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

In the Matter of: Personnel Security Hearing	)	
	)	
Filing Date: January 22, 2026	)	Case No.: PSH-26-0051
	)	
	)	

Issued: July 14, 2026

Administrative Judge Decision

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."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 not be restored.

I. BACKGROUND

The Individual holds access authorization in connection with his employment with a DOE contractor. Exhibit (Ex.) 1 at 7.² The Individual travelled with friends out of town for a lake trip on Memorial Day weekend in May 2025. Ex. 10 at 43 (Individual's July 29, 2025, response to Letter of Interrogatory (LOI)) (2025 LOI Response). The Individual indicated that he had consumed alcohol prior to driving home from the trip and was pulled over by a police officer. *Id.* Arrest records reflect that the Individual was arrested and charged with a Driving Under the Influence (DUI), after test results returned a blood alcohol content (BAC) of .21% and .22%. Ex. 11 at 57. The Individual's alcohol-related arrest resulted in the Local Security Office (LSO) referring the Individual for a psychological evaluation with a DOE consultant psychologist (DOE Psychologist). Ex. 4 at 24 (case evaluation sheet); Ex. 13 at 70 (DOE Psychologist's Report).

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 DOE submitted Exhibits 1 through 18 as a single PDF, Bates numbered in the upper right corner of each page. Then, in a separate PDF, DOE submitted an updated Exhibit 17. This Decision refers to the Bates numbering when citing to DOE Exhibits 1 through 16 and 18. The Decision refers to Exhibit 17 by the exhibit number and PDF page number in the updated submission.

The LSO asked the DOE Psychologist to evaluate the Individual's alcohol use in addition to "whether he has any other emotional, mental, or personality condition . . . that can impair judgment, stability, reliability, and trustworthiness" Ex. 13 at 70, 75. After conducting a clinical interview with the Individual, administering psychological testing, and reviewing personnel documentation and arrest records, the DOE Psychologist could not conclude that the Individual had an alcohol use disorder or habitually consumed alcohol to the point of impaired judgment; she found, however, the Individual had a mental condition that impaired his judgment, reliability, and trustworthiness. *Id.* at 71–75. In particular, the DOE Psychologist found that the Individual's "mental condition which may not meet all criteria for a specific *DSM-5-TR* [*Diagnostic and Statistical Manual of Mental Disorders–5th Edition–Text Revision*] diagnosis . . . manifest[s] a constellation of symptoms/behaviors which . . . result in impaired judgment, reliability, and trustworthiness and are concerning for DOE." *Id.* at 75. She observed that the Individual "engage[d] in minimization, deception, and a pattern of poor decision-making" and that she could not "provide a prognosis as it would depend upon [the Individual] attending and participating in effective treatment." *Id.*

After issuance of the DOE Psychologist's Report, the LSO suspended the Individual's clearance and issued him a Notification Letter advising him that it possessed reliable information casting substantial doubt on his eligibility to hold access authorization. Ex. 1 at 6–9. In the Summary of Security Concerns (SSC) attached to the Notification Letter, the LSO explained that the derogatory information raised security concerns under Guideline I of the Adjudicative Guidelines. *Id.* at 6. The Individual exercised his right to request an administrative review hearing pursuant to 10 C.F.R. Part 710. Ex. 2 at 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 review hearing. The LSO submitted 18 exhibits (Ex. 1–18). The Individual submitted seven exhibits (Ex. A–G) as well as a brief that I consider as part of the record but not evidence.³ Transcript of Hearing, OHA Case No. PSH-26-0051 (Tr.) at 7–11. Neither party objected to the admission of the aforementioned exhibits. *Id.* The Individual testified and offered the testimony of no other witnesses. *Id.* at 3. DOE offered the testimony of the DOE Psychologist, and the Individual stipulated to her expertise in the field of clinical psychology. *Id.* at 7.

II. THE SECURITY CONCERNS

Under Guideline I, "[c]ertain emotional, mental, and personality conditions can impair judgment, reliability, or trustworthiness" and "[a] formal diagnosis of a disorder is not required for there to be a concern under this guideline." Adjudicative Guidelines at ¶ 27. Conditions that could raise security concerns include "behavior that casts doubt on an individual's judgment, stability, reliability, or trustworthiness . . . that may indicate an emotional, mental, or personality condition,

³ The Individual submitted his brief and Exhibits A through E as a single PDF. Exhibit F was submitted as six separate documents that I have combined into a single PDF and entered into the administrative record. Exhibit G was submitted as four separate documents that I have combined into a single PDF and entered into the administrative record. This Decision refers to the exhibits by the exhibit letter and PDF page number.

including, but not limited to, irresponsible, violent, self-harm, suicidal, paranoid, manipulative, impulsive, chronic lying, deceitful, exploitative, or bizarre behaviors” and “an opinion by a duly qualified mental health professional that the individual has a condition that may impair judgment, stability, reliability, or trustworthiness” *Id.* at ¶ 28(a)–(b). In citing Guideline I, the LSO relied upon the DOE Psychologist’s finding that the Individual “engaged in minimization, deception, and a pattern of poor decision-making, which together are a mental condition that can impair judgment, stability, reliability, and trustworthiness.” Ex. 1 at 6.

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 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.* 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

a. Individual’s May 2025 Arrest

The Individual, in his 2025 LOI Response, represented that on May 25, 2025, he had two shots of tequila and four hard seltzers from 11:00 a.m. to 4:00 p.m. while with friends at a lake and on a party bus. Ex. 10 at 43; Tr. at 23. The Individual believed he was okay to drive back home. Ex. 7 at 34; Tr. at 23. That evening, at around 8:30 p.m., a police officer pulled over the Individual after observing the Individual driving, by the officer’s estimation, “100+ [miles per hour (mph)] in a posted 65 mph zone.” Ex. 11 at 55 (police officer’s report). The officer used a light detection and ranging device (LIDAR) to measure the speed of the Individual’s vehicle, which returned a value of 100 mph. *Id.*

The officer initiated a traffic stop and wrote in his report that he “immediately detected the strong odor of an alcohol beverage” and described the Individual’s eyes as “red and watery” and his speech as “slow and slurred.” *Id.* According to the same officer, when asked how much he had to

drink, the Individual initially denied any alcohol consumption, then later admitted to having 2 shots of tequila. *Id.* at 55–56. This clearly contradicts the Individual’s later narratives that he had more to drink. *Compare id. with* Ex. 10 at 43 *and* Tr. at 23, 79.

At the hearing, the Individual indicated that he did not recall initially telling the officer that he had nothing to consume. Tr. at 47. The Individual testified that he disclosed the full amount of his alcohol consumption that day to the officer—specifically, that he had additional alcoholic beverages in addition to the two shots. *Id.* at 48. The Individual indicated he was “not sure as to why he [the officer] would have left it [his purported self-disclosure of his full alcohol use] out” of his police report. *Id.* at 49. However, the third-party consultant psychologist (Consultant Psychologist) that the Individual hired to provide an independent evaluation for this hearing, recounted that the Individual “acknowledged” having “downplayed the extent of his drinking” to the police and “acknowledged he was motivated to avoid detection.” Ex. E at 75. This explicitly contradicts the Individual’s testimony and representations that he disclosed the full extent of his drinking to the police officer and that he had no knowledge of why the police officer’s report was discrepant with his current narrative. *Compare id. with* Tr. at 47–49. The Individual provided no explanation for why he would relay to the Consultant Psychologist one version of events wherein he admitted minimization during the traffic stop but then at the hearing testify he had been fully forthcoming with the police officer.

At 8:55 p.m., the Individual agreed to submit to a preliminary alcohol screening test. Ex. 11 at 57. Two samples returned results of .184% and .186%, and the Individual was placed under arrest. *Id.* At around 9:15 p.m., the Individual provided breath samples to the officer to test his BAC; the samples returned blood alcohol levels of .21% and .22%, well over the legal limit of .08%. *Id.* at 57. The Individual was arrested and charged for a DUI. *Id.*; Ex. E at 74 (reflecting that he had been charged with a DUI with a potential sentencing enhancement for having a BAC over .15%). The Individual was later released and initially pled “not guilty.” Ex. 10 at 43–44. Despite having pled “not guilty[,]” the Individual indicated that he would take “full responsibility for [his] actions.” *Id.* at 44, 50. Furthermore, in his 2025 LOI Response, the Individual provided a sworn written statement that he had “not consumed alcohol to the point of intoxication in over five years” despite having been arrested for the DUI. *Id.* at 46.

When interviewed by the DOE Psychologist on September 22, 2025, the Individual told her that he believed the LIDAR to “not have been reading correctly.” Ex. 13 at 73. He also insisted during the interview that only one breathalyzer reading had been taken, not two, and that the BAC readings must have been “inaccurate” due to the device not being “calibrated.” *Id.* at 72.⁴ The Individual told the DOE Psychologist that he “intended to fight the charges” based on the “breathalyzer and LIDAR both not having been recently calibrated.” *Id.* at 73. I am skeptical that two instruments used in his arrest and making two independent measurements coincidentally malfunctioned. About one week later, on September 30, 2025, the Individual pled guilty to a

⁴ At the hearing, the Individual also indicated that he does not believe he told the DOE Psychologist that the instruments were mis-calibrated; he instead testified that he told the DOE Psychologist about his defense attorney’s strategy for contesting the charges. Tr. at 55–57. This explanation lacks credibility given the manifest contradictions in the accounts the Individual provided to the police officer at the time of his arrest, to the LSO in written documents, to the DOE Psychologist, to his own Consultant Psychologist, and as testimony in this proceeding.

misdeemeanor DUI without the sentencing enhancement that attaches for BACs over .15%. Ex. E at 74.

b. Individual's Failure to Timely Report the May 2025 Arrest

DOE Order 472.2A, Attachment 5 ¶ 6(b) requires that “[t]he following occurrences . . . must be reported to the appropriate CPSO [Cognizant Personnel Security Office] immediately, but in no event later than three (3) working days after the occurrence[:] . . . Arrests, criminal charges . . . , citations, tickets, summons, or detentions by . . . law enforcement authorities” (emphasis added). Despite having occurred on May 25, 2025, the Individual’s arrest went unreported to the LSO until July 17, 2025, after receiving direction from his manager to self-report upon mentioning his arrest and subsequent criminal proceeding. Ex. 7 at 34–35 (July 2025 Incident Report); Tr. at 42–44. At the hearing, despite the objective evidence, the Individual testified that he reported the arrest to the LSO in “less than a month.” Tr. at 40. The Individual only corrected his testimony upon confrontation with the fact that May and July are separated by more than a month. *Id.* at 40–41.

The Individual at various junctures maintained that he believed the arrest fell outside of the reporting requirements, which is why he failed to timely report the arrest. *See, e.g.*, Ex. 10 at 48 (“I was under the impression that because I had not been formally charged, the situation did not fall under the reporting requirements.”); Tr. at 43 (testifying that “when the situation happened it was my understanding that the incident wasn’t reportable absent formal charges”). This explanation for the delay lacks credibility.

In 2017, the Individual signed a Security Acknowledgment form. Ex. 17 at 1. The statement directly above his signature states: “I understand that I am to notify the DOE directly within 3 working days of all arrests, charges (including charges that are dismissed), or detentions by Federal, State, or other law enforcement authorities” while holding access authorization. *Id.* at 1 (emphasis added). At the hearing, the Individual testified “[o]f course I read it [the Security Acknowledgment]” before signing the document in 2017. Tr. at 38–39. He further confirmed that he understood the document when he signed it in 2017. *Id.* at 39. When asked to clarify why he failed to timely report his arrest in 2025 despite understanding the reporting requirement, the Individual provided an answer that presented little clarity and defaulted back into the contradictory explanation that he misunderstood the reporting requirements:

I do want to point out that I read and filled out this form back in 2017, I don’t know if there are additional forms that you can present showing an earlier date that I’ve signed and read this form. I do want to state that it was a mistake that I did not report the incident within three working days. And as I had tried to mention before, it was my understanding that the incident wasn’t reportable absent formal charges.

Tr. at 39.

Furthermore, the Individual submitted Incident Reports to the LSO in July 2024 and September 2024 for foreign travel. Ex. 8 at 37; Ex. 9 at 40. These Incident Reports list different categories of reportable concerns to the LSO. Ex. 8 at 37; Ex. 9 at 40. A reader looking at a form Incident Report

would see that the first category of reportable information is labeled “Arrest, Charge, Citation, [or] Detention[.]” Ex. 8 at 37; Ex. 9 at 40. The Individual unconvincingly testified that, prior to reporting his May 2025 arrest, he had not before read that an “Arrest” was a reportable concern on the form Incident Report because when previously completing the form he “knew exactly where to look” to report foreign travel. Tr. at 35–37. Taken together, his narrative regarding his understanding of the reporting requirements at the time of his May 2025 arrest lacks support based on the various documents in the record and the implausibility of his own testimony that he simply had not read the category that included “Arrest[s]” on the form Incident Reports.

In his 2025 LOI Response, submitted after the July 2025 Incident Report about the arrest, the Individual indicated that he at that point had “aware[ness] of the proper policy” regarding reporting arrests and was “committed to being fully informed of and compliant with all DOE policies moving forward.” Ex. 10 at 48. However, in a February 2026 interview with the Consultant Psychologist, the Individual “conveyed to [the Consultant Psychologist] that he was uncertain then and remains uncertain of relevant reporting policies and procedures.” Ex. E at 73, 76 (emphasis added). That the Individual expressed uncertainty about the reporting requirements to the Consultant Psychologist demonstrates deception, a disregard for reporting requirements, or both. The Individual appears to have again misrepresented his understanding to portray himself more positively.

c. Individual’s Evaluation with the DOE Psychologist

The LSO referred the Individual to the DOE Psychologist for a psychological evaluation. Ex. 4 at 24; Ex. 13 at 70. The LSO requested a determination from the DOE Psychologist on whether the Individual had “an alcohol use disorder” or “habitually or binge consume[d] alcohol to the point of impaired judgment” and whether the Individual had “an emotional, mental, or personality condition or conditions that can impair his judgment, stability, reliability, or trustworthiness.” Ex. 13 at 70.⁵ As part of the evaluation, the DOE Psychologist conducted a two-hour clinical interview with the Individual on September 22, 2025, reviewed his personnel file, and administered the MMPI-3. *Id.* at 70–71. At the clinical interview, the Individual gave contradictory statements, some of which are mentioned below:

He confirmed [during the clinical interview] that he consumed only four drinks total that day, which was discrepant with the [June 2025] LOI, where he wrote that he consumed six drinks . . . and with his report to the [] officer . . . that he had two drinks

He was confronted with the information in the Arrest Report regarding the breath alcohol results. He stated that he only remembered doing one breathalyzer test outside of the police car. He did not remember doing a second one inside the police car. He disputed that a second set of measurements was taken. When asked how the BAC could have been so high, he stated that he believed the breathalyzer had not

⁵ The DOE Psychologist concluded there was “inadequate information” to support that the Individual had an alcohol use disorder and that he did not habitually or binge consume alcohol to the point of impaired judgment. Ex. 13 at 75.

been calibrated and must have produced inaccurate readings. He stated that his eyes were red but that this was probably from being tired and out on the water all day, not from drinking. He stated that he did not feel intoxicated or under the influence of alcohol at all when he got into his vehicle.

He was confronted about driving at 100 mph in a 65[-]mph[-]limit zone. He responded that he did not believe he was going that fast. He stated that the LIDAR must not have been reading correctly.

Id. at 72–73.

In her review of the documentary evidence, the DOE Psychologist observed that the Individual also gave written statements contradicted by other evidence, which this decision also outlined earlier. *See supra* Section IV(a)–(b). For example, the DOE Psychologist noted that the Individual in his 2025 LOI Response stated that he had consumed six alcoholic beverages prior to his arrest, but the arrest report indicated that he told the police officer who arrested him that he had consumed two shots of tequila. Ex. 13 at 72. In her Report, the DOE Psychologist relayed the results of the MMPI-3: “[H]is profile showed indications of likely underreporting [based on elevated T-Scores on the L and K validity scales]. . . . He was hesitant to acknowledge minor shortcomings and faults, and he presented himself as extremely well-adjusted. That being said, his results must be interpreted with caution because of possible underreporting and reticence to acknowledge problems.” *Id.* at 74. In her testimony, she further explained:

The MMPI-3 has several embedded symptom validity measures that are scientifically validated scales to assess how a person is responding to the series of questions. [] [I]t looks at whether a person is likely to be engaging in . . . Positive Impression Management, meaning[] they are unwilling to acknowledge minor shortcomings or minor faults[] or they maybe [sic] not reporting all of the mental health or behavioral concerns[] or they’re engaging in symptom exaggeration.

Tr. at 111. The results of the MMPI-3 that she administered to the Individual were consistent with the defensive behavior she felt that he displayed during his evaluation. *Id.*

Ultimately, based on the Individual’s decision to drink and drive, his subsequent minimization, his lack of candor and forthcomingness, and the corroborating information from the psychological testing, the DOE Psychologist concluded that the Individual had “a mental condition which may not meet all criteria for a specific *DSM-5-TR* diagnosis but does manifest a constellation of symptoms/behaviors which by definition result in impaired judgment, reliability, and trustworthiness” and that the Individual “engages in minimization, deception, and a pattern of poor decision-making.” *Id.* at 75. She further recommended that this condition could be “treated in weekly or biweekly psychotherapy for at least six months or until his therapist agrees that he a positive prognosis.” *Id.* The DOE Psychologist could not provide a prognosis “as it would depend upon hi[m] attending and participating in effective treatment.” *Id.*

d. Individual's Evaluation by the Consultant Psychologist

The Individual sought out the opinion of the Consultant Psychologist for an “independent psychological evaluation in advance of [this] administrative hearing” Ex. E at 73. The Consultant Psychologist met with the Individual in February 2026 and authored his report (Consultant Psychologist’s Report) that same month. *See generally id.* DOE stipulated to the Consultant Psychologist’s expertise in clinical psychology. Tr. at 7. However, the Individual declined to call the Consultant Psychologist as a witness to testify, and, consequently, the Consultant Psychologist did not observe the Individual’s hearing testimony.

The Consultant Psychologist reviewed collateral documentation, including the DOE Psychologist’s Report, interviewed the Individual over two hours, and also administered the MMPI-3. Ex. E at 73–74. The Consultant Psychologist noted that the Individual, “[i]n many respects, [] exercised very poor judgment” by consuming alcohol and driving home. *Id.* at 75. The Consultant Psychologist also noted that the Individual had admitted to him that he had “downplayed the extent of his drinking” to police because he was “motivated to avoid detection.” *Id.* However, the Consultant Psychologist assigned less weight to the Individual’s behavior surrounding his criminal proceedings: “Individuals facing unresolved legal charges commonly receive legal advice to avoid making statements that could compromise their defense. In such contexts, guardedness or cautious phrasing should not automatically be interpreted as evidence of pathological minimization or characterological dishonesty.” Ex. E at 75.

The Consultant Psychologist concluded that the Individual’s “minimization, deception, and poor decision-making . . . to the extent that [these behaviors] were present, are [not] persistent, pervasive, or characteristic across contexts.” *Id.* at 79. He further concluded that “[t]he available data suggest[s] this incident reflects situationally poor judgment rather than underlying psychopathology.” *Id.* The Consultant Psychologist indicated that “[w]hile no additional mandatory psychological treatment is clinically indicated at this time, voluntary counseling could provide further support for continued reflection and reinforcement of behavioral change.” *Id.*

I have concerns about how the Consultant Psychologist characterized some of his findings. For example, he objected to the DOE Psychologist’s opinion that driving at 100 mph with a BAC of .184% reflected poor judgment on the basis that those facts “were ultimately unsubstantiated by [the Individual’s] misdemeanor conviction.” *Id.* at 76. The findings in the criminal proceedings that the Individual underwent have no bearing on DOE’s concerns about the Individual’s judgment. Evidence in the record reflects that the Individual provided two breath samples⁶ which measured .21% and .22%, respectively. Ex. 11 at 57. These results are relevant to any analysis of

⁶ The Consultant Psychologist also stated, “there are references to .32% and .22% in the Arrest and Investigation report, which cast doubt on the veracity of information contained within.” Ex. E at 76. In my review of that document, I see no references to a .32% figure. Ex. 11 at 57. As discussed above, the police report indicates that the Individual provided four breath samples on two different devices that returned BACs of .184%, .186%, .21%, and .22%. *Id.*

the Individual's judgment, regardless of whether the tests were used in his criminal conviction. The Consultant Psychologist's willingness to overlook objective evidence of the Individual's poor judgment calls into doubt the objectivity and reliability of his report.

e. Individual's Testimony, Character Evidence, and Other Actions Taken

The Individual testified that he does not believe himself to have an "identifiable condition" and reiterated that he has not received a formal diagnosis of a psychological condition. Tr. at 24. The Individual, when asked if he had ever participated in counseling or a treatment program for his mental health, at first gave a non-responsive answer: "I am fully willing to participate in any additional counseling, education, assessments and any corrective actions or corrective measures" *Id.* at 25. The hearing testimony has other notable instances of defensive responses to questioning.⁷ *See also supra* Section IV(a) (discussing that the Individual's testimony about fully reporting the amount of his alcohol consumption to law enforcement contradicted the Individual's report to the Consultant Psychologist that he downplayed the extent of his drinking); Section IV(b) (discussing that the Individual unpersuasively testified that he had not read that "Arrest[s]" were reportable events on prior Incident Reports). When further pressed if he had been in treatment, the Individual admitted that he had not received treatment. Tr. at 26.

The Individual confirmed that he read the DOE Psychologist's Report, specifically the portion where the DOE Psychologist opined that, though she could not diagnose the Individual pursuant to the *DSM-5-TR*, she found he has a mental condition that impairs his judgment, reliability, and trustworthiness and that she recommended weekly or biweekly therapy for at least six months. *Id.* at 63–64, 68. The Individual testified as follows as to his understanding of the DOE Psychologist's statement: "[I]f I did undergo treatment, [] it would help to, I guess, lessen the concerns of minimization, deception, and poor decision[-]making." *Id.* at 64. He further testified at the hearing that he did not attend treatment since the independent evaluation from his Consultant Psychologist did not recommend treatment. *Id.* at 26–27, 64–65. *But see* Ex. E at 79 (Consultant Psychologist's Report stating that "[w]hile no additional mandatory psychological treatment is clinically indicated at this time, voluntary counseling could provide further support for continued reflection and reinforcement of behavioral change.").

The Individual also admitted that he at first did not tell his family about the DUI arrest. Tr. at 70–71. The Individual admitted to feelings of embarrassment preventing him from confiding in them. *Id.* at 30.

f. DOE Psychologist's Updated Opinion and Testimony

⁷ The Individual submitted declarations from two colleagues, wherein they vouch for the Individual's judgment. Ex. D at 62–65. I afford these declarations little weight, as it is unclear if those colleagues are aware of the facts and circumstances surrounding this proceeding.

At the hearing, the DOE Psychologist had the opportunity to observe the Individual's testimony. *Id.* at 133. The DOE Psychologist defended her earlier evaluation and recommendations, as she "saw minimization and deception in the testimony" on the hearing day. *Id.* In particular, she noted among other things, (1) his conflicting testimony about being willing to seek out treatment but not seeking out treatment despite receiving that recommendation; (2) his testimony about his delay in telling his family about his arrest; (3) his testimony wherein he continued to deny having knowledge of the three-day reporting requirement about arrests, despite the many pieces of conflicting collateral evidence; and (4) his testimony about the amount he drank and what he reported to the police officer contradicting other pieces of collateral evidence. *Id.* at 134–37. She also noted that the Individual "struggle[d] to just acknowledge" some "basic factual" information—such as the actual length of time it took for him to report the DOE arrest. *Id.* at 105. The DOE Psychologist disagreed with the Consultant Psychologist's assessment that the Individual only had a one-time lapse in judgment in the context of the law enforcement action given the additional instances of deception, the seriousness of the DUI, and the seriousness of his continued deception, defensiveness, and minimization, in other contexts. *Id.* at 121–31.

The DOE Psychologist opined that she still could not make a prognosis "because [the Individual was] so guarded and [] engages so strongly in deflection and impression management that he keeps changing the story" *Id.* at 106. She believed that the Individual had not sufficiently addressed her concerns given that he continued to engage in minimizing behavior and that he had not undergone any treatment. *Id.* at 103–04.

V. ANALYSIS

Before I consider the mitigating conditions, I must first address that the Individual has put forth evidence challenging the finding that he has a mental condition that impairs his judgment, reliability, and trustworthiness. The DOE Psychologist's opinion was far from overwhelmingly persuasive. The "constellation of symptoms/behaviors" upon which the DOE Psychologist relied seem to essentially amount to the Individual having behaved irresponsibly under the influence of alcohol, sought to hide his alcohol-related conduct, and then lied about his alcohol-related conduct and efforts to hide that conduct because it could have resulted in him losing access authorization. I am skeptical of the DOE Psychologist's extrapolation of that untruthfulness regarding a narrow series of events to a psychological condition. To rebut the DOE Psychologist, the Individual put forth the Consultant Psychologist's Report containing the Consultant Psychologist's conclusion to the contrary. I afford little weight to the Consultant Psychologist's opinions for the following reasons.

First, the Consultant Psychologist failed to address in his Report the inconsistent statements the Individual provided him during the clinical interview. For example, the Consultant Psychologist reviewed the DOE Psychologist's Report. Ex. E at 73. Review of the DOE Psychologist's September 2025 Report explicitly reflects that the Individual acknowledged the DOE requirement that he report arrests to the LSO. Ex. 13 at 72. However, in the clinical interview conducted by the Consultant Psychologist, the Individual apparently told him that he "remains uncertain of relevant reporting policies and procedures." Ex. E at 76. That the Consultant Psychologist failed to account for the Individual's apparent dishonesty to him during the clinical interview undermines the reliability of his Report's findings and conclusions. Second, the Consultant Psychologist's absence

from the hearing resulted in a lack of opportunity to further develop the Consultant Psychologist's opinion. For example, it is unclear if the Consultant Psychologist would return a positive opinion of the Individual's judgment, reliability, and trustworthiness if the Consultant Psychologist had observed the Individual's inconsistent statements at the hearing and when shown the other collateral statements contradicting the Individual's testimony.

In applying the Adjudicative Guidelines, I must consider factors set forth at 10 C.F.R. § 710.7(c). The Individual failed to disclose derogatory information as required under DOE Order 472.2A, provided an implausible excuse for his failure to timely come forward with the circumstances of his arrest, and continued to provide these excuses in his hearing testimony. The Individual's willingness to hide information from the LSO, and to repeatedly provide untrustworthy explanations for his conduct, are aggravating factors that heighten the security concerns presented by the DOE Psychologist's opinion. *See id.* (requiring consideration of "the nature, extent, and seriousness of the conduct," "the circumstances surrounding the conduct, to include knowledgeable participation," "the frequency and recency of the conduct," "the voluntariness of participation," and "the likelihood of continuation or recurrence"). Therefore, although I am not fully convinced by the DOE Psychologist's opinion, I find that the Individual has not presented sufficient evidence to contradict the LSO's finding that he has a mental condition that impairs judgment, reliability, and trustworthiness.

Based on the record before me, I do not find that the Individual has mitigated the LSO's security concerns.

Conditions that could mitigate Guideline I security concerns include:

- (a) the identified condition is readily controllable with treatment, and the individual has demonstrated ongoing and consistent compliance with the treatment plan;
- (b) the individual has voluntarily entered a counseling or treatment program for a condition that is amenable to treatment, and the individual is currently receiving counseling or treatment with a favorable prognosis by a duly qualified mental health professional;
- (c) recent opinion by a duly qualified mental health professional employed by, or acceptable to and approved by, the U.S. Government that an individual's previous condition is under control or in remission, and has a low probability of recurrence or exacerbation;
- (d) the past psychological/psychiatric condition was temporary, the situation has been resolved, and the individual no longer shows indications of emotional instability;
- (e) there is no indication of a current problem.

Adjudicative Guidelines at ¶ 29.

Regarding the first and second mitigating conditions, the Individual has not attended any treatment. Despite his repeated assurances that he would be willing to attend treatment, he chose not to attend treatment. Mitigating conditions (a) and (b) do not apply.

Regarding the third, fourth, and fifth mitigating conditions, the Individual submitted the Consultant Psychologist's Report. The Consultant Psychologist's opinion—which I decline to credit—is that the Individual never had a condition and that, at the time of his evaluation, the Individual displayed good judgment, reliability, and trustworthiness. The DOE Psychologist—whose opinion I have credited—opined that the Individual has a condition manifesting as a constellation of symptoms resulting in deception and minimization, which continued up to the day of the hearing. From my review, the Individual struggled with telling the truth in the hearing, in the documents provided to the LSO, during his psychological evaluations, and during his March 2025 arrest. To be clear, in isolation, the inconsistencies and errors described in this decision would not generally impact my view of the Individual's credibility. However, specifically at issue here is the Individual's constant impression management and defensiveness. For example, in the course of this proceeding, the Individual has (1) inconsistently recounted the amount of alcohol he consumed to different sources; (2) inconsistently recounted what he told police; (3) challenged the veracity of objective measurements of his driving speed and intoxication at the time of the DUI without any evidence to support his theory; (4) changed his account of what he believed was a reportable incident to the LSO; and (5) asserted that he never read the word "arrest" on the form Incident Reports.

The above only serve as a few examples. The totality of the Individual's minimizations, deceptions, and failure to behave fully forthcoming led to the DOE Psychologist's conclusion. At the hearing, the Individual continued to engage in that behavior, indicating that this condition remains ever present with hardly any abatement. That the Individual was not consistently truthful in the hearing—the focus of which concerned the DOE Psychologist's opinion that he had a mental condition resulting in deception, minimization, and denial—reflects poorly on his present judgment, reliability, and trustworthiness. Mitigating conditions (c), (d), and (e) do not apply.

Given the above, the Individual has not resolved the security concerns asserted by the LSO under Guideline I.

VI. CONCLUSION

In the above analysis, I found that there was sufficient derogatory information in the DOE's possession to raise security concerns under Guideline I 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 not brought forth sufficient evidence to resolve the security concerns set forth in the Notification Letter under Guideline I. Accordingly, I find the Individual has not demonstrated that restoring his security clearance would not endanger the common defense 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