police officer in his report indicated that the Individual had driven 10 miles per hour over the speed limit and that, upon pulling over the Individual, he observed signs of the Individual’s intoxication such as slurred speech and the odor of alcohol. Ex. 10 at 77. The police officer also noted that the Individual had only disclosed consuming two beers. *Id.* At the hearing, the Individual indicated that he “had lied” during the police stop. Tr. at 52. Though not asked about what he had “lied” about at the hearing, the Individual’s current narrative on the amount he drank contradicts what was indicated in the police officer’s report. *Compare* Ex. 7 at 26 (Individual reporting in the September 2025 LOI that he consumed 200-mL of liquor and two beers) *with* Ex. 10 at 77 (police report reflecting that the Individual indicated he only had two beers). Ultimately, the Individual returned a BAC of .191, well over the legal limit of .08, and the Individual was arrested and charged with DUI and Speeding. Ex. 10 at 78–79.

The Individual testified that he stopped drinking alcohol after his DUI arrest aside from a cranberry vodka in August 2025, which he drank while packing and made him feel ill. Tr. at 65; Ex. 11 at 87. The Individual indicated that he originally made the drink for himself due to stress and that, when he started to drink the beverage, he felt himself become “disgusted.” Tr. at 92–93. Because

of the “emotional” and “physical” reactions he felt, he vomited. *Id.* at 65, 92–93. The Individual maintained that he had “nothing after that” to drink up through the date of the hearing. *Id.* at 92.

### **c. Psychological Evaluation and the DOE Psychologist’s Report**

The Individual self-reported his arrest to the LSO, and the LSO referred the Individual for an evaluation with the DOE Psychologist. Ex. 6 at 22–23; Ex. 4 at 16. The Individual met with the DOE Psychologist for his evaluation on October 22, 2025. Ex. 11 at 85. As part of the evaluation, the DOE Psychologist (1) reviewed the Individual’s personnel security documentation; (2) conducted a clinical interview with the Individual; and (3) reviewed a chain-of-custody Phosphatidylethanol (PEth)<sup>5</sup> test from an October 2025 sample, the results of which were negative. Ex. 11 at 87, 90–91. During his interview, the Individual recounted his pattern of alcohol consumption and his arrest consistent with the above in Section IV(a)–(b). *Id.* at 87–90.

The DOE Psychologist issued his report in October 2025 and found that the Individual had not met sufficient criteria for an Alcohol Use Disorder (AUD) diagnosis, pursuant to the *Diagnostic and Statistical Manual of Mental Disorders – Fifth Edition – Text Revision (DSM-5-TR)*. *Id.* at 93. However, the DOE Psychologist found that the Individual habitually binge consumed alcohol to the point of impaired judgment: “[The Individual] regularly consumes alcohol at a significantly high rate that is problematic.” *Id.* at 91.

The DOE Psychologist also determined that the Individual had not demonstrated adequate evidence of rehabilitation or reformation. *Id.* The DOE Psychologist explained in his Report that the Individual may demonstrate rehabilitation by (1) staying sober, documented with PEth testing for one year; (2) participating in a substance abuse group or individual therapy weekly for a 12-week period; (3) attending a support group such as Alcoholics Anonymous (AA) or SMART Recovery (SR) at least weekly for a minimum of three months; (4) after the initial three months, attending at least monthly relapse prevention or maintenance group therapy sessions; and (5) working the 12 steps of AA and obtaining a sponsor, if applicable. *Id.* The DOE Psychologist explained that the above should be done in combination for a year and that any treatment the Individual sought out should be with a licensed provider with experience in alcohol abuse. *Id.*

The Individual received the DOE Psychologist’s Report outlining those recommendations in December 2025. Ex. 1 at 7–8 (Notification Letter signed in December 2025 and indicating that the DOE Psychologist’s Report was included as an enclosure). The Individual indicated he put off seeking treatment and generally pursuing the DOE Psychologist’s recommendations, as his attorney for his DUI matter advised him to hold off on pursuing any course of action until the finalization of a diversion agreement with the local prosecutor’s office, which is discussed more in Section IV(d). Tr. at 68.

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<sup>5</sup> PEth is “a direct alcohol biomarker which is found in human blood following alcohol consumption.” Ex. 11 at 90. Labs use a cutoff of 20 ng/mL or higher to detect moderate to heavy alcohol consumption over approximately 30 days. *Id.* at 90, 98. The Individual’s negative PEth result was consistent with his self-reported minimal use of alcohol. *Id.* at 90.

**d. Individual's Evidence of Post-Arrest Actions and Character Evidence**

The Individual entered a diversion program for his DUI and Speeding charges in December 2025. Ex. A at 2–5. The agreement states that the Individual would agree to pay costs and fees and would abide by the following conditions over two years:

1. The defendant must abide by the laws of the [state] and any other [s]tate.
2. Upon completion of all diversion terms and conditions set forth herein this matter may [be] dismissed after a period [of] twelve (12) months at the discretion of the [prosecutor's office].
3. The defendant must obtain a drug/alcohol evaluation, follow all recommendations and provide the [prosecutor's office] with proof of completion.
4. The defendant must complete [an alcohol education program within three months of the date of the agreement], follow all recommendations and provide the [prosecutor's office] with proof of completion.

*Id.* at 3–4. Another document from the court indicated other terms, most relevant substance abuse treatment and attendance of a victim impact panel. Ex. J at 1–2. He also testified that the state required the placement of an interlock on his vehicle starting in April 2026. Tr. at 58–59. Upon successful completion of the diversion period, the prosecutor's office agreed it would dismiss the charges. Ex. A at 4.

The Individual completed an eight-hour alcohol education program in March 2026. Ex. C at 7. He completed the victim impact panel in April 2026. Ex. D at 8. The Individual testified that on five occasions he blew into the interlock and the device prevented him from driving his car. Tr. at 60. According to the Individual's testimony, the interlock instructions advise that he should avoid "yeasty" foods as they might trigger the interlock and speculated that what he ate may have contributed to the interlock device's positive results. *Id.* at 60–62. The Individual indicated that after waiting 15 minutes he would blow into the interlock again, and the device would let him drive. *Id.* at 61. The Individual provided no corroborating evidence such as the interlock instructions or his interlock log to corroborate this testimony.

The Individual also started attending an outpatient treatment program. Ex. B at 6. His counselor through the outpatient program wrote a letter of support for the Individual, dated April 29, 2026. *Id.* The counselor communicated that the program had diagnosed the Individual with Alcohol Use Disorder (AUD), Moderate, in Early Remission. *Id.* The Individual from February 24, 2026, through April 28, 2026, attended seven individual treatment sessions. *Id.* He was scheduled to attend four more sessions after the hearing and for discharge upon completion of those four sessions. *Id.* The counselor provided the following regarding the Individual's participation:

[The Individual] has demonstrated insight into the consequences of his past alcohol use and has taken meaningful steps toward behavioral change . . . . At this time, [the Individual] continues to demonstrate stability in his recovery and a commitment to maintaining positive changes. He remains compliant with treatment and is progressing toward successful completion.

*Id.* at 6. The Individual testified that from the treatment he had learned more about his triggers. Tr. at 76. In particular, he identified his loneliness and stress. *Id.* at 49, 96. The Individual reflected that he had not ever lived alone until his divorce—having always had family or a friend cohabitate with him up until his separation from his wife. *Id.* at 96–97. The Individual indicated that he has replaced alcohol with other beverages: “I have dr[u]nk more milk and juice and soda in the last six months than I have in . . . the last ten years.” *Id.* at 83.

The Individual indicated that he had originally looked into attending AA meetings but had found them to generally be unavailable due to distance since they were “up in the city.” *Id.* at 74. The Individual submitted documentation that he attended two SR sessions—once in March 2025 and another time in May 2025. Ex. E at 9. The Individual testified that from those two sessions he had gained perspective on the scope of others’ problems, which helps him contextualize his own struggles. Tr. at 75–76. The Individual provided no specific testimony on why he had not attended SR groups with more frequency.

The Individual testified he goes to restaurants and social events where alcohol is served, and he does not experience the urge to drink alcohol. *Id.* at 87–88. When specifically offered to taste or sample a drink, he testified that he now simply responds, “No thank you.” *Id.* at 88. Regarding his future intention with respect to alcohol, he provided that he has no “plans to consume or otherwise ingest alcohol, at a minimum, through the terms of the diversion and the monitoring.” *Id.*

At the hearing, the Individual confirmed that he had undergone no alcohol testing except for the October 2025 PEth testing he completed as part of his evaluation by the DOE Psychologist. *Id.* at 73–74. When asked why he had not engaged in regular PEth testing, the Individual’s answer demonstrated some level of confusion about the process: “I have tried twice [to get testing] . . . I don’t quite understand the . . . medical system, [be]cause admittedly, my ex-wife took care of a lot of the medical stuff . . .” *Id.* at 72–73. The Individual, after the hearing, submitted a PEth test from a sample collected on May 26, 2026, which returned a negative result. Ex. J at 1–2.

As alternative proof of his sobriety, the Individual submitted bank statements and credit card statements to demonstrate that he had not purchased alcohol. Tr. at 80–81; *see generally* Ex. F; Ex. G; Ex. H. However, such evidence generally lacks persuasion as the statements cannot conclusively rule out that he purchased alcohol at restaurants, grocery stores, or other establishments that serve alcohol. *See, e.g.*, Ex. F at 10 (reflecting charges in April 2026 at “SCISSORS & SCOTCH”) (formatting in original).

The Individual’s Friend and Former Manager both confirmed that the Individual openly discussed with them his personal issues which led to his drinking and his DUI. Tr. at 19–22, 38–40. The Individual’s Friend had even suggested that the Individual seek out treatment. *Id.* at 20. After the DUI, the Individual spoke with the Friend and expressed remorse for the incident and generally felt shame around his prior pattern of drinking. *Id.* at 29–30. The Individual’s Friend and Former Manager indicated they believed the Individual to be trustworthy and of good character. *Id.* at 25, 41–42.

**e. Updated DOE Psychologist’s Opinion**

After hearing the testimony of the Individual and his witnesses and reviewing the documentary evidence submitted, the DOE Psychologist provided an updated opinion. *Id.* at 101–13. The DOE Psychologist testified that based on the Individual’s admissions at the hearing, he would now diagnose the Individual with “substance abuse disorder . . . in recent remission.” *Id.* at 107.<sup>6</sup> The DOE Psychologist observed that the Individual had demonstrated insight regarding the negative impact alcohol had on his life and found positive the Individual’s intention to abstain from alcohol. *Id.* at 104–05, 107. However, the DOE Psychologist remarked that the Individual had failed to put forth PEth testing and that he was not “overly persuaded” by the credit card and bank statements the Individual provided as evidence of his sobriety. *Id.* at 105–06. He also noted that, notwithstanding that the Individual may have acted under the direction of an attorney, the Individual had delayed in seeking out treatment. *Id.* at 107; *compare* Ex. 1 at 7–8 (reflecting receipt of the DOE Psychologist’s Report in December 2025) *with* Ex. B (counselor’s letter indicating that he sought out treatment in late February 2026).

When asked if the Individual had demonstrated rehabilitation, the DOE Psychologist answered that he had “[n]ot yet” done so. Tr. at 108. The DOE Psychologist explained that even after the Individual completes his outpatient treatment program—this would only be three months of treatment and not a full year of both treatment and post-treatment sobriety maintenance, as he originally recommended. *Id.* He also indicated that he would like to see PEth testing or other testing to corroborate a year of sobriety. *Id.* The DOE Psychologist gave the Individual a “good” prognosis given his current attendance in treatment and attitude towards alcohol and treatment. *Id.* at 105–06. The DOE Psychologist’s scale for prognoses is poor, guarded, fair, good, and excellent. Ex. 11 at 94–95.

**V. ANALYSIS**

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

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<sup>6</sup> The DOE Psychologist explained that “because of [the Individual’s] statements [at the hearing] and his recognition of difficulties” he believes the Individual “would have different answers to [the] questions” about the diagnostic criteria. Tr. at 107.

- (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.

Regarding the first mitigating condition, the Individual—without meaningfully persuasive corroborating evidence outside of a May 2026 PEth test and an October 2025 PEth test—represents that he has maintained sobriety since August 2025. Based on this representation, I cannot find “so much time has passed” since his problematic alcohol consumption, particularly when weighed against his years-long history of cyclically engaging in light, moderate, then heavy drinking starting in 2019. Additionally, the Individual admitted to habitually binge-drinking from 2019 to at least July 2025, with some intermittent reductions in his consumption. Thus, I cannot find the problematic alcohol consumption to have occurred infrequently where it continued regularly over those years. I cannot find his alcohol consumption to have occurred under unusual circumstances, since he cited no unusual circumstances. For example, with respect to his July 2025 arrest, the Individual’s alcohol consumption occurred after packing his belongings, after which he decided to drive his vehicle to get food. These are not unusual circumstances that would mitigate the lapse of judgment exhibited that night. Mitigating condition (a) does not apply.

Regarding the second mitigating condition, the Individual gave forthcoming testimony about his personal struggles and his use of alcohol to cope with those issues. He also put forth some evidence of actions taken to overcome the problem, such as his current attendance in an outpatient program, his attendance of a victim impact panel, and his completion of an alcohol education program. However, I cannot find that his pattern of abstinence is “clear and established” when his testimony generally lacks any corroboration with chemical testing outside the October 2025 and May 2026 PEth tests. While I generally find the Individual genuine in his recognition that alcohol played a negative role in his life, the record includes his admission that he had lied to a police officer about his alcohol consumption on the night of his July 2025 DUI and his admission that he failed the interlock five times. In an attempt to establish that he has remained abstinent, the Individual provided financial documentation; however, such information provides little in the way of proof of abstinence where the statements indicate that he made purchases from establishments that sell alcohol without any indication as to what he purchased, and the Individual could have purchased alcohol using another payment method which would not have been captured on the statements. With this record, the Individual has not demonstrated a “clear and established” pattern of abstinence. Mitigating condition (b) does not apply.

Regarding the third mitigating condition, I commend the Individual, again, for attending outpatient treatment and engaging with his counselor meaningfully. However, the DOE Psychologist’s recommendations for demonstrating rehabilitation were a full year of abstinence in conjunction with treatment; weekly attendance in a mutual support group or program; and post-treatment attendance in relapse prevention programming. The Individual’s abstinence was to be corroborated with PEth testing. The Individual has put forth evidence that he was scheduled to complete his treatment with the outpatient program following the hearing; however, he only attended two SR sessions, and the record lacks consistent PEth testing to sufficiently demonstrate abstinence. For

the reasons stated in the last paragraph, I cannot conclude he has demonstrated abstinence consistent with the treatment recommendations of the DOE Psychologist. Again, while the Individual has taken some commendable action, the Individual has not sufficiently progressed in meeting the DOE Psychologist's treatment recommendations. Mitigating condition (c) does not apply.

Regarding the fourth mitigating condition, the Individual, by the time of the hearing, had not completed the outpatient program, and he had not completed the treatment recommendations outlined by the DOE Psychologist. Furthermore, as stated above, his claim of abstinence is neither "clear" nor "established." Accordingly, mitigating condition (d) does not apply.

Given the above, I find that the Individual has not satisfied any mitigating condition under Guideline G and that the Individual has not resolved the security concerns asserted by the LSO.

## **VI. CONCLUSION**

Above, I found that there existed 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, 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 failed to bring forth sufficient evidence to resolve the security concerns set forth under Guideline G. Accordingly, I find the Individual has not demonstrated that restoring his security clearance would not endanger the common defense and security and would be clearly consistent with the national interest. This Decision may be appealed in accordance with the procedures set forth at 10 C.F.R. § 710.28.

Andrew Dam  
Administrative Judge  
Office of Hearings and Appeals