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

In the Matter of:	Personnel Security Hearing	)	
		)	
Filing Date:	April 23, 2026	)	Case No.: PSH-26-0099
		)	
		)	

Issued: September 15, 2026

Administrative Judge Decision

Diane L. Miles, 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 that he hold a security clearance. On November 9, 2025, the Individual was arrested and charged with Driving Under the Influence (DUI). Exhibit (Ex.) 4 at 24–27.² The Individual's history also included two additional alcohol-related arrests. Ex. 7 at 65–66. On June 26, 2008, he was arrested and charged with DUI, Driving on a Roadway Laned for Traffic, and Reckless Operation of a Vehicle, before which he consumed "several drinks and felt too intoxicated to drive." Ex. 8 at 65–66; Ex. 11 at 228. On November 7, 2002, he was arrested and charged with Public Intoxication, Discharge of Firearms, and Deadly Conduct, after he consumed moonshine and discharged his firearm into an apartment wall while intoxicated. Ex. 8 at 65–66; Ex. 11 at 227.

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 DOE's exhibits were combined and submitted in a single, 304-page PDF workbook. Many of the exhibits are marked with page numbering that is inconsistent with their location in the combined workbook. This Decision will cite to the DOE's exhibits by reference to the exhibit and page number within the combined workbook regardless of any internal pagination.

In January 2026, the Local Security Office (LSO) issued a Letter of Interrogatory (LOI) to the Individual, which requested additional details about his alcohol-related arrests. Ex. 7. In the LOI, the Individual reported that before his November 2025 arrest, he consumed two beers before dinner, three beers during dinner, and five beers and three shots while watching a football game. *Id.* at 61. The Individual also admitted that before his November 2025 arrest, he felt intoxicated before driving his car and that he drove his vehicle into a ditch. *Id.* at 62; Ex. 6 at 32.

Due to the security concerns raised by the Individual's alcohol-related arrests, the LSO referred the Individual for an evaluation by a DOE-contractor psychologist (DOE Psychologist), who conducted a clinical interview of the Individual in February 2026 and issued a report (the Report) of her findings. Ex. 8. Based on her evaluation of the Individual, the DOE Psychologist opined that the Individual met sufficient diagnostic criteria in the *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, Text Revision (DSM-5-TR)* for a diagnosis of Alcohol Use Disorder (AUD), Moderate, In Early Remission, without adequate evidence of rehabilitation or reformation. *Id.* at 84.

In April 2026, the LSO informed the Individual, in a Notification Letter, that it possessed reliable information that created substantial doubt regarding his eligibility to hold a security clearance. Ex. 1 at 8–9. 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) and Guideline J (Criminal Conduct) of the Adjudicative Guidelines. *Id.* at 5–6.

The Individual requested an administrative hearing, and the LSO forwarded the Individual's request to the Office of Hearings and Appeals (OHA). Ex. 2. The Director of OHA appointed me as the Administrative Judge in this matter. At the hearing I convened pursuant to 10 C.F.R. § 710.25(d), (e), and (g), I took testimony from five witnesses: the Individual, the Individual's Alcoholics Anonymous (AA) sponsor, the Individual's friend, the Individual's colleague, and the DOE Psychologist. *See* Transcript of Hearing, OHA Case No. PSH-26-0099 (Tr.). Counsel for the DOE submitted 11 exhibits, marked as Exhibits 1 through 11. The Individual submitted 16 exhibits, marked as Exhibits A through P.

II. The Summary of Security Concerns

A. Guideline G

Under Guideline G, “excessive alcohol consumption often leads to the exercise of questionable judgment or the failure to control impulses, and can raise questions about an individual's reliability and trustworthiness.” Adjudicative Guidelines at ¶ 21. Conditions that could raise a security concern under Guideline G include: “alcohol-related incidents away from work, such as driving while under the influence, fighting, child or spouse abuse, disturbing the peace, or other incidents of concern . . .” and a “diagnosis by a duly qualified medical or mental health professional (e.g., physician, clinical psychologist, psychiatrist, or licensed clinical social worker) of alcohol use disorder.” *Id.* at ¶ 22(a), (d).

In invoking Guideline G, the LSO cited the Individual's November 2025 arrest for DUI, and his admission that before this arrest, he consumed ten beers and three shots of liquor. Ex. 1 at 5. The LSO also cited the Individual's June 2008 arrest for DUI, and his admission that before his arrest, he consumed several drinks and felt too intoxicated to drive. *Id.* The LSO also cited the

Individual's November 2002 arrest for Public Intoxication, and his admission that before his arrest, he consumed moonshine and was intoxicated. *Id.* The LSO also cited the DOE Psychologist's opinion that the Individual met sufficient *DSM-5-TR* diagnostic criteria for a diagnosis of AUD, Moderate, In Early Remission, without evidence of rehabilitation or reformation. *Id.*

B. Guideline J

Under Guideline J, “[c]riminal activity creates doubt about a person’s judgment, reliability, and trustworthiness,” and, “[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 conduct, regardless of whether the individual was formally charged, prosecuted, or convicted[.]” *Id.* at ¶ 31(b). In invoking Guideline J, the LSO cited the Individual’s November 2025 arrest for DUI, before which he was intoxicated and drove his vehicle into a ditch. Ex. 1 at 5. The LSO also cited the Individual’s June 2008 arrest for DUI, Driving on a Roadway Laned for Traffic, and Reckless Operation of a Vehicle, and his November 2002 arrest for Public Intoxication, Discharge of Firearms, and Deadly Conduct, before which he admitted he discharged his firearm into an apartment wall while intoxicated. *Id.* at 6.

This information cited above adequately justifies the LSO’s invocation of Guideline G and Guideline J.

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 their 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

At the hearing, the Individual testified that before his November 2002 arrest for Public Intoxication, Discharge of Firearms, and Deadly Conduct, he consumed moonshine at home. Tr. at 69–70. After drinking moonshine at home, he visited his girlfriend, and the two of them got into an argument and “the gun discharged.” *Id.* at 70. He stated that someone called the police, a police officer asked him to step outside, and he was arrested. *Id.* When he was asked to explain the circumstance of this arrest to an occupational psychologist at his work site, the Individual explained that he was “handling the firearm when it accidentally discharged and the shot went into the wall.” Ex. 6 at 34.

When the Individual was asked to provide more details about what occurred before the November 2002 arrest, he admitted that during the argument with his girlfriend, he pulled out his gun, which was loaded, pulled the trigger, and fired it. Tr. at 123–24. When he was asked why he shot his gun, he replied, “I have no idea.” *Id.* at 124. He claimed that he could not recall if he pointed his gun at a wall, or at his girlfriend, but the bullet “hit the wall.” *Id.* When asked if he understood the concerns with having a loaded firearm near him while drinking alcohol to intoxication, he replied “I am not drinking anymore.” *Id.* When questioned a second time as to whether he understood that having a loaded firearm is a dangerous situation if he were to drink alcohol, he replied “potentially.” *Id.* The Individual pled guilty to the criminal charges stemming from this arrest, he had to pay a fine, and he had to relinquish his firearm. *Id.* at 70; Ex. 6 at 34; Ex. 11 at 135.

As to his June 2008 arrest for DUI, the Individual testified that before this arrest, he was consuming alcohol at a restaurant. Tr. at 70–71. He asked his wife to pick him up from the restaurant, but his wife was unable to locate the restaurant. *Id.* at 71. Rather than wait for his wife, the Individual decided to drive himself home, during which a police officer pulled him over and arrested him for DUI. *Id.* at 71–72. He believed that the criminal charges from this arrest were dismissed. *Id.*³ During a January 2022 Enhanced Subject Interview (ESI), the Individual told an investigator that he would no longer drink and drive, that “rules and regulations are important,” and that he intended to follow the rules. Ex. 11 at 228–29.

Three years later, in November 2025, the Individual was arrested for DUI again. Ex. 6 at 24–27. Before this arrest, the Individual was at home and decided to go out to dinner with his wife. Tr. at 74–75. While getting dressed for dinner, he consumed two or three beers. Ex. O at 48. While he waited for his wife to get dressed, he consumed another couple of beers. Tr. at 75. While eating dinner at the restaurant, he consumed another two or three beers. Ex. O at 48. After dinner, the Individual went to a friend’s home, during which he consumed five more beers and three shots of whiskey. Ex. O at 48; Tr. at 75–76. While driving home, he got into a car accident. Tr. at 76. When a police officer arrived, the officer observed the smell of alcohol coming from the Individual, and the Individual admitted to the officer that he had been drinking alcohol. Ex. 6 at 32; Ex. A at 12. The Individual was arrested and charged with DUI. Ex. 6 at 32–33. The Individual pled guilty, paid a fine, and was required to complete a DUI program and a victim impact panel, and install an interlock device in his vehicle. Ex. 8 at 79–80; Ex. 6 at 39–40; Ex. A at 13; Ex. C; Ex. D. In April 2026, the Individual’s interlock device was removed from his vehicle. Ex. 8 at 79–80. He claimed that he was never prevented from starting his car while using the interlock device. *Id.* at 80.

³ A report from the Individual’s employer’s occupational psychologist indicates that the Individual’s DUI conviction was deferred under a program “which allows for a dismissal of specific charges if no additional occurrences over a 10-year period occurred.” Ex. 8 at 106.

On November 18, 2025, the Individual underwent a substance use evaluation by his employer's occupational psychologist. Ex. 6 at 29. Based on the evaluation, the occupational psychologist diagnosed the Individual with AUD, Moderate, and recommended that the Individual abstain from alcohol and attend an Intensive Outpatient Program (IOP). *Id.*; Ex. 7 at 65; Tr. at 84, 88–89. The Individual also believed the occupational psychologist recommended that he attend a community-based alcohol treatment program. Tr. at 89. The Individual believed he followed this recommendation by participating in a faith-based group and attending bible study classes at his church. *Id.* at 89, 98–100. As of the hearing, the Individual was attending bible-study classes weekly. *Id.* at 102.

On November 20, 2025, the Individual enrolled in an IOP. Ex. 6 at 29; Ex. B. The Individual attended in-person group meetings on Mondays, Tuesdays, Thursdays and Fridays. *Id.* at 35; Tr. at 94. He also participated in a relapse prevention group on Tuesdays and Thursdays. Ex. 6 at 35; Tr. at 94. He explained that the group sessions involved 30 to 40 people, everyone had to complete worksheets that were “two or three years old,” and everyone was asked to discuss what they wrote in the worksheets. Tr. at 94–95. He stated that he participated in every session, but he did not learn much from the sessions and he “did not respond very well” to the IOP. *Id.* at 96. He recalled having two or three individual counseling sessions with a therapist, from which he learned that he needed to express his emotions, rather than hold them in – advice he did not believe was “alcohol-related.” *Id.* at 97, 127. He stated that the IOP was “commercialized” and felt like a business where you complete worksheets. *Id.* at 95. He said the worksheets were outdated because they showed the years 2017 or 2018 at the bottom of the sheets. *Id.* at 127. He completed the IOP on January 5, 2026. Ex. B. Before discharging the Individual, the IOP recommended that the Individual attend AA, or some other community-based alcohol-treatment program and get an AA sponsor. Ex. 7 at 65; Ex. B.

After completing the IOP, the Individual met with his employer's occupational psychologist, who recommended that the Individual submit to six unannounced alcohol tests, within the next 12 months, while on his work site. Ex. 8 at 107. The occupational psychologist also recommended that the Individual continue abstaining from alcohol, attend at least three AA meetings a week for three months, obtain an AA sponsor, and maintain contact with the AA sponsor at least one to three times a week for three months. *Id.* at 81, 107. The occupational psychologist also recommended that the Individual attend the IOP's aftercare program, twice a month for six months. *Id.* at 81, 108. At the hearing, the Individual acknowledged that the occupational psychologist recommended that he participate in an aftercare program, but he did not enroll in an aftercare program. Tr. at 125–26. Instead, he continued to attend bible study classes at his church weekly. *Id.* at 126.

In February 2026, the Individual was evaluated by the DOE Psychologist. Ex. 8. During the evaluation, the Individual reported that before his November 2025 arrest for DUI, he consumed “nearly 15 [alcoholic] drinks in less than 10 hours.” *Id.* at 79. The DOE Psychologist noted that at the time of his arrest, his blood alcohol content (BAC) was approximately .17 g/210L, which was more than twice the legal limit. *Id.* The Individual also reported that he had not consumed alcohol since his November 2025 arrest. *Id.* at 80. When the DOE Psychologist asked the Individual how long he intended to abstain from alcohol, he replied that he had not “put a time on it.” *Id.* As part

of the evaluation, on February 24, 2026, the Individual underwent phosphatidylethanol (PEth)⁴ testing, the result of which was negative, and which the DOE Psychologist opined corroborated the Individual's report that he had not consumed alcohol in, at least, the past month leading up to the evaluation. *Id.* at 80, 90. The DOE Psychologist opined that based on the Individual's previous negative breath alcohol tests (BAT), taken at his work site, in November 2025, December 2025, and January 2026, his negative February 2026 PEth test result, and the alcohol monitoring required in his IOP, there was sufficient evidence to support that the Individual had abstained from alcohol for the past three and a half months. *Id.* at 82.

As for alcohol treatment, the Report indicated that the Individual completed an IOP, which the Individual described as a "profit organization based on doom and gloom" to the DOE Psychologist. Ex. 8 at 80–81. The Report indicated that the Individual did not follow the IOP's recommendation to attend AA meetings or obtain a sponsor. *Id.* at 81. The Individual believed that the time he spent with his friends from church was the equivalent of attending AA meetings and he referred to the friends as his "spiritual sponsors." *Id.* He also admitted that he rarely discussed recovery or substance abuse issues with his friends from church. *Id.* The Report also indicated that during the evaluation, the Individual refused to acknowledge the extent to which alcohol was a problem for him. *Id.* at 80. When the DOE Psychologist confronted him with the occupational psychologist's diagnosis of AUD, Moderate, the Individual said that the diagnosis was "based off of a couple of questionnaires" and he questioned the accuracy of the diagnosis. *Id.* at 82. When the DOE Psychologist questioned him about his decision to not follow the IOP's discharge recommendations, the Individual stated that the recommendations were part of the IOP's "for-profit business model and was not an individualized recommendation for him personally." *Id.*

The DOE Psychologist opined that the Individual met sufficient *DSM-5-TR* criteria for a diagnosis of AUD, Moderate, without adequate evidence of rehabilitation or reformation. Ex. 8 at 84. To demonstrate rehabilitation from his AUD, Moderate, the DOE Psychologist recommended that the Individual abstain from alcohol for at least 12 months, supported by monthly PEth testing. *Id.* at 84–85. The DOE Psychologist also recommended that the Individual participate in AA, once per week, for 12 months, provide documentation of his attendance at meetings, and obtain an AA sponsor. *Id.* at 85. Finally, the DOE Psychologist noted that she preferred that the Individual attend AA meetings in-person and that attending AA meetings multiple days a week would improve his prognosis. *Id.* The Individual explained that after reading the DOE Psychologist's Report, he realized that attending church every week was not the same as attending AA and did not qualify as a community-based alcohol treatment program. Tr. at 102–04, 113.

In April 2026, the Individual started attending AA. Tr. at 126. He submitted attendance sheets to support his testimony, as well as that of his AA sponsor, that he attended three AA meetings a week. Ex. P; Tr. at 25–26, 102–03. The attendance sheets reflect that the Individual attended AA from April 2026 to August 3, 2026, one day before the hearing. Ex. P. The Individual explained that during his AA meetings, the program plays recorded recitations of the AA manual and they discuss it. Tr. at 105–06. During most meetings, someone introduces a topic and the group's participants discuss how that topic relates to them. *Id.* at 107. He learned coping skills and how to

⁴ A PEth test measures a blood sample for levels of an alcohol byproduct. *Direct Ethanol Biomarker Testing: PETH*, Mayo Clinic Laboratories, <https://news.mayocliniclabs.com/2022/09/13/direct-ethanol-biomarker-testing-peth-test-in-focus/> (last visited September 10, 2026). The test can detect alcohol consumption in the three to four weeks preceding the test. *Id.*

manage his emotions instead of letting them build up. *Id.* at 107–08. The meetings also included discussions around relapse prevention. *Id.* at 111–12. After his Saturday meetings, he goes to his sponsor’s home to discuss and work through the steps of the AA program. *Id.* at 15, 106, 109. He communicates with his AA sponsor via text message. *Id.* at 16, 109. The Individual’s sponsor stated that the Individual actively participates during meetings and was about to start the eighth step of the AA program. *Id.* at 16–17, 26–27. His sponsor also stated that he was very impressed with the Individual’s commitment to AA and that the Individual was taking the program seriously. *Id.* at 17–18. The Individual explained that when he compared AA to the IOP, he responded well to AA because the program did not feel as “commercial” to him, he was around people who had the same problem as him, and he believed the participants were working together. *Id.* at 95. He stated that he intends to continue attending AA at least once or twice a week. *Id.* at 116. He stated that he understood that the “common denominator” in his arrests was his alcohol consumption. *Id.* at 116–17. The Individual’s sponsor saw the Individual during a July Fourth holiday party and did not see him drink alcohol. *Id.* at 22.

As for alcohol testing, the Individual submitted documentary evidence, to support his testimony that he had not consumed alcohol since November 9, 2025. Tr. at 96. He submitted evidence that he took six BATs, on November 25, 2025, December 17, 2025, January 22, 2026, March 31, 2026, May 27, 2026, and July 30, 2026, the results of which were all negative. Tr. at 114; Ex. F; Ex. G; Ex. N; Ex. O at 1–5. He also submitted evidence that he underwent PEth testing on April 15, 2026, May 15, 2026, June 19, 2026, and July 14, 2026, the results of which were also negative for alcohol consumption. Tr. at 113; Ex. H; Ex. I; Ex. J; Ex. K. He also submitted the results of blood testing he underwent in June 2026, by his medical provider, to show that his vital signs had improved since he stopped drinking alcohol. Tr. at 115; Ex. M.

The Individual’s friend testified that he had known the Individual for ten years and had observed the Individual consume alcohol in social settings. Tr. at 36, 38. He last observed the Individual consume alcohol in October 2025. *Id.* at 39. He did not believe the Individual’s alcohol consumption ever impacted his work performance or his family. *Id.* at 40. He was aware of the Individual’s alcohol-related arrest in November 2025, and he stated that since that arrest, he had not observed the Individual consume alcohol. *Id.* at 41. He knew the Individual was attending AA a few times a week, was working with a sponsor, and that he was on the eighth step of the program. *Id.* at 41, 44–45. He also stated that he believed the Individual did not intend to consume alcohol in the future. *Id.* at 41–42. The Individual’s colleague testified that he has known the Individual since 2018. *Id.* at 50, 52. The colleague knew that the Individual was arrested for DUI last year and that since his arrest, he had attended AA meetings and had attended an IOP. *Id.* at 55–56, 60–61. He did not believe the Individual had consumed alcohol since his arrest. *Id.* at 56.

The DOE Psychologist testified that after listening to the testimony provided during the hearing and reviewing the Individual’s exhibits, she continued to believe the Individual had not yet demonstrated adequate evidence of rehabilitation or reformation from his AUD, Moderate, because he had not received all recommended alcohol treatment, or abstained from alcohol, for 12 months. Tr. at 155–56. She explained that the Individual’s testimony at the hearing showed that he still refused to acknowledge the extent to which his alcohol consumption was a problem, and she did not believe the Individual was adequately taking responsibility for the role alcohol had placed in his life. *Id.* at 143, 146–48. The DOE Psychologist also considered the Individual’s failure to follow the occupational psychologist’s recommendation to participate in the IOP’s

aftercare program. *Id.* at 161. She explained that people with AUD, who do not recognize the negative impact their alcohol consumption plays in their life, are at a higher risk of relapse. *Id.* at 148–49.

Although the DOE Psychologist found that the Individual’s AUD, Moderate, was in early remission in February 2026, the Individual’s testimony that he did not respond to the IOP showed a resistance to accepting that he had a problem with alcohol. Tr. at 145–48. The DOE Psychologist explained that the Individual did not start to take some ownership of his problematic alcohol consumption until April 2026, when he started attending AA and working on what was underlying his alcohol consumption, so that is when his rehabilitation began. *Id.* at 154. Because the Individual had only completed three or four months of treatment since then, as of the date of the hearing, he was still “early on” in his treatment process and had not received alcohol treatment for 12 months. *Id.* at 154, 156. The DOE Psychologist also opined that the Individual’s alcohol testing established that he had abstained from alcohol for just over eight months, but he had not established a sustained pattern of behavioral change for 12 months, as she recommended. *Id.* at 156–58. She also opined that the Individual’s prognosis was good, if he continued to attend AA and engage with his AA sponsor. *Id.* at 155.

V. Analysis

A. 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.

Adjudicative Guidelines at ¶ 23.

I have thoroughly considered the record of this proceeding, including the submissions tendered in this case and the testimony of the witnesses presented at the hearing. After due deliberation, I have

determined that the Individual has not mitigated the security concerns raised by his three alcohol-related arrests and his diagnosis of AUD, Moderate.

As to factor (a), the Individual was arrested three times, in 2002, 2008, and 2025, for criminal acts involving his consumption of alcohol to the point of impaired judgment. Although his 2002 arrest for Public Intoxication occurred over 20 years ago, it was the start of a pattern of alcohol-related arrests. This pattern continued as recently as November 2025, nine months before the hearing, when the Individual was arrested for DUI. Nine months is an insufficient amount of time, for the passage of time alone, to mitigate the security concerns related to the Individual's alcohol consumption. There is no evidence that the Individual's problematic alcohol consumption and alcohol-related arrests occurred under unusual circumstances. Finally, I am persuaded by the opinion of the DOE Psychologist, that because the Individual has not yet received alcohol treatment for 12 months, nor shown that he can abstain from alcohol for 12 months, he is not yet rehabilitated or reformed from his AUD, Moderate. Therefore, I cannot conclude that the Individual's problematic alcohol consumption is unlikely to recur, and it continues to cast doubt on his current reliability, trustworthiness, and judgment. Accordingly, I find that the Individual has not mitigated the security concerns related to his alcohol consumption under ¶ 23(a) of the Adjudicative Guidelines.

As to factor (b), at the hearing, the Individual acknowledged that his history of arrests involved his consumption of alcohol. Although he completed an IOP, he testified that he believed that the IOP was run like a business, did not provide him with individualized recommendations, and did not provide advice he believed was alcohol-related, and he admitted that he did not respond well to the program. The Individual also failed to enroll in the IOP's aftercare program, as recommended by his employer's occupational psychologist. He started attending AA in April 2026, and the testimony provided during the hearing, along with the Individual's attendance sheets, demonstrated that he has been an active participant in the AA program. However, the Individual had only participated in AA for four months, and I concur with the DOE Psychologist, who opined that the Individual had not yet received 12 months of alcohol treatment to resolve his AUD, Moderate. Finally, the Individual submitted evidence that he had abstained from alcohol for approximately eight months, which is short of the 12 months recommended by the DOE Psychologist, to demonstrate an established pattern of abstinence. Accordingly, I find that the Individual has not mitigated the security concerns related to his alcohol consumption under ¶ 23(b) of the Adjudicative Guidelines.

As to factor (c), the Individual had no prior history of treatment and relapse before his November 2025 arrest for DUI. Since April 2026, he has been an active participant in AA, and the testimony provided at the hearing supports that he is making satisfactory progress in the program. However, the DOE Psychologist opined that the Individual had not yet received enough treatment, or abstained from alcohol long enough, to resolve his AUD, Moderate. I continue to have doubts that the Individual's problematic alcohol consumption will not recur. *See* 10 C.F.R. § 710.7(c) (requiring me to consider the "the absence or presence of rehabilitation or reformation and other pertinent behavioral changes" and "the likelihood of continuation or recurrence," among other factors).

Accordingly, I find that the Individual has not mitigated the security concerns related to his alcohol consumption under ¶ 23(c) of the Adjudicative Guidelines.

As to factor (d), the Individual completed an IOP on January 5, 2026. But, as explained above, the Individual admitted that he did not respond to the treatment he received in the IOP. He also failed to enroll in an aftercare program, as recommended by his employer's occupational psychologist. Although the Individual enrolled in AA, he has only participated in the AA program for four months, which is short of the 12 months recommended by the DOE Psychologist, and he is not yet rehabilitated or reformed from his AUD, Moderate. Finally, the Individual has abstained from alcohol for approximately eight months, which is not sufficient to establish a pattern of abstinence from alcohol in accordance with the DOE Psychologist's treatment recommendations, which required abstinence for 12 months. Therefore, I find that the Individual has not mitigated the security concerns related to his alcohol consumption under ¶ 23(d) of the Adjudicative Guidelines.

Based on the foregoing analysis, I cannot find that the Individual has resolved the security concerns raised by the LSO under Guideline G of the Adjudicative Guidelines.

B. Guideline J

The Adjudicative Guidelines provide that conditions that could 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.

As to factor (a), the Individual's pattern of alcohol-related arrests continued as recently as November 2025, nine months before the hearing. Not enough time has passed to resolve the security concerns arising from his pattern of arrests. The Individual did not present evidence that any of the arrests occurred under unusual circumstances. He admitted that his 2002 arrest occurred after he consumed alcohol and, while intoxicated, he retrieved his loaded firearm, pointed the firearm at either his girlfriend, or the wall, and pulled the trigger. When questioned about the dangers of having and using a loaded firearm while drinking alcohol to intoxication, the Individual was reluctant to acknowledge that his use of a firearm in that manner in 2002, and any such use in general, was dangerous. I find the Individual's responses to be troubling, and I am left with significant doubts concerning the Individual's judgment. He also admitted that his 2008 and 2025 arrests occurred after he chose to drive his car after consuming alcohol to intoxication. Because the Individual's arrests are alcohol-related, his behavior is a symptom of his AUD, Moderate, and

as explained above, the Individual has not received 12 months of alcohol treatment, nor has he abstained from alcohol for 12 months, to establish rehabilitation or reformation from his AUD, Moderate. The Individual has not shown that his criminal behavior is unlikely to recur, and his behavior continues to cast doubt on his reliability, trustworthiness, or good judgment. Accordingly, I find that the Individual has not mitigated the security concerns related to his three arrests under ¶ 32(a) of the Adjudicative Guidelines.

As to factor (b), the Individual did not present evidence that he was pressured or coerced into committing the criminal conduct for which he was arrested in 2002, 2008, or 2025. Accordingly, the mitigating factor under ¶ 32(b) is not applicable to this case.

As to factor (c), the Individual did not allege that the information concerning his three arrests was from less than reliable sources. Accordingly, the mitigating factor under ¶ 32(c) is not applicable to this case.

As to factor (d), the Individual has not been arrested in the nine months since his November 2025 arrest for DUI, and he complied with the court-ordered requirements to resolve the criminal charges from his prior arrests. However, as explained above, the Individual's criminal conduct is a symptom of his AUD, Moderate. , I concur with the opinion of the DOE Psychologist, who opined that although the Individual had received three or four months of alcohol treatment, he had not received alcohol treatment, or abstained from alcohol, for 12 months, and was not yet rehabilitated or reformed from his AUD, Moderate. So, I am unable to conclude that his criminal behavior is not likely to recur. Accordingly, I find that the Individual has not mitigated the security concerns related to his three arrests under ¶ 32(d) of the Adjudicative Guidelines.

Based on the foregoing analysis, I cannot find that the Individual has resolved the security concerns raised by the LSO under Guideline J of the Adjudicative Guidelines.

VI. Conclusion

For the reasons set forth above, I conclude that the LSO properly invoked Guideline G and Guideline 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 concerns set forth in the SSC. Accordingly, the Individual has not demonstrated that restoring 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 restored.

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

Diane L. Miles
Administrative Judge
Office of Hearings and Appeals