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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: March 31, 2026)
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Case No.: PSH-26-0088

Issued: August 24, 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 6.² Prior to obtaining his employment with the DOE contractor, the Individual was charged with Public Intoxication in 2013. Ex. 14 at 304. On November 13, 2025, the Individual was arrested and charged with Driving While Intoxicated (DWI). Ex. 7 at 30.³ Subsequently, the Local Security Office (LSO) asked the Individual to complete a letter of interrogatory (LOI), which the Individual did on December 1, 2025. Ex. 8. Upon receipt of the responses to the LOI, the LSO asked the Individual to undergo a psychological evaluation in

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.

³ The LSO's exhibit notebook labeled Exhibit 6 as "Incident Report (IR), November 17, 2025" and Exhibit 7 as "Incident Report (IR), December 30, 2025." In my review of the exhibit notebook, Exhibit 6 appears to be a report filed on December 30, 2025, and Exhibit 7 appears to be a report filed on November 17, 2025.

January 2026, by a DOE-consultant psychologist (DOE Psychologist), which resulted in a finding that the Individual “habitually and binge consumed alcohol.” Ex. 10 at 140.

The LSO subsequently issued the Individual a Notification Letter advising him that it possessed reliable information that created substantial doubt regarding his eligibility for access authorization. Ex. 1 at 6–8. In a Summary of Security Concerns (SSC) attached to the letter, the LSO explained that the derogatory information raised security concerns under Guideline G of the Adjudicative Guidelines. *Id.* at 5.

The Individual exercised his right to request an administrative review hearing pursuant to 10 C.F.R. Part 710. Ex. 2. The Director of the Office of Hearings and Appeals (OHA) appointed me as the Administrative Judge in this matter, and I conducted an administrative hearing. The LSO submitted fourteen exhibits (Ex. 1–14). The Individual submitted fourteen exhibits (Ex. A–N). The Individual testified on his own behalf and presented the testimony of four other witnesses. Hearing Transcript, OHA Case No. PSH-26-0088 (Tr.). The LSO presented one witness, 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 “habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed with alcohol use disorder.” *Id.* at ¶ 22(a), (c). In citing Guideline G, the LSO relied upon the Individual’s November 2025 arrest for DWI. Ex. 1 at 5. The LSO also cited the Individual’s 2013 arrest for Public Intoxication, and the DOE Psychologist’s conclusion that the Individual habitually and binge consumes alcohol. *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 November 2013, the Individual was working as security at a bar. Tr. at 74. Several of his friends were at the bar, and he offered to drive them home after he finished working because they were intoxicated. *Id.* at 74–75. As the Individual was driving away with his friends in the car, one of the Individual’s friends told the Individual he was going to be ill and asked the Individual to pull over. *Id.* at 75. While the Individual was pulled over, two police officers walked by and arrested everyone in the car because they believed they were intoxicated. *Id.* The police officers did not conduct any kind of alcohol testing. *Id.* The charges were dropped after the local prosecutor reviewed footage of the incident. *Id.* at 75–76. The Individual testified that he had not consumed any alcohol that night. *Id.* at 76.

In November 2025, the Individual went to dinner and then to attend his pool league, during which he claimed to have consumed approximately ten alcoholic beverages over nine hours. Ex. 8 at 46. On the way home, the Individual was pulled over and, ultimately, arrested after he refused any field sobriety testing. *Id.* At the time of the hearing, the DWI charge was still pending, but the Individual’s criminal attorney had advised him that it was most likely that he would be placed in a pretrial diversion program. Tr. at 76. The Individual later stated that he had consumed more alcohol than normal the night of his arrest because it was a birthday celebration. Ex. 10 at 135.

As a result of his arrest, the Individual was evaluated to determine if he could remain certified in the DOE’s human reliability program (HRP). *Id.* at 137. The HRP Counselor who evaluated the Individual recommended that he participate in an eight-week intensive outpatient program (IOP), and then continue with ongoing support, either through the IOP’s aftercare program or a twelve-step program. Tr. at 23.

The Individual was evaluated by the DOE Psychologist in January 2026. Ex. 10 at 130. As part of his evaluation, the Individual underwent a Phosphatidylethanol (PEth) test⁴ on the same date. *Id.* at 138. 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 November 2025 DWI arrest. *Id.* at 134, 138; Ex. 8 at 55. The Individual told the DOE Psychologist that prior to his arrest, he would consume “unspecified quantities of alcohol about every three weeks.” Ex. 10 at 134. However, the DOE Psychologist was skeptical of this report because the Individual also reported that he regularly went to dinner with friends and colleagues where he would consume “a couple of beers” and because the HRP Counselor stated that it was his view that the Individual had described alcohol

⁴ “PEth levels in excess of 20 ng/mL are considered evidence of moderate to heavy ethanol consumption.” Ex. 10 at 152. “The PEth test can provide evidence of high alcohol consumption over approximately three or four weeks depending on the individual.” *Id.* at 138.

consumption as an important part of his weekly pool league. *Id.* at 135, 137. The DOE Psychologist and the HRP Counselor both viewed the Individual's descriptions of his alcohol consumption to be minimizing. *Id.* at 137.

After the Individual completed the evaluation, the DOE Psychologist issued a report in which he concluded that the Individual habitually consumed alcohol and engaged in binge consumption of alcohol. Ex. 10 at 139–40. In order for the Individual to show rehabilitation, the DOE Psychologist stated that the Individual should: (1) complete the IOP recommended by the HRP Counselor; (2) participate in Alcoholics Anonymous (AA) or some other kind of support group program; and (3) provide negative PEth tests every four weeks for a year. *Id.* at 140. The DOE Psychologist explained that the Individual should seek a sponsor in his support group and that he should try to attend three meetings a week for the first six months after completing his IOP and one to two meetings weekly thereafter. *Id.*

The Individual completed his IOP on March 11, 2026. Ex. G at 24 (certificate of completion for IOP). After completing the IOP, the Individual began attending aftercare through his IOP provider. Ex. H at 27 (insurance paperwork showing dates the Individual attended aftercare). The HRP Counselor, although he did not run the Individual's IOP, testified that the providers who were in charge of the Individual's program spoke very positively of the Individual's participation in the program and stated the Individual could be characterized as "compliant and responsive to recommendations." Tr. at 15. The Individual testified that one of the biggest things that he learned in the IOP was that in order to fix his alcohol-related problems, he needed to accept that there was a problem to begin with. *Id.* at 77. After completing the IOP, the Individual began attending aftercare twice a week and goes to an AA meeting if he cannot make both aftercare meetings. *Id.* at 65–66; *see also id.* at 13–14 (HRP Counselor confirming that the Individual has attended aftercare regularly from the week after completing the IOP until the day prior to the hearing and also stating that he considers the aftercare program "a support group"). The Individual testified that while he has attended some AA meetings, he feels uncomfortable at the meetings because they are very religious. *Id.* at 65. The Individual enjoys attending his aftercare meetings and intends to continue attending because he gets to share skills he has learned that helped him in the past and learn about new and different tools from other people in the aftercare group. *Id.* at 69–70.

To support his assertion that he had not consumed any alcohol since November 2025, the Individual provided six negative PEth tests, in addition to the one he underwent at the behest of the DOE Psychologist: March 3, 2026; April 2, 2026; May 15, 2026; June 10, 2026; July 9, 2026; and August 5, 2026. Ex. A; Ex. B; Ex. C; Ex D; Ex. E; Ex. F; Ex. N (PEth test results). Additionally, the HRP Counselor testified that, based on his experience treating people with alcohol problems and his experience with the Individual, he found the Individual's assertion that he had not consumed alcohol since the night of his DWI to be credible. Tr. at 21–22.

The Individual's wife testified that as far as she is aware, the last time the Individual consumed alcohol was the night of his November 2025 arrest. *Id.* at 39–40. She also stated that the Individual removed all of the alcohol from their house after his arrest. *Id.* at 31. She also testified that he has told her he does not intend to consume alcohol in the future. *Id.* at 38. The Individual's wife explained that she believes her husband when he says he will not consume alcohol because after his arrest he repeatedly apologized for letting their family down and promised he would do

everything he could to fix his mistake. *Id.* at 31. She said that the Individual is very stubborn and has extremely strong willpower, which will enable him to achieve his goal of not consuming alcohol. *Id.* at 34. The Individual's friend also testified that he believed the Individual would not consume alcohol in the future. *Id.* at 58. The friend explained that in the time since the Individual's DWI arrest, he had been to social events where the Individual would have consumed alcohol in the past, and the Individual had consumed iced tea instead of alcohol. *Id.* at 56, 60.

At the hearing, Individual testified that he does not plan to consume alcohol in the future because alcohol has never "really done anything good for [him]." *Id.* at 68. He also acknowledged that he had a problem with alcohol. *Id.* at 76. The Individual stated that while there have been periods in the past where he did not consume alcohol, he has never before purposefully refrained from drinking because he thought it was a problem. *Id.* at 68. The Individual also explained he has been working on new ways to do activities he enjoys without consuming alcohol. *Id.* at 77–78. For example, he is currently saving to buy himself a pool table so that he can play pool without being around people consuming alcohol. *Id.*; *see also id.* at 33 (the Individual's wife testifying that he no longer plays in his pool league). He has also been spending more time playing online video games with his friends who do not live near him as a social activity that does not involve drinking. *Id.* at 79.

At the hearing, the DOE Psychologist testified that he thought the Individual was "on his way" to being adequately rehabilitated, but he was not quite there. *Id.* at 87. He explained that his only remaining concern about the Individual was the insufficient amount of time he had abstained from alcohol consumption and that he felt the Individual had otherwise complied with all of his recommendations. *Id.* at 89. Based on the Individual's documentary evidence and the testimony of the HRP Counselor, the DOE Psychologist stated that he believed the Individual's progress in treatment was "on the high end of satisfactory." *Id.* at 89.

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.

The Individual has resolved the security concerns pursuant to mitigating condition (c). At the time of the hearing, the Individual was participating in the aftercare program that was recommended as follow on treatment from his IOP. The HRP Counselor described the Individual as compliant with the treatment program and responsive to suggestions from providers. The DOE Psychologist testified that he believed based on the hearing testimony and other evidence that the Individual was making good progress in this treatment program. Further, the Individual provided seven months of negative PETH tests to show that he has not been consuming alcohol. His wife also testified that she has not seen him consume alcohol since his arrest and that she believes he will not consume alcohol in the future. Next, there is no indication that the Individual has a previous history of treatment and relapse.

Additionally, the Individual has clearly taken many steps to modify his behavior that will enable him to successfully abstain from consuming alcohol. *See* 10 C.F.R. § 710.7(c) (indicating DOE officials should consider “pertinent behavioral changes” in determining access authorization). First, he and his wife both testified that he has stopped attending the weekly pool league where he was consuming alcohol prior to his November 2025 arrest. They both also explained that he is saving money to buy his own pool table, so that he can enjoy his hobby without being around people who are consuming alcohol. The Individual’s friend testified that he has seen the Individual successfully navigate social events where he would have consumed alcohol in the past without alcohol as well. Finally, I found the Individual’s wife’s testimony about her husband’s determination to remain sober and fix his past mistakes to be compelling and consistent with the methodical preparation he displayed prior to and during his hearing.

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