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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: April 8, 2026)
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_____)

Case No.: PSH-26-0093

Issued: September 22, 2026

Administrative Judge Decision

Noorassa A. Rahimzadeh, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXXXX (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, who held an access authorization at the time, properly reported an arrest for Aggravated Assault² in August 2024, explaining that she "got in a verbal argument with [her]" partner when he "grabbed and held onto and squeezed [her] face/jaw, and [she] pushed him away leaving scratch marks on his neck." Exhibit (Ex.) 12 at 45.³ When law enforcement reported to the scene, her partner had visible injury to his neck, causing law enforcement to arrest her. *Id.*

In December 2024, the Individual reported to DOE that days earlier, she had been arrested and charged with Driving Under the Influence (DUI) following celebratory drinks with friends. Ex. 10 at 39. She went on to state that she "did not think [that she] had that much to impair [her] driving, although [she] was very mistakenly wrong." *Id.*

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 Individual indicated in the report that she was charged with Aggravated Assault, but the record indicates that she was charged with Domestic Assault. Ex. 22 at 186.

³ This Decision will refer to the PDF page number when citing exhibits.

In August 2025, the Individual, who held an access authorization at the time, properly reported to DOE that days earlier, she had made the decision to drive home after consuming alcohol with some friends at a restaurant. Ex. 11 at 42. She stated that she was arrested and charged with DUI. *Id.* She was released from custody without bail. *Id.*

The local security office (LSO) obtained information via a Record of Arrest and Prosecution Background program that in February 2026, the Individual was arrested and charged with Driving While Intoxicated (DWI)-Alcohol and Driving While Revoked Suspended.⁴ Ex. 22 at 172.

At the behest of the LSO, the Individual completed and submitted five Letters of Interrogatory (LOI), in September 2024, February 2025, March 2025, October 2025, and November 2025. Ex. 17; Ex. 16; Ex. 15; Ex. 14; Ex. 13. In those LOIs, she answered questions pertaining to the assault and DUI arrests and charges. *Id.* The LSO asked the Individual to undergo a psychological evaluation with a DOE-consultant psychologist (DOE Psychologist), which was conducted in December 2025. Ex. 19. As part of the evaluation, the Individual submitted to a Phosphatidylethanol (PEth) test, the result of which was 416 ng/mL.⁵ *Id.* at 128. The DOE Psychologist issued a report (the Report) of his findings the same month, in which he diagnosed the Individual with Substance Use, Moderate (Alcohol), without adequate evidence of rehabilitation or reformation. *Id.* at 129.

The LSO began the present administrative review proceeding by issuing a letter (Notification Letter) to the Individual in which it notified her that it possessed reliable information that created a substantial doubt regarding her 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 Guidelines G (Alcohol Consumption), E (Personal Conduct), and J (Criminal Conduct) of the Adjudicative Guidelines. Ex. 1. The Notification Letter informed the Individual that she was entitled to a hearing before an Administrative Judge to resolve the substantial doubt regarding her 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 her own behalf. *See* Transcript of Hearing, OHA Case No. PSH-26-0093 (hereinafter cited as "Tr.") The Individual submitted four exhibits marked as A through D. The DOE Counsel submitted twenty-six exhibits marked as Exhibits 1 through 26 and presented the testimony of the DOE Psychologist.

II. Notification Letter

Guideline E

⁴ Pursuant to DOE Order 472.2A, Attachment 5, the Individual was required to report the incident to DOE within three days. *Personnel Security*, DOE O 472.2A, Attachment 5, at ¶ 6(a).

⁵ As indicated in the report produced by the DOE Psychologist, "PEth is not a normal body metabolite. PEth accumulates when ethanol binds to the red blood cell membrane." Ex. 19 at 128. "The PEth level reflects the average amount of alcohol consumed over the previous 28-30 days as red blood cells degrade and enzymatic action removes PEth." *Id.* A PEth result "above 200 ng/mL indicates Heavy Consumption of alcohol (at least 4 drinks/day several days/week)[,]" which is consistent with "heavy drinking." *Id.*

Under Guideline E, “[c]onduct involving questionable judgement, 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. Among those conditions set forth in the Adjudicative Guidelines that could raise a disqualifying concern is “concealing or omitting information, concerning relevant facts [from a] security official” *Id.* at ¶ 16(b). The LSO alleged that the Individual failed to properly report a February 2026 DWI and “Driving While Revoked Suspended” arrest pursuant to DOE Order 472.2A. The LSO’s invocation of Guideline E is justified.

Guideline G

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 “[a]lcohol-related incidents away from work, such as driving while under the influence . . . regardless of the frequency of the individual’s alcohol use or whether the individual has been diagnosed with alcohol use disorder” a “diagnosis by a duly qualified medical or mental health professional . . . of alcohol use disorder[.]” *Id.* at ¶ 22(a), (d). The LSO alleged that:

1. The DOE Psychologist diagnosed the Individual with Substance Use, Moderate (Alcohol), without adequate evidence of rehabilitation or reformation. Ex. 1 at 6.
2. The Individual was arrested and charged with “DWI-Alcohol and Driving While Revoked Suspended” in February 2026. *Id.*
3. The Individual was arrested and charged with DUI in August 2025. *Id.*
4. The Individual was arrested and charged with DUI in December 2024. *Id.*

The LSO’s invocation of Guideline G is justified.⁶

Guideline J

Guideline J states that “[c]riminal activity creates doubt about a person’s judgment, reliability, and trustworthiness” and that, “[b]y its very nature, it calls into question a person’s ability or willingness to comply with laws, rules, and regulations.” Adjudicative Guidelines at ¶ 30. Conditions that could raise a security concern under Guideline J include “[e]vidence . . . of criminal

⁶ The SSC also contains an allegation that the Individual explained in her November 2025 LOI that she had enrolled in an inpatient treatment program to address her alcohol consumption, but that “despite her participation in [the] program[,] she admitted [to] continued consumption of alcohol . . . one to two days per week.” Ex. 1 at 6. The cited sources, the October 2025 and November 2025 LOIs, do not indicate that the Individual was diagnosed with Alcohol Use Disorder or that the treatment program recommended that she refrain from alcohol consumption. The LSO therefore did not allege sufficient facts to establish that this information presented a security concern. *See* Adjudicative Guidelines at ¶ 22(f) (indicating that “alcohol consumption, which is not in accordance with treatment recommendations, after a diagnosis of alcohol use disorder” may present a security concern under Guideline G).

conduct, regardless of whether the individual was formally charged, prosecuted, or convicted[.]” *Id.* at ¶ 31(b). The LSO alleged that:

1. The Individual was arrested and charged with DWI-Alcohol and Driving While Revoked/Suspended in February 2026. Ex. 1 at 7.
2. The Individual was arrested and charged with DUI and Driving to the Right in August 2025. *Id.*
3. The Individual was arrested and charged with DUI in December 2024. *Id.*
4. The Individual was arrested and charged with Domestic Assault in August 2024. *Id.*

The LSO’s invocation of Guideline J 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

With respect to the August 2024 Assault matter, the Individual explained that her former partner had committed the violent act against her, when he grabbed her face or neck, causing her to push him back in self-defense, leaving a scratch at his neck. Ex. 17 at 77–79. Law enforcement personnel responded when he called his mother, who then “called the police.” *Id.* at 77. She was

ultimately arrested when law enforcement observed the scratch marks on her former partner's neck. *Id.* The Individual testified that alcohol had not been consumed on the day of the incident. Tr. at 19. However, in the September 2024 LOI, she explained that her partner had consumed two liquor and soda water drinks. Ex. 17 at 77. She stated that the case was ultimately dismissed by the state when her former partner opted not to press charges, taking responsibility for what had transpired. Tr. at 18–19; Ex. 17 at 77; Ex. 14 at 56; Ex. 22 at 186.

In December 2024, the Individual was at a football “watch party” that friends of friends were hosting in their home. Tr. at 21; Ex. 16 at 72. While at the party, she was “offered shots of alcohol [she had] never had before.” Ex. 16 at 72; Ex. 21. She consumed two liquor-based mixed drinks in addition to the shots. Ex. 19 at 125; Tr. 21–22. She decided to drive home later that day, causing law enforcement personnel to pull her over. Ex. 16 at 72. She submitted to a Breathalyzer, the result of which she indicated was 0.191 g/210L. *Id.* After being arrested and charged with DUI, she indicated that her attorney had made an appearance on her behalf in court in mid-February 2025 to resolve the matter. Ex. 16 at 73. In the March 2025 LOI, she stated that her attorney had explained that he had secured a deferred sentence in the matter. Ex. 15 at 65. She was sentenced to supervised probation, which required her to pay a fine and take a drug and alcohol traffic offender education program. Ex. 14 at 57. She completed the two-day drug and alcohol traffic offender program in September 2025. *Id.* at 60. The Individual continued to consume alcohol after the December 2024 arrest, and at the time of the December 2025 psychological evaluation, the Individual stated that she was consuming one to two twelve-ounce liquor-based drinks “one to two days per week.” Ex. 19 at 126.

With respect to the August 2025 DUI charge and arrest, the Individual explained that she was going to dinner with three friends, and the person giving her a ride was supposed to refrain from consuming alcohol, as he was the designated driver that evening. Ex. 14 at 54; Tr. at 23. The designated driver had “consumed a much larger amount [than she] had,” so she made the decision to drive herself home.⁷ Ex. 14 at 54; Tr. at 23. On the way home, she crossed into another lane, causing her to be pulled over by law enforcement. Ex. 14 at 54; Ex. 18 at 84–85. She failed field sobriety tests, her breath test registered at 0.190 g/210L, and she was accordingly charged with DUI. Ex. 14 at 54; Ex. 18 at 85–86. On that night, she had consumed three twelve-ounce beers and two twelve-ounce mixed drinks. Ex. 14 at 55.

In September 2025, the Individual began attending a six-month outpatient treatment program, through which she saw a counselor, to “address [her] recent DUI[s] and the emotions [she] had that caused the events.”⁸ Ex. 13 at 47; Tr. at 41; Ex. 14 at 61. The Individual continued to consume alcohol during her participation but tapered her alcohol consumption down. Tr. at 41, 46–47. She admitted that she was required to submit to urine test at every appointment, and that “those results [were] positive” for alcohol. *Id.* at 46. She saw the counselor for individual therapy on a biweekly basis. Ex. 13 at 47; Tr. at 41–42. The Individual testified at the hearing that she and her counselor

⁷ The Individual testified that rideshare services are not available in her town, and that she opted not to walk home, even though the location was approximately a ten-minute drive from her home. Tr. at 24–25.

⁸ At the time she responded to the February 2025 LOI, the Individual stated her intention to enroll in a substance awareness program. Ex. 16 at 73. In the March 2025 LOI, she indicated that she had not yet attended the program. Ex. 15 at 68. The Individual did not submit any evidence indicating that she either enrolled in or completed the program.

had discussed the “core issue” that led to her maladaptive alcohol consumption, though she did not identify the “core issue” she claimed to have identified. Tr. at 42. She was taught how to curb her desire to consume alcohol by doing things like going for walks, engaging in her hobbies, and doing deep breathing and muscle relaxation exercises. *Id.* at 42–43. She indicated that before treatment, she would drink approximately two to three drinks every day, and during treatment, she reduced the frequency of her alcohol consumption to less than daily. *Id.* at 47–48. Her counselor was supportive of her reduction in consumption, even though she would have liked the process to be “a little bit quicker and faster[.]” *Id.* at 48.

Her alcohol consumption “ebbed and flowed” from the time she started counseling through the time she saw the DOE Psychologist. Tr. at 49. Her consumption increased when she experienced concern for her children or when she missed them. *Id.* at 49–50. The Individual explained that her alcohol consumption increased in August 2024, as she was using alcohol to cope with ending a relationship with an abusive partner. *Id.* at 127. At the time of the psychological evaluation, she explained that her consumption had become disciplined, and that “she no longer [felt] she ha[d] a problem with alcohol[.]”⁹ *Id.* The DOE Psychologist diagnosed the Individual with Substance Use Disorder, as the Individual “regularly consumes alcohol at a significantly high rate that is problematic”—specifically, the Individual “binged alcohol . . . before . . . DUIs,” and the PEth test results indicate “her alcohol use continue[d] at the upper range of [five to nine] drinks [per] day.” Ex. 19 at 129; *see also id.* at 128 (reflecting that the Individual reported consuming alcohol to intoxication as many as three times weekly in the past). He indicated that the Individual had not shown adequate evidence of rehabilitation or reformation. *Id.* He recommended that the Individual “not drink alcohol,” substantiating her abstinence with monthly PEth testing, and participate in a substance abuse treatment program that consists of “weekly therapy sessions for a minimum of [sixteen] weeks.” *Id.* The DOE Psychologist also indicated that the Individual “should participate in . . . monthly relapse prevention or maintenance group therapy sessions following her four months of weekly therapy for the remainder of one year,” and further, that “[a]ll treatment should be with a licensed provider who has experience in alcohol abuse.” *Id.* He also recommended that the Individual should participate in Alcoholics Anonymous (AA) or a similar program once per week for at least four months and should work the Twelve Steps and secure a sponsor if the program offers such things. *Id.* The DOE Psychologist also noted that as the Individual was attending an outpatient treatment program at the time, if she was unable to stop drinking alcohol, she should go to an intensive outpatient treatment program with three sessions, three days per week. *Id.*

With respect to the February 2026 DWI, the Individual testified that at the time of the incident, she was suffering from a physical injury that made it difficult for her to ambulate. Tr. at 27–28. She decided to see if she could drive to the nearby gas station to determine whether she would be able to drive herself to work. *Id.* at 28. She was pulled over by law enforcement when she made the attempt to make it to and back from the gas station. *Id.* When asked at the hearing how much she had had to drink, she initially stated that she had only consumed one alcoholic beverage on the day of the incident, and in later testimony, she amended her statement by indicating that she may

⁹ During the hearing, the Individual admitted that she had likely underreported her consumption to the DOE Psychologist. Tr. at 50.

have had two alcoholic drinks before driving.¹⁰ *Id.* at 29, 31. The Breathalyzer results indicated that she was “just over the legal limit” of 0.08.¹¹ *Id.* at 30.

The Individual explained during the hearing that she was under the impression that she had properly reported the February 2026 DWI via a “web form” to security officials. *Id.* at 15–16. She did not realize that the form had not been submitted until she “got the information . . . saying that it [was not] submitted.” *Id.* at 16. She admitted that she had not received anything confirming the submission.¹² *Id.*

From May 2026 to June 2026, the Individual attended an eighteen-day residential treatment program. Ex. A at 1, 3; Ex. C. When she entered the residential treatment program, she stopped seeing the counselor she was seeing in connection with the outpatient treatment she sought in September 2025. Tr. at 82. The treatment program was designed to “develop[] early recovery-based coping skills to prevent relapse.” Ex. A at 1. Her goal in attending was to “get back to [her] original life[.]” *Id.* at 5. Treatment notes indicate that the Individual was “seeking treatment for alcohol addiction” and was “working on processing trauma[.]” *Id.* Treatment notes indicate that the Individual had been “abstinent from alcohol since . . . May 14[, 2026,] as evidenced by self-report and [a] positive urine drug screen[.]” *Id.* at 8. The treatment program diagnosed the Individual with Alcohol Use Disorder, Moderate. *Id.* at 10. The Individual’s “aftercare” consists of “check in[s]” with a “tech clinician.”¹³ Tr. at 63. She did not return to seeing the counselor that she was seeing during outpatient treatment. *Id.* The Individual explained that the treatment program was “very structured” and always required participation in some activity. *Id.* at 65–66. Group therapy sessions were conducted daily. *Id.* at 80.

The Individual explained that she had “become so dependent on [alcohol] . . . that” she experienced “fear of letting it go[.]” Tr. at 59. After she stopped drinking in May 2026, she experienced “mental clarity” and “felt better[.]” *Id.* Since receiving inpatient treatment, the Individual has learned to stay busy, so she is attending classes in the evenings. *Id.* at 67. If she feels that the urge to consume alcohol is more pressing than usual, she has plans to attend AA meetings or to “reach[] out to a friend[.]”¹⁴ *Id.* at 72. She explained that returning to the person that she was prior to 2024 is “stronger than any urge” to consume alcohol. *Id.* at 76. The Individual’s partner also stopped consuming alcohol in a show of support, and accordingly, the couple does not keep alcohol in their

¹⁰ At the time of the arrest in February 2026, the Individual’s clearance had already been suspended. Tr. at 55. When asked if it made her think twice about getting behind the wheel of her vehicle after consuming alcohol, the Individual admitted that “it should have[.]” *Id.*

¹¹ The Individual was scheduled to appear in court for the matter in early August 2026, and when she reported to the courthouse, her attorney told her that he had already secured a continuance for the matter. Tr. at 33–34; Ex. 24; Ex. 25; Ex. 26. Accordingly, she went back home. Tr. at 34. A show cause order was subsequently issued because she did not appear in court, as her attorney’s motion for a continuance had been denied. *Id.*; Ex. 23.

¹² The Individual did not submit any evidence into the record to corroborate her assertion that she attempted to report the February 2026 incident.

¹³ The Individual intends to continue talking to the tech clinician “indefinitely.” Tr. at 83–84.

¹⁴ The Individual has not attended AA meetings outside of the inpatient treatment program. Tr. at 72, 83.

home. *Id.* at 70. She also is not “hanging out with . . . a lot of people” who consume alcohol. *Id.* at 74. She explained that she has no intention of consuming alcohol in the future. *Id.* at 77. The Individual has also not completed any PEth testing. *Id.* at 64.

The DOE Psychologist explained that he provided the Individual with a Substance Use Disorder diagnosis because she would consume alcohol “in larger amounts or over a longer period of time than was intended,” she had “a persistent desire or unsuccessful effort to cut down or control alcohol use,” she and “continued alcohol use despite having persistent or recurrent social interpersonal problems caused or exacerbated by the effects of the substance.” *Id.* at 89. The Individual also experienced “recurrent alcohol use in situations in which it is physically hazardous,” and “alcohol use is continued despite knowledge of having a persistent or recurrent physical or psychological problem that is likely to have been caused or exacerbated by the substance.” *Id.* Because she met five of the diagnostic criteria, the DOE Psychologist determined her disorder was of moderate severity. *Id.* at 90. Had the DOE Psychologist been privy to any further alcohol-related offenses at the time of the psychological evaluation, it “would [have] bump[ed] her into the severe category.” *Id.* The DOE Psychologist explained that the “relapse rate [does not] fall below [fifty] percent until after six months of sobriety,” and “a year of sobriety reduces the relapse rate to [twenty-five] percent.” *Id.* at 92. He felt that the inpatient treatment was “a great start” to the Individual’s rehabilitation, but he was “puzzled that [the program did not] recommend more of a step-down program and continuation of aftercare services[.]”¹⁵ *Id.* at 93. Had he been privy to the information he became privy to at the hearing, like the February 2026 DWI, he would have recommended an “intensive outpatient treatment program, if not a partial hospital program.” *Id.* at 98. He concluded that the Individual had not yet shown adequate evidence of rehabilitation or reformation, due to the lack of evidence to corroborate her period of sobriety, which was only three months, and because the “depth and robustness of the program” in which she engaged was lacking. *Id.* at 99–100.

V. Analysis

Guideline E

The Adjudicative Guidelines provide that 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;

¹⁵ The DOE Psychologist noted that in the state in which the Individual received treatment, it is “a requirement . . . to have a written treatment program upon discharge.” Tr. at 95.

- (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.

With respect to the Individual's failure to report the February 2026 charge and arrest, while she claimed that she attempted to make the report but was not successful, she did not submit any evidence to corroborate the assertion that she had completed and at least attempted to submit the report. Moreover, even if I credited her testimony that she had attempted to submit the report, considering her recent history of reporting other arrests, she likely had some understanding that she was unsuccessful in her attempt, as she did not receive any confirmation that the report had been received. As the behavior occurred in connection with the most recent criminal charge less than one year ago, I cannot conclude that enough time has passed for me to find it unlikely to recur. Further, I cannot conclude that the behavior was minor, because it concealed from DOE an incident that bears directly on her eligibility for a security clearance, and as the omission was continuing until the issuance of the Notification Letter, I cannot conclude that the behavior was infrequent. Finally, the Individual has not asserted any unique circumstances that allow me to conclude her behavior is unlikely to recur and does not cast doubt on her reliability, trustworthiness, or good judgment. Mitigating factor (c) has not been met. Further, the Individual did not make any good-faith efforts to correct the omission or concealment before being confronted by the LSO. Mitigating factor (a) has not been met.

The Individual did not allege that her failure to report the incident was the result of any advice from legal counsel or someone with professional responsibilities for advising individuals with respect to the security process. Mitigating factor (b) is not applicable.

The Individual did not obtain counseling to address the behavior underlying the Guideline E concerns. Mitigating factor (d) is not applicable.

The SSC did not allege any susceptibility to exploitation, manipulation, or duress. Mitigating factor (e) is not applicable.

The Individual did not allege that the information was unsubstantiated or came from a source of questionable reliability. Mitigating factor (f) is not applicable.

The SSC did not allege any association with people involved in criminal activities. Mitigating factor (g) is not applicable.

Guideline G

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 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.

Id. at ¶ 23.

The record contains evidence of ongoing maladaptive alcohol consumption that resulted in three DUI arrests between 2024 and 2026. The Individual continued to consume alcohol after each of these DUI arrests, which evidences poor judgment. Considering that the Individual suffered through persistent maladaptive alcohol consumption for years, and only stopped consuming alcohol, according to her testimony, in May 2026, I cannot conclude that enough time has passed, or that the Individual's alcohol misuse was so infrequent, that the passage of time or infrequency of the conduct alone are sufficient to assuage concerns that the Individual will relapse or return to maladaptive use. I also cannot conclude that her maladaptive alcohol consumption and alcohol-related incidents occurred under unusual circumstances or are unlikely to recur, as the behavior had been continuing since 2024. I cannot conclude that the Individual has met mitigating factor (a).

The Individual has made strides in addressing her maladaptive alcohol consumption by first recognizing the maladaptive nature of her consumption. However, the Individual has not yet taken sufficient action to resolve this problem. Although it is heartening that the Individual sought outpatient treatment in September 2025, the Individual continued to consume alcohol, which once again resulted in an alcohol-related arrest and charge in February 2026. Her most recent treatment is a positive aspect to her recovery, but I am concerned that the Individual is not participating in aftercare as recommended by the DOE Psychologist and is not attending AA or similar meetings. Moreover, the DOE Psychologist raised doubts as to whether the Individual was receiving treatment of sufficient intensity. The Individual also has not established abstinence in accordance with treatment recommendations, as I do not have negative PEth tests evidencing twelve months of sobriety. Mitigating factor (b) has not been satisfied.

Although the Individual had previously completed an outpatient treatment program, she continued to consume alcohol throughout the process and continued to consume alcohol until the time she sought inpatient treatment in May 2026. Although the Individual completed the inpatient program in June 2026, there is significant doubt as to the adequacy of her treatment to meet her needs. Furthermore, the Individual does not claim to have attained twelve months of abstinence from alcohol in accordance with treatment recommendations and has not submitted to regular PEth testing to corroborate her claim that she has been abstinent since May 2026. I therefore cannot conclude that the Individual has mitigated the security concerns pursuant to mitigating factors (c) and (d).

Guideline J

The Adjudicative Guidelines provide that conditions that can mitigate security concerns under Guideline J include:

- (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.

With respect to the first three alcohol-related allegations under Guideline J, the Guideline G and Guideline J allegations are inextricably intertwined. The Individual's maladaptive alcohol consumption was directly linked to and caused the criminal behavior described in the first four

allegations under Guideline J. Pursuant to 10 C.F.R. § 710.7(c), I shall consider “[t]he nature, extent, and seriousness of the conduct” and “the circumstances surrounding the conduct[.]” In the case at hand, the Individual did not stop consuming alcohol, despite the fact that she was charged and arrested for alcohol-related offenses dating back to 2024. Although she has received some treatment, I cannot conclude that she has mitigated the Guideline J concerns associated with the alcohol-related offenses, as she has failed to mitigate the Guideline G concerns. Specifically, I cannot conclude that so much time has elapsed since the behavior occurred, as the most recent offense took place in February 2026. I also cannot conclude that the behavior took place under unusual circumstances that make it unlikely to recur, as alcohol-related offenses were alcohol-induced behaviors. As indicated above, the Individual has only reportedly been abstinent from alcohol for three months, not long enough to assuage any concerns with respect to relapse. Mitigating factor (a) has not been met.

The Individual did not assert that she was pressured or coerced into committing the behavior. Mitigating factor (b) is not applicable. The Individual did not assert that there was no reliable evidence to support that she committed the offenses. Mitigating factor (c) is not applicable.

While the Individual has participated in treatment to address the maladaptive alcohol consumption, as indicated above, there are concerns with respect to the fact that she has not continued with appropriate aftercare and is not participating in a group like AA. The Individual has repeatedly reoffended within relatively brief periods of time. Further, although the Individual mentioned attending classes in her testimony, I have no additional or meaningful information with respect to those classes and whether she has obtained a degree or a certificate. The February 2026 criminal matter remains unresolved, and I have no meaningful or comprehensive evidence pertaining to a good employment record or constructive community involvement. Mitigating factor (d) has not been satisfied.

With respect to the last allegation pertaining to the Domestic Assault charges, I find that the Individual has mitigated the associated Guideline J concerns. Pursuant to 10 C.F.R. § 710.7(c), I shall consider “the likelihood of continuation or recurrence[.]” Specifically, the Individual credibly testified that her former partner was the person who perpetrated the assault against her, and her attempts to defend herself resulted in scratches on his person. Responding law enforcement personnel were able to observe the marks on her former partner’s neck, while failing to see any marks on the Individual, resulting in her arrest. The matter was, however, dismissed by the state because, as the Individual credibly testified, her former partner took responsibility for the criminal conduct. I do not believe that these circumstances are likely to recur, especially when considering the fact that the Individual is no longer with this partner. Moreover, the incident was isolated and occurred two years prior the hearing. *See* 10 C.F.R. § 710.7(c) (requiring me to consider “the frequency and recency of the conduct”). I therefore conclude that the Individual mitigated the last concern under Guideline J pursuant to mitigating factor (c).

VI. Conclusion

For the reasons set forth above, I conclude that the LSO properly invoked Guidelines E, G and J 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 security concerns alleged by the LSO under Guidelines E, G and J as set forth in the SSC. Accordingly, the Individual has not demonstrated that restoring her 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 restored. 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