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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 17, 2026)
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_____)

Case No.: PSH-26-0072

Issued: September 1, 2026

Administrative Judge Decision

Noorassa A. Rahimzadeh, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXXXXXXXXXXX (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 granted.

I. Background

As part of the process for obtaining an access authorization, the Individual completed and submitted a Questionnaire for National Security Positions (QNSP) in February 2025. Exhibit (Ex.) 9.² In the QNSP, the Individual disclosed that in January 2018, he was arrested and charged with Public Intoxication (PI). *Id.* at 118. The Individual explained that he went to a party, and he did not "take it [too] well" when his partner had been harassed by another person. *Id.* He was "detained" when law enforcement personnel were called to the scene. *Id.* The matter was ultimately dismissed. *Id.* at 119. The Individual disclosed that he was also charged and arrested for PI in November 2021. *Id.* He explained that he and his partner had rented a condo with another couple, who "had an argument at the condo[.]" *Id.* One of the individuals left the condo, and the Individual and his partner left to find him. *Id.* While searching for the other individual, a security guard confronted the Individual's partner, and the Individual attempted to intervene. *Id.* Law

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 The exhibits submitted by the local security office (LSO) were Bates numbered in the upper right corner of each page. This Decision will refer to the Bates numbering when citing to exhibits submitted by the LSO.

enforcement personnel who were nearby arrested the Individual. *Id.* The Individual paid a fine and did not make a court appearance. *Id.*

As part of the investigation process, the Individual underwent an Enhanced Subject Interview (ESI), which was conducted by an investigator in April 2025. Ex. 11 at 218. The investigator also reached out to other sources to verify the Individual's employment. *Id.* at 227. One of the sources with whom the investigator spoke regarding the Individual's employment from September 2012 to November 2022, indicated that the Individual had been reprimanded by a supervisor "for being at work, smelling like [a]lcohol."³ *Id.* At the behest of the Local Security Office (LSO), the Individual completed a Letter of Interrogatory (LOI), which he submitted in October 2025. Ex. 6. In the LOI, the Individual answered questions pertaining to his alcohol consumption. *Id.*

The LSO asked the Individual to undergo a psychological evaluation conducted by a DOE-consultant psychologist (DOE Psychologist) in October 2025. Ex. 7. The Individual submitted to a Phosphatidylethanol (PEth) test in conjunction with the evaluation, which registered a result of 209 ng/mL.⁴ *Id.* at 47. The DOE Psychologist issued a report (the Report) of her findings in November 2025, in which she concluded that the Individual suffers from Alcohol Use Disorder (AUD), Severe, without adequate evidence of rehabilitation or reformation. *Id.* at 53. She also concluded that the Individual uses alcohol "habitually to excess" and that the DOE's concerns regarding his "reliability, stability, trustworthiness, and judgment are valid." *Id.*

The LSO began the present administrative review proceeding by issuing a letter (Notification Letter) to the Individual in which it notified him that it possessed reliable information that created a substantial doubt regarding his eligibility for access authorization. In a Summary of Security Concerns (SSC) attached to the Notification Letter, the LSO explained that the derogatory information raised security concerns under Guideline G (Alcohol Consumption) of the Adjudicative Guidelines. Ex. 1. The Notification Letter informed the Individual that he was entitled to a hearing before an Administrative Judge to resolve the substantial doubt regarding his eligibility to hold 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 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 and presented the testimony of his site manager, a work colleague, and a facilities manager. *See* Transcript of Hearing, OHA Case No. PSH-26-0072 (hereinafter cited as "Tr.") The Individual also submitted two exhibits, marked Exhibits A through B. The DOE Counsel submitted twelve exhibits marked as Exhibits 1 through 12 and presented the testimony of the DOE Psychologist.

II. Notification Letter

³ The Individual acknowledged that the choice to drink alcohol the night before he reported to work was a mistake, as he understood that he had work the next day. Ex. 7 at 44.

⁴ "PEth accumulates when ethanol binds to the red blood cell membrane[.]" and it "reflects the average amount of alcohol consumed over the previous 28-30 days[.]" Ex. 7 at 47. A "PEth greater than 200 ng/mL indicates [h]eavy [c]onsumption of alcohol (averaging 4 or more drinks/day several days/week)." *Id.*

Under Guideline G, “[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.” Adjudicative Guidelines at ¶ 21. Among those conditions set forth in the Adjudicative Guidelines that could raise a disqualifying security concern are “alcohol-related incidents away from work . . . regardless of the frequency of the individual’s alcohol use or whether the individual has been diagnosed with alcohol use disorder,” “alcohol-related incidents at work, such as reporting for work or duty in an intoxicated or impaired condition,” “habitual or binge consumption of alcohol to the point of impaired judgement, regardless of whether the individual is diagnosed with alcohol use disorder,” and “diagnosis by a duly qualified medical or mental health professional . . . of alcohol use disorder.” *Id.* at ¶ 22(a)–(d). Under Guideline G, the LSO alleged that:

1. The DOE Psychologist diagnosed the Individual with AUD, Severe, without adequate evidence of rehabilitation or reformation, and she also concluded that the Individual habitually and binge consumes alcohol to the point of impaired judgment. Ex. 1 at 5.
2. The Individual was arrested and charged with PI in October 2021. *Id.*
3. The Individual was arrested and charged with PI in January 2018. *Id.*
4. In June 2018, the Individual’s co-worker stated concern that the Individual “smelled of alcohol[,]” which resulted in a write up for the Individual. *Id.*

The LSO’s invocation of Guideline G is justified.

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 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.* § 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 and Hearing Testimony

In 2018, the year of his first PI arrest and charge and the year he was reported for smelling of alcohol to his supervisor,⁵ the Individual had developed a “ritual of drinking six ounces of vodka on Friday nights at home[]” with his then wife. Ex. 7 at 43–44. The Individual began consuming alcohol more heavily in 2022, to “help [him] cope with stress and aid in sleep[.]” *Id.* at 45. In 2022, he was consuming “two to three ounces of vodka each weeknight and then two or three ounces in the morning after coming home from taking his son to work in order to try and go back to sleep.” *Id.* He was also consuming the aforementioned six ounces of vodka each Friday night. *Id.* In 2022, the Individual was diagnosed with AUD, Moderate, by a DOE-consultant psychologist, who also determined that he was “habitually consuming alcohol to excess.”⁶ *Id.* In mid-January 2023, the Individual attempted to abstain from alcohol consumption, but because he began experiencing withdrawal and insomnia, he began consuming alcohol again.⁷ *Id.* at 46. At this time, he was consuming approximately two beers per weeknight but five to six beers and liquor with a 49.5% alcohol by volume (ABV) on weekends. *Id.* This remained his pattern of consumption until 2025, when he began consuming approximately three to four two-ounce bottles of the aforementioned liquor three nights per week. *Id.* The Individual reported to the DOE Psychologist that he understood that he had to change his pattern of alcohol consumption, and that he had last consumed alcohol approximately twenty-two days prior to the psychological evaluation.⁸ *Id.*

The DOE Psychologist determined in her Report that the Individual suffers from AUD, Severe, without adequate evidence of rehabilitation or reformation, and that “his pattern of use is considered habitually to excess[.]” *Id.* at 53. The DOE Psychologist opined that in order to show adequate evidence of rehabilitation, the Individual “should be abstinent from alcohol for at least 12 months.” *Id.* Further, the Individual should submit to monthly PEth tests to evidence his abstinence and “complete an inpatient or [i]ntensive [o]utpatient [p]rogram [(IOP)] and follow all discharge recommendations.”⁹ *Id.* She further recommended that the Individual participate in

⁵ The Individual’s site manager, who was also his site manager at the time of the 2018 incident, testified at the hearing that the Individual did not appear to be under the influence of alcohol on the day in question and “there was not enough information for [the site manager] to send [the Individual] for a drug or alcohol test at that time[.]” Tr. at 26. As noted above, the Individual does not dispute that he consumed alcohol the night prior to the incident. *Supra* note 3.

⁶ The Individual had been evaluated by the same DOE Psychologist in 2022. Tr. at 83. During the July 2026 hearing, when DOE Counsel suggested to the Individual that he had known since 2022 that his alcohol consumption had been a concern, the Individual stated that he “did not realize it was a concern at the time as much” as it had become by the time of the 2025 evaluation. *Id.* After the 2022 evaluation, the Individual opted to resign from his employment with the DOE Contractor when he realized he might not be found eligible for a security clearance. Ex. 7 at 45.

⁷ In the LOI, the Individual stated that he was also abstinent from alcohol from the date of his evaluation in September 2022 to November 2022. Ex. 6 at 33.

⁸ The Individual completed the LOI in early October 2025, in which he stated that he would not consume alcohol to intoxication anymore, and that the last time he consumed alcohol to intoxication was in late 2022. Ex. 6 at 26. He further stated that in January 2023, he was “introduced” to what became his liquor of choice. *Id.* at 34.

⁹ The DOE Psychologist noted that the type of treatment should be determined at the “facility’s initial evaluation and take into account the possibility that the [Individual] may require monitoring and possibly medical detox due to possible alcohol withdrawal[.]” Ex. 7 at 53.

Alcoholics Anonymous (AA) or similar meetings once per week and show that he is “working the [Twelve] Steps with a sponsor or following the guidelines of another mutual support group.” *Id.* The DOE Psychologist noted a preference for in-person meetings. *Id.*

The Individual continued to consume only beer following the 2025 psychological evaluation but began abstaining from alcohol in early May 2026, approximately three months before the hearing. Tr. at 76, 119. The Individual acknowledged in his testimony that “at this point in [his] life” he believes that he “suffered from AUD[.]” *Id.* at 75. He indicated that he had a discussion with his wife about his alcohol consumption, and they agreed that “it would be best if [he] just abstain from alcohol[.]” *Id.* He made the decision “for his health and” for the sake of his son. *Id.* at 75, 81. The Individual noted experiencing a positive difference in his state of mind and energy levels. *Id.* at 82. It was because he wanted to hear from other people about their experiences that he decided to participate in non-denominational virtually held addiction recovery meetings similar to AA.¹⁰ *Id.* at 76. He attends meetings once per week and from June 30, 2026, to August 4, 2026, the Individual had attended six meetings. *Id.*; Ex. C; Ex. D; Ex. E; Ex. F; Ex. G; Ex. H. By attending these meetings, he learned that he is “not alone” and that “people can recover” from alcohol dependence. Tr. at 76–77. He credits the meetings with “open[ing his] eyes and show[ing him] that [he] did have a problem[.]” *Id.* He feels that his life has improved since he stopped drinking alcohol and he is dedicated to remaining abstinent from alcohol indefinitely. *Id.* at 77–78. The Individual voluntarily submitted to two PEth tests, on June 26, 2026, and July 24, 2026. Ex. A; Ex. B. The PEth test from June 2026 was positive in the amount of 27 ng/mL. Ex. A. The July 2026 test was negative for traces of alcohol consumption. Ex. B.

With respect to the psychological evaluation, the Individual acknowledged that he understood that his clearance was at issue when he underwent the evaluation, acknowledged that he had continued to consume alcohol regardless, but stated that he had dramatically reduced his consumption at the time of the evaluation. Tr. at 83–84. The Individual acknowledged that he should have taken steps to follow the DOE Psychologist’s recommendations sooner. *Id.* at 85. He stated that his wife had stopped consuming alcohol three years prior, so she is his accountability partner, and they no longer keep alcohol in their home. *Id.* at 85–87, 93–94. The Individual has learned to resist alcohol consumption by remaining busy around the house. *Id.* at 89.

The DOE Psychologist testified that although the Individual testified that he had been abstinent for approximately three months at the time of the hearing, he was not in early remission, as his positive PEth test from late June likely indicated that he had not begun abstaining from alcohol in May 2026 as he reported.¹¹ *Id.* at 121–22. She noted that the Individual had started the process of

¹⁰ The Individual testified that he intends to find local in-person AA meetings to attend after the hearing. Tr. at 91–92.

¹¹ Although the LSO did not establish that the DOE Psychologist had sufficient expertise to interpret the results of PEth tests, I reach the same conclusion as the DOE Psychologist considering that a medical doctor offered an opinion, appended to the Report, indicating that PEth is usually detectable for twenty-eight to thirty days. Ex. 7 at 59–60 (citing William Ulwelling & Kim Smith, *The PEth Blood Test in the Security Environment: What it is; Why it is Important; and Interpretative Guidelines*, J. OF FORENSIC SCI., July 2018 (providing guidance for interpretation of the PEth test)). Considering that the PEth test in question was administered on June 26, 2026, the most plausible explanations for the positive result are that the Individual consumed alcohol extremely heavily in late May 2026, which was still detectable nearly a full month later, or he continued consuming alcohol into June 2026.

complying with her recommendations but had failed to follow them in their entirety. *Id.* at 122–23. She voiced concerns with respect to his judgment, trustworthiness, and reliability based on the Individual having only opted to take action in June 2026 despite being aware that his alcohol consumption was a concern in 2022. *Id.* 125. She felt that the Individual’s delay in taking action showed that he was not taking her recommendations “seriously.”¹² *Id.* at 126. The DOE Psychologist provided the Individual with a “guarded” prognosis and noted that based on the Individual’s testimony, his wife had been abstinent from alcohol when he was evaluated in October 2025, but he was still drinking to excess. *Id.* at 128–29. Accordingly, his wife may not be an “adequate source of accountability.” *Id.* at 129. She noted that in-person meetings of support groups are preferable, as in-person meetings improve an individual’s prognosis. *Id.* at 132. However, she did acknowledge that virtual meetings are “better than nothing.” *Id.* at 133. She concluded that the Individual had failed to show adequate evidence of rehabilitation or reformation at the time of the hearing. *Id.* at 121.

The Individual’s site manager, who has known the Individual since 2009, testified that his position allows him to know if “anybody’s got any problems[.]” and he has never experienced any issues with the Individual. *Id.* at 22–23, 25. As the Individual had left his employment in 2022, to later return in 2025, the site manager helped make the decision to rehire him. *Id.* at 30–31. When asked whether he had any concerns about rehiring the Individual, the site manager stated that he did not, as the Individual was “always an excellent . . . employee.” *Id.* at 31. The Individual has told his site manager that he no longer consumes alcohol and that he is “willing to do anything . . . to make this work[.]” *Id.* at 33–34. The site manager explained that the Individual has, in fact, “been an advocate to other employees about the perils of drinking.” *Id.* at 34.

The facilities manager who used to see the Individual on a regular basis testified that he has never known the Individual to report to work “smelling of alcohol or being impaired in any way[.]” *Id.* at 60–62. As they had worked in close proximity to each other, he would have been able to smell alcohol about the Individual’s person. *Id.* He also assisted in the decision to rehire the Individual in 2025, and he did not have any concerns with the rehire. *Id.* In fact, he “reach[ed] out to [the Individual] to get him rehired.” *Id.* at 60–61. He was not, however, “aware of any reason to be concerned about [the Individual] having an alcohol issue[.]” *Id.* at 66.

V. Analysis

The Adjudicative Guidelines provide that conditions that could mitigate security concerns under Guideline G 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

¹² The Individual received the Report in January 2026. Ex. 12; Tr. at 84. He admitted during the hearing that he “skimmed” the Report. Tr. at 84.

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.

Although the Individual has made a good initial effort in his endeavor to remain abstinent, including by attending weekly support meetings, I cannot conclude that the Individual has mitigated the stated concerns. First, although the Individual testified that he has been abstinent since May 2026, the June 2026 PEth test results suggest that the Individual began abstaining later. Regardless of which month he stopped consuming alcohol, the Individual's abstinence has been brief. Further, as the DOE Psychologist noted, the Individual's wife may not be the ideal accountability partner, as the Individual was still consuming alcohol when she was abstaining from alcohol. They had stopped consuming alcohol together, and the Individual continued to consume to excess after she had made the lifestyle change. I am also concerned that the Individual has not engaged someone like a sponsor or enrolled in an IOP or inpatient program, as the Individual's alcohol consumption has been problematic for years. Finally, and importantly, the DOE Psychologist could not conclude that the Individual had shown adequate evidence of rehabilitation or reformation. I believe that the Individual's desire to remain abstinent is sincere, but the Individual has not remained abstinent for longer than several months, at the most, and has not participated in a treatment program. Accordingly, I am not sufficiently convinced that the Individual will not resume the maladaptive alcohol consumption that was cause for concern.

As the Individual has been abstinent from alcohol for less than twelve months and his maladaptive alcohol consumption was almost daily and lasted years, I cannot conclude that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or judgment. Mitigating factor (a) has not been satisfied.

Although the Individual acknowledged his pattern of maladaptive alcohol consumption and attends recovery meetings, he has not remained abstinent for twelve months, as recommended. Mitigating factor (b) has not been satisfied.

As the Individual has not participated in a treatment program, mitigating factors (c) and (d) are not applicable.

VI. Conclusion

For the reasons set forth above, I conclude that the properly invoked Guidelines G of the Adjudicative Guidelines. After considering all the evidence, both favorable and unfavorable, in a

comprehensive, common-sense manner, including weighing all the testimony and other evidence presented at the hearing, I find that the Individual has not brought forth sufficient evidence to resolve the Guidelines G concerns set forth in the SSC. Accordingly, the Individual has not demonstrated that granting his security clearance would not endanger the common defense and security and would be clearly consistent with the national interest. Therefore, I find that the Individual's access authorization should not be granted. This Decision may be appealed in accordance with the procedures set forth at 10 C.F.R. § 710.28.

Noorassa A. Rahimzadeh
Administrative Judge
Office of Hearings and Appeals