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United States Department of Energy
Office of Hearings and Appeals

In the Matter of: Personnel Security Hearing
Filing Date: April 16, 2026

Case No.: PSH-26-0098

Issued: August 4, 2026

Administrative Judge Decision

James P. Thompson III, 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 not be restored.

I. BACKGROUND

The Individual is employed by a DOE contractor in a position that requires a security clearance. In July 2025, the Individual informed the DOE Local Security Office (LSO) that he had been arrested and charged with Driving Under the Influence (DUI) after crashing his vehicle and leaving the scene. Exhibit (Ex.) 10 at 196.² Thereafter, the LSO received additional information regarding the Individual's alcohol use, including information he provided in response to a Letter of Interrogatory (LOI) and during an evaluation conducted at the LSO's request by a DOE consultant-psychologist (DOE Psychologist). Ex. 9; Ex. 8. Based on the information gathered by the LSO, including the DOE Psychologist's report (Report), the LSO informed the Individual by letter (Notification Letter) that it possessed reliable information that created substantial doubt regarding his eligibility to possess a security clearance. Ex. 2. In an attachment to the Notification Letter,

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 LSO exhibits are to the exhibit number and the page number of the combined .pdf of the exhibit book.

entitled Summary of Security Concerns (SSC), the LSO explained that the derogatory information raised security concerns under Guideline E, Guideline G, and Guideline J of the Adjudicative Guidelines. *Id.*

The Individual exercised his right to request an administrative review hearing pursuant to 10 C.F.R. Part 710. The Director of the Office of Hearings and Appeals (OHA) appointed me as the Administrative Judge in this matter, and I subsequently conducted an administrative review hearing on June 15, 2026. Transcript of Hearing, OHA Case No. PSH-26-0098 (Tr.) at 1. At the hearing, the Individual testified on his own behalf and presented the testimony of his work foreman. *Id.* at 11, 31. The LSO presented the testimony of the DOE Psychologist. *Id.* at 82. The LSO submitted thirteen exhibits, marked Exhibits 1 through 13. The Individual did not submit any exhibits.

II. THE NOTIFICATION LETTER AND THE ASSOCIATED SECURITY CONCERNS

As indicated above, the LSO cited Guideline E (Personal Conduct), Guideline G (Alcohol Consumption), and Guideline J (Criminal Conduct) of the Adjudicative Guidelines as the bases for concern regarding the Individual's eligibility to possess a security clearance. Ex. 2 at 9–13.

Guideline E provides 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.” Adjudicative Guidelines at ¶ 15. “Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes.” *Id.* The SSC cited that the Individual deliberately provided false information in his LOI and to the DOE Psychologist regarding the frequency and amount of his alcohol consumption, including that he does not consume alcohol to the point of intoxication. Ex. 2 at 12–13. The LSO’s allegations that the Individual deliberately provided false information on a form used to determine national security eligibility and to a competent mental health professional involved in making a recommendation relevant to a national security eligibility determination justify the LSO’s invocation of Guideline E. Adjudicative Guidelines at ¶ 16(a)–(b).

Guideline G provides that “[e]xcessive alcohol consumption often leads to the exercise of questionable judgment or the failure to control impulses, and can raise questions about an individual’s reliability and trustworthiness.” *Id.* at ¶ 21. The SSC cited that the Individual had been arrested and charged with DUI³ in July 2025 after crashing his vehicle; he was currently serving probation for the 2025 DUI; the DOE Psychologist concluded the Individual met sufficient *Diagnostic and Statistical Manual of Mental Disorders, 5th Edition, Text Revision*, criteria for a diagnosis of alcohol use disorder (AUD), moderate, and habitually used alcohol to impairment; the Individual was arrested and charged with DUI in 1998 after crashing into a telephone pole; the Individual was cited for public drunkenness and open container in 1996; and he was cited for disorderly conduct and underage drinking in 1991. Ex. 2 at 9–11. The LSO’s allegations that the Individual’s alcohol-related incidents away from work, habitual consumption of alcohol to the point of impaired judgment, and diagnosis by a duly qualified mental health professional of AUD

³ The SSC mistakenly identified the charge as DWI.

demonstrate excessive alcohol consumption justify the LSO's invocation of Guideline G. Adjudicative Guidelines at ¶ 22(a), (c)–(d).

Guideline J provides that “[c]riminal activity creates doubt about a person’s judgment, reliability, and trustworthiness.” *Id.* at ¶ 30. “By its very nature, it calls into question a person’s ability or willingness to comply with laws, rules, and regulations.” *Id.* The SSC cited the above information related to arrests and citations recited under Guideline G, including that the Individual began consuming alcohol as a minor. Ex. 2 at 11–12. The LSO’s allegation that the Individual engaged in criminal conduct on several occasions over the years which creates doubt about his judgment, reliability, and trustworthiness justifies the LSO’s invocation of Guideline J. Adjudicative Guidelines at ¶ 31(a), (c).

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 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 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.* § 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

The Individual first consumed alcohol at the age of fifteen and started regularly consuming it in his twenties. Tr. at 70. In 1991, the Individual was charged with disorderly conduct and underage drinking after being pulled over by a police officer while leaving a party where he had consumed alcohol. Ex. 4 at 134. Although he failed the field sobriety tests (FSTs) administered by the officer, the Individual was not charged with DUI. *Id.*; Tr. at 63. In 1996, the Individual was cited for public drunkenness after he exited a bar with an open container of alcohol in his hands. Ex. 4 at 135.

In 1998, he was charged with DUI after consuming alcohol and operating his motor vehicle. *Id.* at 134. He crashed into a telephone pole attempting a turn and overturned his vehicle. *Id.*; Tr. at 61. Police arrived and administered FSTs, which the Individual failed. Ex. 4 at 135. The Individual pled guilty to the DUI charge. *Id.* at 134.

Most recently, in July 2025, the Individual was again charged with DUI after consuming alcohol, choosing to drive, and subsequently crashing and overturning his vehicle. Ex. 10 at 196. Following the crash, he exited the vehicle and decided to walk the two miles home instead of calling for emergency assistance or help to remove his vehicle. *Id.* Police later arrived at his home and arrested him. *Id.* After his arrest, his blood was drawn by law enforcement to determine his blood alcohol concentration (BAC). Tr. at 47, 53. When he initially notified security personnel regarding his DUI, he stated he only had three beers prior to driving. Ex. 10 at 196 (Incident Report). A few days later, in his response to the LOI, he claimed that he continued drinking alcohol between the time he arrived home from the crash and the time the police arrived by consuming two beers and two shots of alcohol over approximately one hour. Ex. 9 at 179, 183; Tr. at 50–52, 54. He also reported that the results of his blood test indicated that his BAC was .19. Ex. 9 at 174; *see also* Tr. at 47 (confirming the BAC result). And he reported, at the time, that he did not consume alcohol to the point of intoxication. Ex. 9 at 184; *see also* Ex. 10 at 196 (reporting to security personnel the same). At the hearing, he testified that he was not intoxicated when he overturned his vehicle. Tr. at 79.

The DOE Psychologist evaluated the Individual on November 18, 2025. Ex. 8 at 158. During the evaluation, the Individual reported that his typical rate of alcohol consumption was two beers and one shot of alcohol three times per week. *Id.* at 159–60. The DOE Psychologist had the Individual undergo clinical testing for alcohol use that included a Phosphatidylethanol (PEth)⁴ test and an Ethyl Glucuronide (ETG)⁵ test. *Id.* at 165, 168. The test results indicated that the Individual had been consuming more alcohol in the month preceding the evaluation than he had reported. *Id.* at 164; *see* Ex. 1 at 3 (Medical Interpretation of the Individual’s PEth test result of 829 ng/mL, which a physician concluded indicates “heavy or binge drinking in the two to four weeks prior to the test”). After reviewing the Individual’s past alcohol-related criminal conduct in addition to his reported alcohol consumption and alcohol test results, the DOE Psychologist concluded that the Individual demonstrated “recurrent use [of alcohol] in physically hazardous situations” that resulted in legal and other negative consequences and tolerance to the effects of alcohol. Ex. 8 at 165. Consequently, the DOE Psychologist concluded the Individual met sufficient criteria for a diagnosis of AUD, moderate, and habitually consumed alcohol to the level of impaired judgment. *Id.* Her prognosis at the time was “guarded.” *Id.* at 166.

The DOE Psychologist opined that the Individual could demonstrate adequate evidence of rehabilitation or reformation of AUD in six to twelve months by abstaining from alcohol and demonstrating improved insight or engaging in “clinically verified low-risk consumption paired with demonstrated insight”; participating in alcohol-focused treatment (*e.g.*, outpatient substance

⁴ The presence of the biomarker PEth can be used to determine recent alcohol consumption in the two to four weeks prior to the test. Ex. 1 at 3.

⁵ ETG is another biomarker of ethyl alcohol that can be detected for up to four days. Ex. 12 at 214.

use counseling or relapse-prevention programing); and undergoing random clinical testing for alcohol use. *Id.* at 166–67.

The Individual testified that after he read the Report in December 2025, he thought the DOE Psychologist’s recommendations were “good ideas” but unnecessary to mitigate the concerns related to his alcohol consumption. Tr. at 40. He “didn’t think there was anything wrong with having a beer or two after work.” *Id.* at 33. He did not attend any outpatient counseling or relapse-prevention programing, for example, Alcoholics Anonymous (AA), because he did not think it would be effective for him. *Id.* at 41. He also decided not to undergo any alcohol testing that would have provided results ahead of the hearing. *Id.* at 42. He confirmed that he “must have been drinking more than [he] thought [he was]” to explain the discrepancy between the level of consumption he reported to the DOE Psychologist during the evaluation as compared to the PEth test result. *Id.* at 48–49. The Individual then testified that he had been consuming twice as much alcohol as he disclosed to the DOE Psychologist during the evaluation; he testified that he had been consuming six alcoholic beverages a night on the weekends and three alcoholic beverages each weekday. *Id.* at 55–57.

The Individual also testified he decided to stop consuming alcohol in April 2026 to retain his clearance and job. *Id.* at 33, 38; *see id.* at 19, 33 (providing April 17, 2026, as his sobriety date). However, there is no evidence to corroborate this claim, and he admitted that he still kept alcohol in his home. *Id.* at 34 (testifying “I left a bottle in the freezer just to see if I could look at it and say, you know what, I’m not doing any of that . . .”). He acknowledged exercising bad judgment when he decided to drive his vehicle after consuming alcohol in 2025, but he blamed the crash on low tire pressure and believed the result could have occurred even if he had not consumed alcohol. *Id.* at 36. He also acknowledged a history of habitually consuming alcohol to the point of impaired judgment. *Id.* at 47–48. Nevertheless, he maintained that he has never had a problem or negative relationship with alcohol. *Id.* at 36, 74.

He testified that he pled guilty to resolve the 2025 DUI and is currently serving a year of probation that requires him to soon undergo a psychological evaluation and participate in alcohol-related counseling.⁶ *Id.* at 43, 45–46, 74.

At the hearing, the DOE Psychologist opined, after considering the Individual’s testimony, that the Individual’s prognosis remained “guarded to cautiously favorable.” *Id.* at 103. She explained that the Individual’s claimed short period of successful abstinence and “developed insight” regarding his alcohol use were outweighed by several risk factors, including his decision to keep alcohol in the home and his failure to participate in any treatment program or support group such as AA. *Id.* at 102–03, 105. The DOE Psychologist concluded that the brief period of abstinence the Individual claimed provided little confidence that the Individual would maintain sobriety and that the Individual would still benefit from treatment. *Id.* at 102, 107.

⁶ The Individual referred to these as conditions of his “parole,” however I conclude that he instead meant probation given that there no indication that he was incarcerated. *See* Tr. at 43.

V. ANALYSIS

A. Guideline E Considerations

Conditions that could mitigate security concerns under Guideline E 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.

I find that none of the above mitigating factors apply to resolve the Guideline E security concerns. There is no evidence in the record that the Individual corrected the inaccurate information he provided to the DOE Psychologist or in his written responses to the LOI prior to being confronted with the objective results of the clinical testing and his high level of intoxication after his most recent DUI. Thus, the first mitigating condition is inapplicable. *Id.* at ¶17(a).

The second mitigating condition is irrelevant because the Individual did not allege that he relied on the advice of counsel or another representative in responding to questions from the LSO or DOE Psychologist. *Id.* at ¶ 17(b).

Regarding the third mitigating condition, the Individual's misrepresentations are not minor given they demonstrate the Individual repeatedly providing inaccurate information relevant to determining national security eligibility. In addition, I cannot find that so much time has passed since he made the misrepresentations. At the hearing, he continued to maintain that he was not intoxicated when he operated his vehicle on the night he overturned it despite having a BAC of .19. That position demonstrates an unresolved propensity to provide dubious information given that it is contradicted by the clinical test results and the fact he crashed his vehicle, both of which provide evidence he was unable to control it due to being intoxicated. *See* 10 C.F.R. § 710.7(c) (requiring consideration of, among other things, the "frequency and recency of the conduct" and "the likelihood of continuation or recurrence"). Consequently, I find that the third mitigating condition is inapplicable. Adjudicative Guidelines at ¶ 17(c).

The fourth mitigating condition is inapplicable. Although the Individual acknowledged that he may have underreported his alcohol consumption because he was consuming more than he realized, he did not pursue counseling related to the behavior and continued at the hearing to provide dubious information regarding his alcohol use. *Id.* at ¶ 17(d).

The fifth mitigating condition is irrelevant to the facts of this case because the LSO did not allege that the Individual engaged in conduct that placed him at special risk of exploitation, manipulation, or duress. *Id.* at ¶ 17(e).

The sixth mitigating condition is inapplicable because there is no indication that the information cited by the LSO is unsubstantiated or comes from a source of questionable reliability. *Id.* at ¶ 17(f).

The final mitigating condition is irrelevant because the LSO did not allege that the Individual associated with persons engaged in criminal conduct. *Id.* at ¶ 17(g).

For these reasons, I find that none of the mitigating conditions are applicable. Accordingly, the Individual has not resolved the security concerns asserted by the LSO under Guideline E.

B. Guideline G Considerations

Conditions that can mitigate security concerns based on alcohol consumption include the following:

- (a) So much time has passed, or the behavior was so infrequent, or it happened under such unusual circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or judgment;
- (b) The individual acknowledges his or her pattern of maladaptive alcohol use, provides evidence of actions taken to overcome this problem, and has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations;

- (c) The individual is participating in counseling or a treatment program, has no previous history of treatment and relapse, and is making satisfactory progress in a treatment program; and
- (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.

I conclude that none of the above mitigating conditions apply to resolve the Guideline G security concerns. Paragraph 23(a) does not apply because I do not conclude that the passage of time, frequency of the conduct, or circumstances are such that the concerning conduct is unlikely to recur. The Individual's most recent alcohol-related incident—the July 2025 DUI—occurred less than one year prior to the hearing, and I am persuaded by the DOE Psychologist's opinion that the Individual has not rehabilitated or reformed from his AUD. That opinion was based on the fact that he had not followed any of the DOE Psychologist's recommendations, including undergoing clinical testing that would provide clinical evidence of abstinence or low-risk consumption given the Individual's tendency to provide inaccurate information regarding his alcohol use. While the Individual claimed at the hearing that he chose to abstain for two months, I am unable to reliably determine the same. Furthermore, he did not contemporaneously participate in a treatment program or support group. Since the AUD is unresolved, I do not conclude that his behavior is unlikely to recur and he has not resolved the resulting concerns regarding his reliability, trustworthiness, and judgment under ¶ 23(a).

Second, I find that ¶ 23(b) does not apply. The Individual declined to acknowledge his pattern of maladaptive alcohol use by testifying that he has never had a problem with alcohol, and, as I concluded in the preceding paragraph, the AUD remains unresolved. The actions he has taken fall short of the DOE Psychologist's treatment recommendations. Furthermore, while he claimed at the hearing to have remained abstinent for the prior two months, he provided no corroborating evidence to support that assertion.

Lastly, I find that ¶ 23(c) does not apply because the Individual is not participating in counseling or a treatment program, and ¶ 23(d) does not apply because the Individual has not successfully completed a treatment program or required aftercare. Accordingly, I conclude that the Individual has not resolved the Guideline G security concerns.

C. Guideline J Considerations

Conditions that can mitigate security concerns based on criminal conduct include the following:

- (a) So much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;

- (b) The individual was pressured or coerced into committing the act and those pressures are no longer present in the person's life;
- (c) No reliable evidence to support that the individual committed the offense; and
- (d) There is evidence of successful rehabilitation; including, but not limited to, the passage of time without recurrence of criminal activity, restitution, compliance with the terms of parole or probation, job training or higher education, good employment record, or constructive community involvement.

Adjudicative Guidelines at ¶ 32.

I find that none of the mitigating conditions apply to resolve the Guideline J security concerns. The first mitigating condition does not apply to resolve the concerns because relatively little time has passed since the Individual's most recent DUI, and it did not happen under unusual circumstances. While the Individual blames his most recent car crash on a tire issue, the circumstances are strikingly similar to his 1998 DUI in which he consumed alcohol and crashed his vehicle in identical fashion—overturning it. Thus, neither the passage of time nor the circumstances of his conduct weigh in favor of finding that his conduct is unlikely to recur, and he has failed to resolve the doubt regarding his judgment, reliability, or trustworthiness stemming from his alcohol-related criminal behavior. *Id.* at ¶ 32(a).

I further find that ¶ 32(b) does not apply to resolve the security concerns because there is no evidence that the Individual was pressured or coerced into committing the offenses.

Next, I conclude that ¶ 32(c) does not apply due to my above reasoning. The evidence in the record that the Individual committed the criminal offenses cited in the SSC is reliable.

Lastly, I conclude that ¶ 32(d) does not apply because the Individual has not demonstrated successful rehabilitation. Less than a year has passed since his most recent criminal charge, which is a relatively brief period of time, and he is still on probation and therefore has not yet successfully completed it. Finally, he has not yet resolved his AUD, and since his past criminal conduct is alcohol-related, I remain concerned that he will consume alcohol and engage in criminal conduct in the future. Accordingly, I conclude that the Individual has not resolved the Guideline J security concerns.

VI. CONCLUSION

In the above analysis, I found that there was sufficient derogatory information in the possession of the DOE that raised security concerns under Guideline E, Guideline G, and Guideline J of the Adjudicative Guidelines. After considering all of the relevant information, favorable and unfavorable, in a comprehensive, common-sense manner, including weighing all of the testimony and other evidence presented at the hearing, I conclude that the Individual has not brought forth sufficient evidence to resolve the security concerns. Accordingly, I have determined that the Individual's access authorization should not be restored.

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

James P. Thompson III
Administrative Judge
Office of Hearings and Appeals