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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 27, 2026)
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Case No.: PSH-26-0108

Issued: September 14, 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 restored.

I. Background

In January 2026, DOE received information that the Individual, a holder of an access authorization, was microdosing Lysergic Acid Diethylamide (LSD). Exhibit (Ex.) 5 at 20; Ex. 4 at 18. In an effort to gather more information, the Local Security Office (LSO) asked the Individual to complete a Letter of Interrogatory (LOI), which the Individual signed and submitted in February 2026. *Id.* at 25. In the LOI, the Individual explained that he first used LSD in January 2025 and last used LSD in January 2026. *Id.* at 20. The Individual obtained LSD, in the form of a spray, on six separate occasions. *Id.* at 20–21. On the six occasions he obtained the substance, he would "spray" the substance between one to four times, and each spray consisted of "less than 5 micrograms of LSD[.]" *Id.* The Individual explained that he used on weekends "or over an extended period of time off from work." *Id.* at 20. He stated that the LSD would cause him to relax, that he obtained the substance from a friend, and that he only purchased the substance from that friend on one occasion. *Id.* As he described it, the use of the substance was "social" in nature, and at the time he completed the LOI, he still associated with the friend from whom he would obtain the substance.

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.

Id. at 21, 23. The Individual stated, however, that he did not intend to use illegal substances in the future. *Id.* at 23.

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 Guidelines H (Drug Involvement and Substance Misuse) and J (Criminal Conduct) of the Adjudicative Guidelines and prohibited the LSO from granting or renewing his security clearance pursuant to the Bond Amendment. 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 direct supervisor, a Fitness for Duty (FFD) psychologist, and his second-line supervisor. *See* Transcript of Hearing, OHA Case No. PSH-26-0108 (hereinafter cited as "Tr.") The Individual also submitted seven exhibits, marked Exhibits A through G. The DOE Counsel submitted seven exhibits marked as Exhibits 1 through 7.

II. Notification Letter

Bond Amendment

Under the Bond Amendment, "the head of a Federal agency may not grant or renew a security clearance for a covered person who is an unlawful user of a controlled substance or an addict[.]" 50 U.S.C. § 3343(b). "Controlled substance" is defined with reference to 21 U.S.C. § 802(6), which defines it to include Schedule I substances under the Controlled Substances Act, such as LSD. 21 U.S.C. § 812. The LSO alleged that in the February 2026 LOI, the Individual admitted that from January 2025 to January 2026, he microdosed LSD on six separate occasions. Ex. 1 at 5. The LSO's invocation of the Bond Amendment is justified.

Guideline H

Under Guideline H of the Adjudicative Guidelines, the illegal use of controlled substances "can raise questions about an individual's reliability and trustworthiness, both because such behavior may lead to physical or psychological impairment and because it raises questions about a person's ability or willingness to comply with law, rules, and regulations." Adjudicative Guidelines at ¶ 24. Conditions that could raise a security concern under Guideline H include "any substance misuse," "illegal possession of a controlled substance, including . . . purchase," and "any illegal drug use while granted access to classified information or holding a sensitive position." *Id.* at ¶ 25(a), (c), (f). In invoking Guideline H, the LSO alleged that:

1. The Individual admitted in the February 2026 LOI that he microdosed LSD six times from January 2025 to January 2026. Ex. 1 at 5.
2. The Individual admitted in the February 2026 LOI that between January 2025 and January 2025, he purchased LSD one time. *Id.*
3. The Individual admitted in the February 2026 LOI that from January 2025 to January 2026, the Individual took LSD while he held an access authorization. *Id.*
4. The Individual admitted in the February 2026 LOI that he “associates with a friend who uses LSD and from whom he purchased . . . LSD.” *Id.*

The LSO’s invocation of Guideline H is justified.

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 conduct, regardless of whether the individual was formally charged, prosecuted, or convicted[.]” *Id.* at ¶ 31(b). The LSO alleged that the Individual admitted in the February 2026 LOI that from January 2025 to January 2026, “he used and purchased LSD.” Ex. 1 at 5. 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

In May 2022, the Individual completed and signed a Questionnaire for National Security Positions (QNSP) as part of seeking access authorization. Ex. 7 at 94. Therein, the Individual disclosed a significant history of illegal drug use, including marijuana use from 1999 to 2018, hallucinogenic mushroom use from 2001 through 2010, and cocaine use from 2003 to 2012. *Id.* at 87–89. With respect to each form of illegal drug, the Individual stated on the QNSP: “I do not intend to use this controlled substance in the future. I wish to maintain my employment to support my family financially.” *Id.* The Individual also completed a security acknowledgement wherein he indicated that he understood that “any illegal drug use[] could result in the loss of [his] DOE access authorization.” Ex. 6 at 27.

The Individual admitted during the hearing that taking LSD constituted a “lapse in judgment[,]” and explained that he was “trying to relieve anxiety and stress[.]” Tr. at 66. He explained that he was not trying to conceal his LSD use, which is why he was forthcoming in the LOI. *Id.* The Individual explained that it was not his intention to reach a state of intoxication or to take enough for it to have a psychedelic effect. *Id.* Instead, he was trying to take enough to relax. *Id.* at 67. He represented that the last time he microdosed was in January 2026 and that he did not go through any withdrawal, he was not addicted, and he did not experience any cravings. *Id.* at 67–68. The Individual also indicated that he has not experienced any issues like flashbacks. *Id.* at 68–69. He has no intention of using any illicit substances moving forward, and he provided a signed statement accepting responsibility for his actions and declaring his intent to remain abstinent from illegal drugs.² Ex. A; Tr. at 68. The Individual explained that he does not “have frequent issues following law, rules, or regulations” and that he does not have any “current or ongoing issues with law enforcement[.]” Tr. at 68; *but see* Ex. 7 at 87–89 (Individual’s history of illegal drug use reported on the QNSP). The Individual also admitted in his testimony that on one occasion, he paid the person who gave him the LSD a sum of less than \$40 to purchase the product, and he considered the person a friend at the time. *Id.* at 69. He did not, for instance, travel to a “seedy part of town” to make the purchase. *Id.* When asked how it came about that he first used LSD in January 2025, the Individual explained that a friend, the person who gave him the LSD, “explained [the] benefits” of the substance to him, and he trusted this person. *Id.* at 75. After the use was reported to DOE, the Individual reached out to his friend to set boundaries.³ *Id.* at 77. He did, however, state that their children attend the same school, and he continues to see his friend when it is unavoidable. *Id.*

The Individual explained that after the matter was reported, he “had to take a deep look into [himself],” and he found it “scary” because his actions “had disrupted [his] and [his] family’s security and stability[.]” *Id.* at 71. He explained that on March 25, 2026, he began seeing a mental health provider in his community, and although he started out seeing the mental health provider

² The statement also indicates that he will not engage in the activities in which he was participating when he used LSD and he will not be around people who are using illegal substances. Ex. A. It further indicates that he is aware that a “security clearance is a privilege and continuing national-security responsibility[.]” *Id.*

³ The Individual told the person from whom he received the LSD that he “will never again participate in, accept, or tolerate illegal drug activity.” Ex. A.

once per week, he now sees the provider on a biweekly basis.⁴ *Id.* at 71–72; Ex. C; Ex. D. He has worked on himself with the assistance of the mental health provider, and the improvements that he has made have positively impacted his personal life. Tr. at 72–73. He sees his “lapse in judgment” as “the catalyst for” the improvements he has experienced in his life. *Id.* at 73. He tries to “embody what [he has] learned in his personal and professional” life on a daily basis. *Id.* He explained that irrespective of the outcome of this decision regarding his security clearance, he intends to continue seeing his mental health provider. *Id.* at 83.

The FFD psychologist, who supports the Individual’s employer’s behavioral health group and Employee Assistance Program (EAP), explained that the Individual “was referred for a[n FFD] evaluation in March of 2026, after there was a report to Personnel Security that raised concerns” and before the Individual found a mental health provider in his community.⁵ *Id.* at 30–31. The FFD psychologist conducted a psychological interview, referred him for treatment, and provided oversight as the Individual went through the FFD process. *Id.* at 31. By conducting the psychological interview, the FFD psychologist concluded that “there was no indication of an underlying mental health concern” and that the decision to take LSD “seemed to be more a decision that needed to be corrected.” *Id.* at 32. The FFD psychologist explained that the Individual “was receptive to feedback that he needed to address the concern in terms of his decision to microdose with LSD.” *Id.* at 33. The Individual was also, “willing to take actions to develop other ways to cop[e] with stress and tension.” *Id.* The FFD psychologist explained that microdosing has a “calming” and “mood elevating effect[,]” and would therefore be something that would cause the Individual to “be calmer” if he experiences anxiety. *Id.* at 33–34. The Individual would not, for instance, be microdosing if he was “seeking a high.” *Id.* at 34. The FFD psychologist explained that the Individual “put a lot of effort into identifying a mental health provider that he felt he could work with effectively.” *Id.* at 35. The feedback she received from the Individual’s mental health provider indicated that the Individual has “engaged sincerely,” “took responsibility for the poor decision that he made, and . . . developed more constructive ways of coping with stress[.]” *Id.* The Individual also created “reasonable boundaries between work and his personal life,” and has focused “on values-based decision-making,” which she believes was “an important component of . . . his treatment and his progress.”⁶ *Id.* The FFD psychologist stated her belief that the Individual

⁴ A July 2026 letter from his mental health provider indicates that the Individual’s “[t]herapy focuses on the underlying motivations for [his] behavioral choices.” Ex. C. He has “prioritized his personal values of honesty and integrity, along with the security and stability of his family over his previous intermittent recreational use of substances.” *Id.* The letter also notes the “absence of cognitive fixation on substance use[.]” *Id.* The Individual’s work with the mental health provider has “clarified his commitment to abstain from substance use.” *Id.*

⁵ When the Individual reported to the FFD program, he was restricted to “no safety-sensitive work, no escorted access to limited areas or to classified material,” and required to “complete the recommended treatment, [and] attend appointments as requested [by] occupational health.” Tr. at 38. The recommended treatment consisted of finding an outside provider for regular therapy. *Id.* at 39. A “baseline” drug test was performed, and as the Individual did not exhibit any suspicious behavior following the baseline drug test, another test was not administered. *Id.* The Individual did not receive a substance-related diagnosis. *Id.* at 40. On August 12, 2026, the Individual submitted to a urine drug test. Ex. G. The panel came back negative for all listed substances; however, it does not appear from the results that LSD is a drug for which the laboratory tests. *Id.*

⁶ The FFD psychologist explained in an August 6, 2026, letter that the Individual’s mental health provider focuses on treating the Individual for “anxiety management, emotional regulation, devilmint of adaptive coping strategies, values-based decision-making, and judgment enhancement.” Ex. B. She went on to explain that the Individual has experienced “substantial and sustained progress.” *Id.*

has “a very low risk for making such a decision in the future.” *Id.* at 35, 38. The Individual was discharged from the FFD program in August 2026. *Id.* at 40.

The Individual’s direct supervisor, who hired him in 2022, explained that she has never had any concerns about the Individual reporting to work under the influence of any substance. *Id.* at 16–18; Ex. E. She explained that she “never observed any behavior[al] issues with him at work or any behavior that would cause [her] to even suspect that there was something wrong.” Tr. at 18. She explained that the Individual is “very aware of . . . requirements, especially around security[.]” *Id.* at 19. She knows that he has engaged a mental health provider and has seen that he has “made a lot of progress” and has matured “through the counseling process.” *Id.* She “ha[s] faith that he has corrected the issue.” *Id.* His conduct has not made her less willing to entrust him with significant and important work duties. *Id.* at 23–24. She believes the Individual is reliable and trustworthy. *Id.* at 24. A second-line supervisor who spends time with the Individual in a social capacity and speaks to the Individual on a daily basis, testified that he never had any concerns that the Individual was under the influence of any substance. *Id.* at 48, 50–53. He also denied any knowledge of the Individual having any issues at work due to intoxicating substances. *Id.* at 53. He explained that the Individual has expressed remorse for his decision to take LSD and has found ways to cope with stress and anxiety without using illicit substances. *Id.* at 58.

V. Analysis

Bond Amendment

DOE’s guidance for application of the Bond Amendment provides as follows:

- a. An unlawful user of a controlled substance is any person who uses a controlled substance and has lost the power of self-control with reference to the use of the controlled substance or who is a current user of the controlled substance in a manner other than as prescribed by a licensed physician. Such use is not limited to the use of drugs on a particular day, or within a matter of days or weeks before, but rather that the unlawful use occurred recently enough to indicate that the individual is actively engaged in such conduct.
- b. An addict of a controlled substance is as defined in 21 U.S.C. § 802(1), which is any individual who habitually uses any narcotic drug so as to endanger the public morals, health, safety, or welfare; or is so far addicted to the use of narcotic drugs as to have lost the power of self-control with reference to his or her addiction.

DOE O 472.2A, Appendix C: Adjudicative Considerations Related to Statutory Requirements, at Page C-1 (June 10, 2022).

The Individual admitted to using LSD after the matter was reported to the appropriate office. Although the Individual claimed to have been “microdosing,” and the FFD Psychologist testified that this behavior would not produce a “high,” the only evidence I have concerning the Individual’s drug use is his own testimony. Considering that the Individual previously engaged in extensive illegal drug use, which he claimed in the QNSP that he did not intend to do again, but used LSD

illegally while possessing a security clearance and hid that information from the LSO until confronted with information from a third party, I do not find the Individual a credible narrator of his own drug use. Moreover, the Individual did not undergo drug testing to corroborate his claim to have stopped using LSD, and the only drug test in the record does not appear to have tested for LSD. Accordingly, I have no basis to conclude how frequently or extensively the Individual used LSD.

Considering the foregoing, I have no basis to conclude when, if ever, the Individual stopped using LSD. I am encouraged that the Individual has engaged in regular therapy with a mental health provider to alter his coping mechanisms to deal with anxiety and stress, helping to protect against potential further use. Nonetheless, due to the paucity of evidence to corroborate the extent and recency of his LSD use, I can only find that the Individual remains an “unlawful user of a controlled substance” prohibited from holding a security clearance pursuant to the Bond Amendment, 50 U.S.C. § 3343(b).

Guideline H

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

- (a) The behavior happened so long ago, was so infrequent, or happened under such circumstances that it is unlikely to recur or does not cast doubt on the individual’s current reliability, trustworthiness, or good judgment;
- (b) The individual acknowledges his or her drug involvement and substance misuse, provides evidence of actions taken to overcome this problem, and has established a pattern of abstinence, including, but not limited to:
 - (1) disassociation from drug-using associates and contacts;
 - (2) changing or avoiding the environment where drugs are used; and
 - (3) providing a signed statement of intent to abstain from all drug involvement and substance misuse, acknowledging that any future involvement or misuse is grounds for revocation of national security eligibility.
- (c) Abuse of prescription drugs was after a severe prolonged illness during which these drugs were prescribed, and abuse has since ended; and
- (d) Satisfactory completion of a prescribed drug treatment program, including, but not limited to, rehabilitation and aftercare requirements, without recurrence of abuse, and a favorable prognosis by a duly qualified medical professional.

Adjudicative Guidelines at ¶ 26.

As the Individual engaged in LSD use while holding access authorization between January 2025 and January 2026, with the last occurrence taking place less than one year ago by his own admission, I cannot conclude that the Individual engaged in this behavior long ago or on a basis

infrequent enough to quell any concerns regarding the Individual's trustworthiness, reliability, or good judgment. While the Individual's mental health provider did not note any dependence on LSD, I am not satisfied that drug use will not recur. Specifically, the record indicates that the Individual engaged in marijuana, cocaine, and psychedelic mushroom use over the span of years. *See* 10 C.F.R. § 710.7(c) (requiring consideration of "the absence or presence of rehabilitation or reformation and other pertinent behavior changes," "the likelihood of continuation or recurrence," and "other relevant and material factors" in applying the mitigating conditions). This evidences a potential propensity for some kind of use, and I do not have consistent negative drug tests to assuage any concerns I have that use will not recur. Mitigating factor (a) has not been met.

The Individual has acknowledged his drug involvement in his statement committing to abstain from illegal drugs in the future, and he has taken a positive step in resolving his illegal drug use by attending therapy. The Individual also represented that he has mostly disassociated from the friend from whom he claimed to have obtained the LSD and avoided the environment in which he used LSD. However, even if credited these uncorroborated claims, I cannot conclude that the Individual has remained abstinent because I do not have a record containing consistent, negative drug test results. While the Individual did submit evidence of a negative urine sample, from the face of the test results, it does not appear that the laboratory tested for LSD, the very substance at issue in this matter. The Individual's coworkers are not reliable sources of information concerning his drug use since they were unaware of his LSD use while it was ongoing and, as explained above, the Individual's account of his own drug usage is not sufficiently reliable for me to rely on his uncorroborated testimony. Therefore, the Individual has failed to mitigate the stated concerns pursuant to mitigating factor (b).

The substance at issue was not a prescription drug, and accordingly, mitigating factor (c) is not applicable. The Individual did not participate in a drug treatment program, and accordingly, mitigating factor (d) is not applicable.

For the aforementioned reasons, the Individual has not resolved the security concerns asserted by the LSO under Guideline H.

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.

As indicated above, the alleged behavior took place less than one year ago. I therefore cannot conclude that so much time has passed that it is unlikely to recur and does not cast doubt on the Individual's reliability, trustworthiness, or good judgment. Furthermore, the Individual's use and purchase of LSD occurred in the context of years of prior use. This creates some concern that there is a propensity for this sort of behavior. As not enough time has elapsed since the alleged conduct occurred and since the Individual began seeing a mental health provider to address his behavior, I am not sufficiently satisfied that it took place under such unusual circumstances that it is unlikely to recur. I cannot conclude that mitigating factor (a) has been met.

Similarly, although the Individual is seeing a mental health provider, I have no information with respect to any job training, higher education, or constructive community involvement. I have information that the Individual is well-regarded by superiors, but as indicated above, not enough time has passed since the last claimed incident of use. I cannot conclude that he has mitigated the stated concerns pursuant to mitigating factor (d).

The Individual did not allege that he was pressured or coerced into committing the act. Mitigating factor (b) is not applicable. The Individual admitted to illegally purchasing and using LSD. Mitigating factor (c) is not applicable.

In light of the above considerations, the Individual has not resolved the security concerns asserted by the LSO under Guideline J.

VI. Conclusion

For the reasons set forth above, I conclude that the LSO properly invoked Guidelines H and J of the Adjudicative Guidelines and the Bond Amendment. 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 under Guidelines H and J and that the Bond Amendment disqualifies the Individual from holding access authorization. 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.

Noorassa A. Rahimzadeh
Administrative Judge
Office of Hearings and Appeals