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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)
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Case No.: PSH-26-0038

Issued: August 11, 2026

Administrative Judge Decision

Erin C. Weinstock, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXXXXXXX (the Individual) to hold an access authorization under the United States Department of Energy's (DOE) regulations, set forth at 10 C.F.R. Part 710, "Procedures for Determining Eligibility for Access to Classified Matter and Special Nuclear Material or Eligibility to Hold a Sensitive Position."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 that requires him to hold an access authorization. Exhibit (Ex.) 1 at 7.² Prior to being granted access authorization, the Individual was involved in four alcohol-related criminal incidents in the 1990s. Ex. 17 at 222–24. On April 14, 2025, the Individual was arrested and charged with Driving While Under the Influence (DWI). Ex. 12 at 67. Subsequently, the Local Security Office (LSO) asked the Individual to complete a letter of interrogatory (LOI), which the Individual did on June 10, 2025. Ex. 10. Upon receipt of the responses to the LOI, the LSO asked the Individual to undergo a psychological evaluation in August 2025, by a DOE-consultant psychologist (DOE Psychologist), which resulted in a finding that the Individual met sufficient *Diagnostic and Statistical Manual of Mental Disorders – Fifth Edition (DSM-5)* criteria for a diagnosis of Unspecified Alcohol-Related Disorder (UARD). Ex. 13 at 76–77.

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 References to the Local Security Office's (LSO) exhibits are to the exhibit number and the PDF page number from the LSO's exhibit notebook.

The LSO subsequently issued the Individual a Notification Letter advising him that it possessed reliable information that created substantial doubt regarding his eligibility for access authorization. Ex. 1 at 7–9. In a Summary of Security Concerns (SSC) attached to the letter, the LSO explained that the derogatory information raised security concerns under Guideline G of the Adjudicative Guidelines. *Id.*

The Individual exercised his right to request an administrative review hearing pursuant to 10 C.F.R. Part 710. Ex. 2. The Director of the Office of Hearings and Appeals (OHA) appointed me as the Administrative Judge in this matter, and I conducted an administrative hearing. The LSO submitted seventeen exhibits (Ex. 1–17). The Individual submitted seven exhibits (Ex. A–G). The Individual testified on his own behalf. Hearing Transcript, OHA Case No. PSH-26-0038 (Tr.). The LSO presented the testimony of the DOE Psychologist. *Id.*

II. THE SECURITY CONCERNS

Guideline G, under which the LSO raised the security concerns, relates to security risks arising from excessive alcohol consumption. “Excessive alcohol consumption often leads to the exercise of questionable judgment or the failure to control impulses and can raise questions about an individual’s reliability and trustworthiness.” Adjudicative Guidelines at ¶ 21. Conditions that could raise a security concern include: “alcohol-related incidents away from work” and “diagnosis by a duly qualified medical or mental health professional . . . of alcohol use disorder.” *Id.* at ¶ 22(a), (d). In citing Guideline G, the LSO relied upon the Individual’s April 2025 arrest for DWI. Ex. 1 at 6. The LSO also cited the DOE Psychologist’s diagnosis of UARD. *Id.* The aforementioned allegations justify the LSO’s invocation of Guideline G.

III. REGULATORY STANDARDS

A DOE administrative review proceeding under Part 710 requires me, as the Administrative Judge, to issue a Decision that reflects my comprehensive, common-sense judgment, made after consideration of all the relevant evidence, favorable and unfavorable, as to whether the granting or continuation of a person’s access authorization will not endanger the common defense and security and is clearly consistent with the national interest. 10 C.F.R. § 710.7(a). The regulatory standard implies that there is a presumption against granting or restoring a security clearance. *See Dep’t of Navy v. Egan*, 484 U.S. 518, 531 (1988) (“clearly consistent with the national interest” standard for granting security clearances indicates “that security determinations should err, if they must, on the side of denials”); *Dorfmont v. Brown*, 913 F.2d 1399, 1403 (9th Cir. 1990) (strong presumption against the issuance of a security clearance).

An individual must come forward at the hearing with evidence to convince the DOE that granting or restoring access authorization “will not endanger the common defense and security and will be clearly consistent with the national interest.” 10 C.F.R. § 710.27(d). An individual is afforded a full opportunity to present evidence supporting their eligibility for an access authorization. The Part 710 regulations are drafted to permit the introduction of a very broad range of evidence at personnel security hearings. Even appropriate hearsay evidence may be admitted. *Id.* at

§ 710.26(h). Hence, an individual is afforded the utmost latitude in the presentation of evidence to mitigate the security concerns at issue.

IV. FINDINGS OF FACT

In May 1995, the Individual was arrested and charged with DWI. Ex. 17 at 222. The Individual did not recall going to court or taking any other action related to this incident. *Id.* In October 1995, the Individual was walking to an event with a friend in the dark in a remote part of the city where they lived and was carrying a loaded gun. *Id.* at 222–23. The Individual and his friend were consuming beer, and, eventually, they passed out and police found him with the loaded gun in his pocket. *Id.* at 223. The Individual was charged with a felony and received six months of probation for the offense. *Id.* In December 1996, the Individual consumed a large number of margaritas at a Christmas party. *Id.* The Individual was later arrested and spent the night in the “drunk tank.” *Id.* In July 1998, the Individual was drinking beer with some friends, and his friend wanted to shoot at the home of some people he “had an issue with.” *Id.* They shot at the house and were eventually arrested. *Id.* The Individual spent some time in jail as a result of this incident. *Id.* The Individual is no longer in contact with either of the friends involved in this incident. *Id.*

On April 13, 2025, the Individual took his dog on a ride and went to see some friends. Tr. at 16–17. At his friend’s home, the Individual “had a few drinks.” *Id.* at 17. On the way to his own home, the Individual stopped on the side of the road and his dog got out of the car. *Id.* The Individual could not get the dog back in the car, so he followed the dog, walking on the side of the road, for “about two miles.” *Id.* At around 2:45 AM, a law enforcement officer found the Individual lying on the ground near his car. Ex. 12 at 67. When the Individual stood up, the law enforcement officer noted that the Individual was “unsteady on his feet,” “his eyes were bloodshot and watery,” and he smelled like an “alcoholic beverage.” *Id.* When asked, the Individual explained to the officer that he was looking for his dog and also admitted that he had consumed alcohol. *Id.* The officer eventually arrested the Individual for DWI. *Id.*

On April 25, 2025, the Individual was evaluated as part of his employer’s Fitness for Duty (FFD) program. Ex. A. As part of FFD, the Individual underwent weekly urine screens to test for alcohol use from April 2025 to December 2025, and all of those tests had come back negative for alcohol use according to a letter from the Individual’s FFD therapist. *Id.* The Individual also completed Phosphatidylethanol (PEth) tests³ dated January 27, 2026; February 26, 2026; March 26, 2026; April 23, 2026; May 21, 2026; and June 18, 2026, as part of FFD, and all of these tests came back negative. Ex. E (PEth test results). As of June 22, 2026, the Individual had not finished FFD, but the FFD therapist stated that she anticipated he would complete it with no issues. *Id.*

The Individual began to attend a course on alcohol education offered through his employer’s employee assistance program (EAP) shortly after his arrest and completed that course on June 5, 2025. Ex. D. at 6. After completing that course, he began a twelve-week substance cessation support course, which he completed on September 24, 2025. *Id.* at 5.

³ “PEth levels in excess of 20 ng/mL are considered evidence of moderate to heavy ethanol consumption.” Ex. 13 at 89. “The [PEth] test detects any significant alcohol use over the past three to four weeks.” *Id.* at 75.

The Individual was evaluated by the DOE Psychologist on August 28, 2025. Ex. 13 at 71. As part of his evaluation, the Individual underwent a PEth test on the same date. *Id.* at 75. The PEth test came back negative. *Id.* This result was consistent with his report to the DOE Psychologist that he had not consumed any alcohol since his April 2025 DWI. *Id.* at 74–76.

After the Individual completed the evaluation, the DOE Psychologist issued a report in which he concluded that the Individual met sufficient criteria for a diagnosis of UARD. *Id.* at 76. In order for the Individual to show rehabilitation, the DOE Psychologist stated that the Individual should: (1) abstain from alcohol for a period of no less than one year; (2) continue attending and completing alcohol education courses through EAP; and, (3) either engage in some kind of aftercare, like weekly group therapy or a weekly appointment with a certified alcohol counselor, or complete an eight-to-twelve-week intensive outpatient program (IOP). *Id.* at 77. Next, he stated that after completing the third requirement, the Individual should attend in-person meetings of Alcoholics Anonymous (AA) or a similar group twice a week, find a sponsor, and document his attendance with sign-in sheets. *Id.* Finally, to document his abstinence, the DOE Psychologist recommended that the Individual should provide negative PEth tests every four to six weeks over the course of a year. *Id.*

The Individual began attending in-person AA meetings on January 4, 2026. Ex. C. He has attended meetings on approximately a weekly basis since then. *Id.*; Tr. at 27–28, 36. He received a chip from AA commemorating one year of abstinence from alcohol before the hearing. Tr. at 30–31. The Individual does not have an AA sponsor, but he is very close to the leader of his AA group, and he would feel comfortable calling him to ask for support in his sobriety. *Id.* at 23, 43. The Individual had a sponsor when he attended AA prior to the 2025 incident, but he had a bad experience, which has made him hesitant to find a new sponsor. *Id.* at 33. He intends to continue to attend AA because “it makes [him] feel good when [he] spend[s] time in a room with people that have been sober for twenty plus years.” *Id.* at 39.

In February 2026, the Individual began attending an IOP that included group and individual therapy sessions. Ex. B (letter from treatment center describing the Individual’s progress); Ex. G (signed logs from the Individual’s group and individual therapy sessions). At the time of the hearing, the Individual had not completed the IOP, but he provided signed weekly updates that had been provided to his FFD therapist. Ex. F. The weekly updates indicate that the Individual has been compliant with the IOP and state that he is “actively participating in the treatment program.” *Id.* At the hearing, the Individual testified that later that day he would complete his forty-eighth and final group session of his IOP, and he had one more session with his personal counselor. Tr. at 31. He stated that he intends to comply with any recommendations he receives regarding follow-up treatment and aftercare. *Id.* In addition to his treatment via the IOP, the Individual completed a third EAP course about alcohol and substance use on March 19, 2026. Ex. D at 4.

The Individual testified that he last consumed alcohol on the day he was arrested for DWI in April 2025. Tr. at 15. He also testified that, in the past, he had a problem with alcohol. *Id.* at 48. He explained that anger has been a trigger for his alcohol consumption. *Id.* at 19, 34. The Individual came to this conclusion after a conversation with his IOP therapist earlier this year. *Id.* at 34–35. He realized he got angry and then wanted to “numb things up” so he would consume alcohol. *Id.* at 35. The Individual testified that he had used the tools that he learned in AA to prevent himself

from being upset by incidents that would have made him angry in the past. *Id.* at 44–45 (explaining how one customer used to be able to “ruin [his] day” but now he thinks through the issue in his mind to realize getting upset is not worth it). The Individual explained that he has also found “a lot of peace” by praying his rosary on a daily basis. *Id.* at 46. Now when people ask him if he wants an alcoholic drink, he explains that he has made a change in his life and does not consume alcohol anymore. *Id.* at 41–42.

The Individual testified that he does not plan to consume alcohol in the future. *Id.* at 23. Since he stopped consuming alcohol, the Individual has been spending more time working on construction and car projects with his son. *Id.* at 41, 47. The Individual has also recently become more involved with his church, helping with maintenance and fundraising. *Id.* at 45–47.

At the hearing, the DOE Psychologist testified that based on his review of the Individual’s exhibits and his interpretation of the Individual’s testimony, he did not believe that the Individual met any of the criteria for any type of alcohol use disorder. *Id.* at 56. He also stated that he believed the Individual was rehabilitated from the UARD diagnosis he gave him after the evaluation. *Id.* He testified that he believed the Individual’s PEth tests and the urine tests combined with monitoring from FFD provided sufficient support to show that he had not consumed alcohol for fifteen months as he testified. *Id.* at 59. The DOE Psychologist also explained that although the Individual did not attend AA as much as he had recommended, he felt the Individual’s testimony showed the Individual was attending meetings regularly and making connections, which decreases his chance of relapse. *Id.* at 58. On a poor, fair, good, excellent scale, the DOE Psychologist opined that the Individual’s prognosis is good. *Id.* at 56. He explained that the Individual’s prognosis could become excellent with more time in treatment or increased participation in treatment, such as attending additional AA meetings or getting an official sponsor. *Id.* at 57.

V. ANALYSIS

Guideline G

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

- (a) So much time has passed, or the behavior was so infrequent, or it happened under such unusual circumstances that it is unlikely to recur or does not cast doubt on the individual’s current reliability, trustworthiness, or judgment;
- (b) The individual acknowledges his maladaptive alcohol use, provides evidence of actions taken to overcome this problem, and has demonstrated a clear and established pattern of modified alcohol consumption or abstinence in accordance with treatment recommendations;
- (c) The individual is participating in counseling or a treatment program, has no previous history of treatment and relapse, and is making satisfactory progress in a treatment program; and

- (d) The individual has successfully completed a treatment program along with any required aftercare, and has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations.

Adjudicative Guidelines at ¶ 23.

As an initial matter, the security concerns related to the Individual's alcohol-related arrests in the 1990s are resolved pursuant to mitigating factor (a). All four of these arrests occurred between twenty-eight and thirty years prior to the hearing. *See* 10 C.F.R. § 710.7(c) (explaining that DOE officials should consider the "recency of conduct"). Further, as there were approximately twenty-seven years between the last of these arrests to his 2025 DWI, I cannot say that these arrests are indicative of any kind of pattern of behavior. The Individual was in his twenties at the time of this conduct, and in the years since, he has matured and is no longer in contact with the other people involved in two of these incidents. *See* 10 C.F.R. § 710.7(c) (explaining that DOE officials should consider the "the age and maturity of the individual at the time of the conduct" and "pertinent behavioral changes"). Therefore, I find that these incidents do not cast doubt on the Individual's current reliability, trustworthiness, or judgment.

Next, the Individual has resolved the remaining security concerns pursuant to mitigating condition (b). At the hearing, he acknowledged that he had a problem with alcohol and provided compelling evidence that he had taken actions to overcome his problem by actively participating in his IOP and regularly attending his AA meetings. In order to support his testimony that he had not consumed alcohol since April 2025, he provided six months of negative PEth tests in addition to the negative PEth test he took after his evaluation with the DOE Psychologist. He also provided a letter from the FFD therapist that indicated regular urine screens he had completed as a part of FFD from April 2025 to December 2025 had all come back negative. This evidence satisfied the DOE Psychologist that the Individual's statements that he had not consumed alcohol since April 2025 were accurate and that the Individual had constructively complied with his recommendation for twelve months of PEth testing. The letter the Individual provided from his IOP provider indicated that he was making good progress in the program. The DOE Psychologist concurred and opined that the Individual's prognosis was "good."

Accordingly, I find that the Individual has resolved the security concerns asserted by the LSO under Guideline G.

VI. CONCLUSION

In the above analysis, I found that there was sufficient derogatory information in the possession of DOE to raise security concerns under Guideline G of the Adjudicative Guidelines. After considering all the relevant information, favorable and unfavorable, in a comprehensive, common-sense manner, including weighing all the testimony and other evidence presented at the hearing, I find that the Individual has brought forth sufficient evidence to resolve the security concerns set forth in the Summary of Security Concerns. Accordingly, I have determined that the Individual's access authorization should be restored. This Decision may be appealed in accordance with the procedures set forth at 10 C.F.R. § 710.28.

Erin C. Weinstock
Administrative Judge
Office of Hearings and Appeals