

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

In the Matter of: Personnel Security Hearing)
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Filing Date: April 1, 2026)
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Case No.: PSH-26-0089

Issued: August 28, 2026

Administrative Judge Decision

Kristin L. Martin, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXXXXXXX (hereinafter referred to as “the Individual”) for access authorization under the Department of Energy’s (DOE) regulations set forth at 10 C.F.R. Part 710, entitled, “Procedures for Determining Eligibility for Access to Classified Matter and Special Nuclear Material or Eligibility to Hold a Sensitive Position.”¹ For the reasons set forth below, I conclude that the Individual’s security clearance should not be restored.

I. BACKGROUND

The Individual is employed by a DOE Contractor in a position which requires that he hold a security clearance. Derogatory information was discovered regarding the Individual’s alcohol consumption and personal conduct. The Local Security Office (LSO) began the present administrative review proceeding by issuing a Notification Letter to the Individual informing him that he was entitled to a hearing before an Administrative Judge in order to resolve the substantial doubt regarding his eligibility to continue holding a security clearance. *See* 10 C.F.R. § 710.21.

The Individual requested a hearing and the LSO forwarded the Individual’s request to the Office of Hearings and Appeals (OHA). The Director of OHA appointed me as the Administrative Judge in this matter. At the hearing I convened pursuant to 10 C.F.R. § 710.25(d), (e), and (g), the Individual testified on his own behalf. *See* Transcript of Hearing, OHA Case No. PSH-26-0089 (hereinafter cited as “Tr.”). The LSO presented the testimony of the DOE consultant psychologist (the Psychologist) who had evaluated the Individual. *Id.* The LSO submitted twelve exhibits, marked as Exhibits 1 through 12 (hereinafter cited as “Ex.”). The Individual submitted three exhibits, marked as Exhibits A through C.

¹ Under the regulations, “[a]ccess authorization’ means 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). Such authorization will also be referred to in this Decision as a security clearance.

II. THE NOTIFICATION LETTER AND THE ASSOCIATED SECURITY CONCERNS

As indicated above, the Notification Letter informed the Individual that information in the possession of the DOE created a substantial doubt concerning his eligibility for a security clearance. That information pertains to Guidelines G and E of the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position*, effective June 8, 2017 (Adjudicative Guidelines). These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with the factors listed in the adjudicative process. 10 C.F.R. § 710.7.

Guideline E states that “[c]onduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual’s reliability, trustworthiness, and ability to protect classified or sensitive information. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes.” Adjudicative Guidelines at ¶ 15. Conditions that could raise a security concern include:

- (a) Deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine national security eligibility or trustworthiness, or award fiduciary responsibilities;
- (b) Deliberately providing false or misleading information; or concealing or omitting information, concerning relevant facts to an employer, investigator, security official, competent medical or mental health professional involved in making a recommendation relevant to a national security eligibility determination, or other official government representative;
- (c) Credible adverse information in several adjudicative issue areas that is not sufficient for an adverse determination under any other single guideline, but which, when considered as a whole, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information;
- (d) Credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information. This includes, but is not limited to, consideration of:

- (1) Untrustworthy or unreliable behavior to include breach of client confidentiality, release of proprietary information, unauthorized release of sensitive corporate or government protected information;
 - (2) Any disruptive, violent, or other inappropriate behavior;
 - (3) A pattern of dishonesty or rule violations; and
 - (4) Evidence of significant misuse of Government or other employer's time or resources;
- (e) Personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress by a foreign intelligence entity or other individual or group. Such conduct includes:
- (1) Engaging in activities which, if known, could affect the person's personal, professional, or community standing;
 - (2) While in another country, engaging in any activity that is illegal in that country;
 - (3) While in another country, engaging in any activity that, while legal there, is illegal in the United States;
- (f) Violation of a written or recorded commitment made by the individual to the employer as a condition of employment; and
- (g) Association with persons involved in criminal activity.

Id. at ¶ 16.

Guideline G states that “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:

- (a) Alcohol-related incidents away from work, such as driving while under the influence, fighting, child or spouse abuse, disturbing the peace, or other incidents of concern, regardless of the frequency of the individual's alcohol use or whether the individual has been diagnosed with alcohol use disorder;
- (b) Alcohol-related incidents at work, such as reporting for work or duty in an intoxicated or impaired condition, drinking on the job, or jeopardizing the welfare and safety of others, regardless of whether the individual is diagnosed with alcohol use disorder;
- (c) Habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed with alcohol use disorder;

- (d) Diagnosis by a duly qualified medical or mental health professional (*e.g.*, physician, clinical psychologist, psychiatrist, or licensed clinical social worker) of alcohol use disorder;
- (e) The failure to follow treatment advice once diagnosed;
- (f) Alcohol consumption, which is not in accordance with treatment recommendations, after a diagnosis of alcohol use disorder; and
- (g) Failure to follow any court order regarding alcohol education, evaluation, treatment, or abstinence.

Id. at ¶ 22.

The LSO alleges that:

- In July 2025, the Individual underwent random drug and alcohol testing at work, which revealed that he had a Blood Alcohol Content (BAC) of .034%. His car was searched and about six empty beer cans were found in the trunk. (Guideline G)
- The Psychologist evaluated the Individual in November 2025 and concluded that he habitually or binge consumed alcohol to the point of impaired judgment. She also concluded that the Individual had not demonstrated adequate evidence of rehabilitation or reformation. (Guideline G)
- The Individual underwent a Phosphatidylethanol (PEth)² test a few days after his psychological evaluation. The test returned a positive result indicative of heavy alcohol use that was inconsistent with what he previously reported to the Psychologist (two to four beers approximately twice per week) and the LSO (four beers two to three times weekly). (Guideline E)³
- In his July 2025 response to a Letter of Interrogatory (LOI), the Individual answered “No” when asked if he had ever reported to work under the influence of alcohol, despite having had a BAC of .034% at work earlier that month. (Guideline E)

Ex. 3 at 13–15.⁴ The allegations implicate concerning conditions (b) and (c) of Guideline G and concerning condition (b) of Guideline E. Accordingly, the LSO’s security concerns under Guidelines G and E are justified.

² A PEth test measures a blood sample for levels of an alcohol byproduct. *Direct Ethanol Biomarker Testing: PETH*, Mayo Clinic Laboratories, <https://news.mayocliniclabs.com/2022/09/13/direct-ethanol-biomarker-testing-peth-test-in-focus/> (last visited August 27, 2026).

³ The LSO also cited the positive PEth test as presenting a security concern under Guideline G. Ex. 3 at 13. While the positive PEth test will be considered insofar as it informed the Psychologist’s opinion, it does not, in and of itself, present a security concern under Guideline G.

⁴ DOE exhibits will be cited using the combined 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 of 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 entire process is a conscientious scrutiny of a number of variables known as the "whole person concept." Adjudicative Guidelines at ¶ 2(a). The protection of the national security is the paramount consideration. The regulatory standard implies that there is a presumption against granting or restoring a security clearance. *See Department of Navy v. Egan*, 484 U.S. 518, 531 (1988) ("clearly consistent with the national interest" standard for granting security clearances indicates "that security determinations should err, if they must, on the side of denials"); *Dorfmont v. Brown*, 913 F.2d 1399, 1403 (9th Cir. 1990) (strong presumption against the issuance of a security clearance).

The Individual must come forward at the hearing with evidence to convince the DOE that granting or restoring access authorization "will not endanger the common defense and security and will be clearly consistent with the national interest." 10 C.F.R. § 710.27(d). The Individual is afforded a full opportunity to present evidence supporting his eligibility for an access authorization. The Part 710 regulations are drafted so as to permit the introduction of a very broad range of evidence at personnel security hearings. Even appropriate hearsay evidence may be admitted. *Id.* at § 710.26(h). Hence, an individual is afforded the utmost latitude in the presentation of evidence to mitigate the security concerns at issue.

The discussion below reflects my application of these factors to the testimony and exhibits presented by both sides in this case.

IV. FINDINGS OF FACT

A. The Precipitating Incident and Response

The Individual first consumed alcohol in late adolescence and began drinking regularly at approximately age twenty-five. Ex. 6 at 87. He generally drank at home, often while gaming online with friends, and testified that before July 2025 alcohol had not caused criminal, financial, family, or employment problems and that no friend or family member had expressed concern about his drinking. Tr. at 17–19.

In approximately late June or early July 2025, the Individual began taking Retatrutide, a non-FDA-approved GLP-1 peptide that he purchased online. Tr. at 21–22. He injected the substance without a prescription and without first consulting a physician about whether he should take it. *Id.* at 22–24. The Individual believed Retatrutide delayed gastric emptying, and he later attributed the residual alcohol detected in his system at work on July 10, 2025, at least in part, to the drug. *Id.* at 27.

On the evening of July 9, 2025, the Individual drank a six-pack of beer while cooking at home, beginning at approximately 5:30 p.m. and finishing by approximately 10:00 p.m. Tr. at 19–20. He testified that the beers were IPAs with an alcohol content of approximately 6.2 to 6.5 percent. *Id.* at 103. The next morning, the Individual felt normal, did not have a hangover, and did not believe that alcohol remained in his system. *Id.* at 20. At approximately 10:20 a.m. on July 10, 2025, he underwent a random workplace alcohol and drug screening; the alcohol screening indicated that the Individual had a BAC of .034 at the time of testing. Ex. 10 at 110; Tr. at 102. The Individual's employer placed him on a site access restriction, and a search of his vehicle located approximately six empty beer cans in the trunk. Ex. 10 at 110. The Individual testified that those cans were trash he had collected from a disc golf course about a year prior and that he had not consumed the beer in those cans. Tr. at 47–49.

The Individual stopped drinking for approximately two weeks after the July 10 incident. Tr. at 59–60. On July 14, 2025, he underwent an occupational medical evaluation that did not reveal signs of alcohol or drug dependence. Ex. 7 at 99. On July 22, 2025, an independent substance abuse expert evaluated the Individual and concluded that he did not present evidence of clinical substance abuse and did not require substance abuse treatment or education. *Id.* at 101. However, on July 23, 2025, an occupational medicine physician affiliated with the Individual's employer recommended that the Individual complete an eight-hour drug and alcohol awareness class. *Id.* at 99. The Individual returned to alcohol consumption around this time. Tr. at 59–60.

On July 25, 2025, the Individual responded to an LOI concerning the workplace incident and his alcohol use. Ex. 8. He reported that, for approximately twelve to thirteen years, he had typically consumed four beers at home two or three times per week. *Id.* at 103. He reported that he consumed enough alcohol to exceed a .08 BAC approximately four or five times per year and drank to what he characterized as “intoxication” approximately one or two times per year. *Id.* He also answered “No” when asked whether he had ever reported to work with a hangover or under the influence of alcohol, or consumed alcohol during the workday. *Id.* at 103, 105. As discussed *infra*, the Individual testified that he intended this response to mean that he had not engaged in this behavior other than in connection with the July 10, 2025, incident. *See infra* p. 8.

The Individual completed the recommended eight-hour drug and alcohol awareness class on July 31, 2025. Ex. 7 at 102. In August 2025 his employer authorized him to return to work and placed him in a more rigorous follow-up testing protocol. *Id.* at 98–100. The Individual testified he underwent a breathalyzer test every three to four weeks until his clearance was suspended in March 2026 and that each test returned a negative result. Tr. at 26–27, 45–46. However, he had not obtained copies of those test results by the time of the hearing. *Id.* at 43–46.

The Psychologist evaluated the Individual on November 20, 2025. Ex. 6 at 85. During the evaluation, the Individual reported that he currently consumed alcohol about twice per week, typically two to four beers per occasion. *Id.* at 87. He also estimated that he engaged in binge drinking (defined by the Psychologist as five or more drinks on one occasion) two or three times per year. *Id.* The Individual told the Psychologist he generally drank on Saturdays and Sundays and had recently been drinking less, sometimes only one or two beers on an occasion. Tr. at 74–77. The Individual also reported that he abstained from alcohol for “a couple of months a year” in order to “detox.” Ex. 6 at 87.

Laboratory testing for alcohol the Individual underwent in connection with the psychological evaluation, approximately one week after the clinical interview with the Psychologist, produced a negative urine test result⁵ but a positive PEth result of 286 ng/mL, a level associated with heavy drinking according to a medical doctor who reviewed the results of the laboratory testing. Ex. 1 at 3–4. The medical doctor opined that the laboratory testing showed that the Individual had not consumed alcohol for approximately three to four days prior to the testing but had engaged in heavy or binge drinking in the prior two to four weeks. *Id.* at 6. In her December 2025 report, the Psychologist concluded that the Individual did not meet sufficient diagnostic criteria for a diagnosis of Alcohol Use Disorder. Ex. 6 at 92. She noted, however, that the PEth result was higher than would be expected given the drinking pattern the Individual had reported to her; she believed the Individual had been underreporting or minimizing his recent intake. *Id.* She further concluded that, based on the Individual’s admitted binge drinking and the elevated PEth result, the Individual engaged in intermittent binge drinking that would be expected to impair judgment during or shortly after binge episodes. *Id.* The Psychologist characterized the Individual’s prognosis as “generally favorable” due to his “stable functioning, absence of prior alcohol-related consequences, and ability to abstain for months without difficulty,” but concluded that he had not yet demonstrated adequate rehabilitation or reformation. *Id.* at 93. She recommended that he adopt low-risk drinking limits or abstinence with no binge episodes; undergo random alcohol monitoring, including PEth testing, for at least twelve months; and complete approximately six to twelve sessions of outpatient substance-focused counseling over three to six months. *Id.* She opined that successful adherence to those recommendations for twelve months would constitute adequate evidence of rehabilitation or reformation. *Id.*

On March 23, 2026, the Individual requested a hearing before an Administrative Judge. Ex. 2 at 8. In his request he wrote:

- I have immediately ceased all alcohol consumption and am actively pursuing rehabilitation to demonstrate sustained abstinence, insight, and low risk of recurrence.
- To build a strong, objective mitigation record, I need additional time to:
 - Complete relevant outpatient substance-focused counseling and education programs targeting risk awareness, relapse prevention, and education on alcohol's effects through free/low-cost SAMHSA-referred resources.
 - Obtain and document a series of negative PEth blood tests (scheduled monthly or as recommended) to objectively prove abstinence.

Id. The hearing was held on July 21, 2026. Tr. at 1.

B. The Hearing

⁵ The urine test measured alcohol consumption in the forty-eight to seventy-two hours prior to the test, while the PEth test measured alcohol consumption in the two to four weeks prior to the test. Tr. at 75–76.

i. *The Individual's Testimony*

The Individual testified that he abstained from alcohol from January through March 2026. Tr. at 29–30, 34. He received the Psychologist's report with the Notification Letter on March 5, 2026, and reviewed the report at that time. *Id.* at 32. He testified that he did not complete the outpatient substance-focused counseling recommended in the report, stating "[t]hat's something I believe I do not need." *Id.* at 55–56. He also testified that he did not know the definition of low-risk drinking and did not investigate the meaning of that recommendation after reading the report because he "assumed it was just like a glass of wine." *Id.* at 60–62. In April 2026, the Individual resumed consuming alcohol. *Id.* at 30, 34–35. He testified that from April forward he generally limited his drinking to weekends and, by the time of the hearing, was consuming one or two beers with dinner on approximately two weekends per month. *Id.* at 30–31, 35, 62.

The Individual submitted into evidence the results of a PEth test he underwent on July 13, 2026, which was negative. Ex. B at 1. The Individual testified that the test was intended to show that he had been drinking little to no alcohol and not that he intended to remain abstinent. Tr. at 62–63. He testified that he intended to continue consuming one or two drinks on weekends. *Id.* at 62.

The Individual directly addressed his July 2025 LOI answer denying that he had ever reported to work with a hangover or under the influence of alcohol. Tr. at 63–64. He testified that he intended that answer to incorporate the phrase "other than this instance" from his response to the immediately preceding question and that he did not intend to conceal the July 10 workplace event because he assumed DOE already knew about it. *Id.* The Individual also testified that his usual drinking pattern before 2026 had actually been approximately four beers four or five times per week. Tr. at 16–17, 40–43. He explained the difference between that testimony and the lower frequency he had reported during the November 2025 psychological evaluation by stating that he believed the Psychologist had been asking about his drinking during the immediately preceding week. *Id.* at 16–17, 32–33. He also testified that in the days between his psychological evaluation and the PEth test, he "drank a few more times a week than usual" because he "had to go to three dinner parties." *Id.* at 28–29.

ii. *The Psychologist's Testimony*

The Psychologist testified that the Individual's hearing account of approximately four beers four or five times per week could potentially explain the November 2025 PEth result. *Id.* at 78–79. After reviewing her notes, however, she testified that she did not believe the Individual had understood her question during the evaluation to concern only the immediately preceding week. *Id.* at 120–22. The Psychologist could not determine whether any minimization was intentional, but she identified the variability in the Individual's accounts as her primary concern. *Id.* at 98, 120–21. Regarding whether a GLP-1 drug could plausibly affect a breathalyzer result if alcohol absorption or metabolism were slowed, she stated, "I don't know of any evidence that supports that either, specifically, but from a physiological perspective, it's plausible," but not proven or testable as far as she was aware. *Id.* at 84.

The Psychologist considered the Individual's reported three months of abstinence, if accurate, a positive indication that he could control or moderate his drinking, but she noted that the claimed

abstinence had not been independently verified. *Id.* at 79, 88. She testified that serial PEth testing would be especially helpful because a single negative PEth test provides objective evidence only for one discrete period of time. *Id.* at 90, 111–12. She testified that she was not clear on the Individual’s current or past levels of alcohol use and could not provide a favorable prognosis. *Id.* at 85–87, 115. The Psychologist also concluded that the Individual had not demonstrated adequate evidence of rehabilitation. *Id.* at 122. She testified that she maintained previous recommendations for showing rehabilitation. *Id.* at 85.

V. ANALYSIS

A person who seeks access to classified information enters into a fiduciary relationship with the government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The government places a high degree of trust and confidence in individuals to whom it grants access authorization. Decisions include, by necessity, consideration of the possible risk that the applicant may deliberately or inadvertently fail to protect or safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified information.

The issue before me is whether the Individual, at the time of the hearing, presents an unacceptable risk to national security and the common defense. I must consider all the evidence, both favorable and unfavorable, in a commonsense manner. “Any doubt concerning personnel being considered for access for national security eligibility will be resolved in favor of the national security.” Adjudicative Guidelines at ¶ 2(b). In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record. Because of the strong presumption against granting or restoring security clearances, I must deny access authorization if I am not convinced that the LSO’s security concerns have been mitigated such that restoring the Individual’s clearance is not an unacceptable risk to national security.

A. Guideline G

Conditions that may mitigate Guideline G concerns 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; or
- (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. None of the mitigating conditions apply.

The Individual's alcohol misuse appears to have occurred over an extended period of time under ordinary circumstances, rather than infrequently or under unusual circumstances, and I cannot conclude how much time has passed, if any, since he stopped misusing alcohol. There is no evidence to corroborate his claims of recent sobriety followed by moderate alcohol consumption apart from a single PEth test result. Compounding the problem, the Individual did not pursue the Psychologist's treatment recommendations, forgoing ongoing monitoring of his drinking and eschewing substance abuse counseling. I cannot discern whether the Individual is no longer binge drinking or whether he has taken steps to resolve his maladaptive drinking. Moreover, the Individual stated to the LSO in March 2026 that he was pursuing rehabilitation shortly before he resumed alcohol consumption. It is difficult to trust that he can maintain a moderate drinking pattern given this history. Thus, I conclude that any behavioral change or passage of time since the Individual stopped misusing alcohol is too minimal to demonstrate that his alcohol misuse will not recur, and the LSO's security concerns continue to cast doubt on his judgment, reliability, and trustworthiness. I cannot find that condition (a) applies. The Individual has not acknowledged his maladaptive alcohol use, instead denying that he needs treatment recommended by the Psychologist, has taken few actions to overcome his problem, and has not demonstrated his modified alcohol consumption through evidence. Condition (b) also does not apply. The Individual has declined to attend treatment and, therefore, conditions (c) and (d) cannot apply. Accordingly, I find that the Individual has not mitigated the Guideline G security concerns.

B. Guideline E

Conditions that could mitigate Guideline E concerns include:

- (a) The individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;
- (b) The refusal or failure to cooperate, omission, or concealment was caused or significantly contributed to by advice of legal counsel or of a person with professional responsibilities for advising or instructing the individual specifically concerning security processes. Upon being made aware of the requirement to cooperate or provide the information, the individual cooperated fully and truthfully;
- (c) The offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;
- (d) The individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors,

circumstances, or factors that contributed to untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur;

- (e) The individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress;
- (f) The information was unsubstantiated or from a source of questionable reliability; and
- (g) Association with persons involved in criminal activities was unwitting, has ceased, or occurs under circumstances that do not cast doubt upon the individual's reliability, trustworthiness, judgment, or willingness to comply with rules and regulations.

Adjudicative Guidelines at ¶ 17. Mitigating condition (c) applies in part.

As an initial matter, I address the allegation that the Individual falsified his response on the July 2025 LOI. It is entirely plausible that the Individual assumed he was being asked if he had ever been under the influence at work other than on the day of the positive breathalyzer test that precipitated the LOI because the LSO's knowledge of his positive alcohol test at work was the very reason he was sent the LOI. The Individual has not tried to hide the incident, and I find his explanation for the omission sufficient such that it does not now cast doubt on his judgment, trustworthiness, and reliability. Mitigating condition (c) applies to this allegation.

However, the Individual's explanation for the discrepancy in his accounts of his alcohol consumption prior to his evaluation by the Psychologist was not convincing or supported by the testimony of the Psychologist. He did not attempt to correct the record or acknowledge that his conflicting accounts were misleading. At the hearing, he attempted to justify one of the discrepancies by stating that he thought the Psychologist's question had been about the prior week only, but the Psychologist's contemporaneous notes indicated that this was not the case. He was not able to reconcile his reported alcohol consumption—even with the dinner parties added after the fact—with his high PEth score. Moreover, considering his negative urine test, which showed that he had not consumed alcohol for several days prior to the test, the truthfulness of his claim at the hearing to have consumed more alcohol than normal between the clinical interview and the laboratory testing was highly dubious. His refusal to admit to misleading behavior while being unable to provide a satisfactory alternative explanation indicates that the Individual's personal conduct has not improved such that he has resolved doubts regarding his judgment, trustworthiness, and reliability. Accordingly, I find that the Individual has not mitigated the Guideline E concerns.

VI. CONCLUSION

Upon consideration of the entire record in this case, I find that there was evidence that raised concerns regarding the Individual's eligibility for access authorization under Guidelines E and G of the Adjudicative Guidelines. I further find that the Individual has not succeeded in fully resolving those concerns. Therefore, I cannot conclude that restoring DOE access authorization to the Individual "will not endanger the common defense and security and is clearly consistent with

the national interest.” 10 C.F.R. § 710.7(a). Accordingly, I find that the DOE should not restore access authorization to the Individual.

This Decision may be appealed in accordance with the procedures set forth at 10 C.F.R. § 710.28.

Kristin L. Martin
Administrative Judge
Office of Hearings and Appeals