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

In the Matter of: Personnel Security Hearing

Filing Date: June 30, 2026

Case No.: PSH-26-0144

Issued: September 23, 2026

Administrative Judge Decision

Phillip Harmonick, 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 was granted access authorization in connection with his employment by a DOE contractor. *See* Transcript of Hearing, OHA Case No. PSH-26-0144 (Tr.) at 21–22. At some point in early 2026, the local security office (LSO) received an alert indicating that the Individual’s Cash App account had been closed due to concerns related to the purchase of child sexual abuse materials (CSAM) stemming from the Individual’s purchase of pornography from a Cash App account owned by a minor. *Id.* at 47–48. The LSO subsequently issued the Individual four letters of interrogatory (LOIs), dated March 19, 2026 (First LOI), March 23, 2026 (Second LOI), March 27, 2026 (Third LOI), and April 8, 2026 (Fourth LOI), respectively, concerning his viewing and purchasing of pornography. Exhibit (Ex.) 4; Ex. 6; Ex. 8; Ex. 10.²

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 LSO submitted its exhibits, except for Ex. 2, in a single PDF. This Decision cites to the LSO's exhibits 1 and 3–11 by reference to the exhibit number and the pages in the order in which they appear in the PDF without regard to their internal pagination. Ex. 2, which was submitted separately, will be cited by reference to the pagination therein.

In response to the First LOI, the Individual indicated that he had opened the Cash App account to purchase pornographic materials and obtain “companionship” from women. Ex. 5 at 16. In his response to the Second LOI, the Individual represented that he had only used his Cash App and a website to purchase pornography, that he was not in “constant communication” with persons from whom he had purchased pornography, and that he had no “reason to believe anyone could use any of this information against [him] in a blackmail capacity” Ex. 7 at 30. However, in his response to the Third LOI, the Individual admitted that he was still in contact with one woman from whom he had purchased pornography, that he had used PayPal to make purchases in addition to CashApp, and that he had opened the CashApp account to protect himself “against possible blackmail.” Ex. 9 at 34. The Individual also indicated that his wife, while aware that he sometimes viewed pornography, was unaware that he was purchasing pornography and paying to chat with women. Ex. 7 at 30; Ex. 9 at 34; Ex. 11 at 52.

The LSO issued the Individual a Notification Letter advising him that it possessed reliable information that created substantial doubt regarding his eligibility for access authorization. Ex. 1 at 1–3. In a Summary of Security Concerns (SSC)³ attached to the letter, the LSO explained that the derogatory information raised security concerns under Guidelines D and E of the Adjudicative Guidelines. Ex. 2.

The Individual exercised his right to request an administrative review hearing pursuant to 10 C.F.R. Part 710. Ex. 3. The Director of the Office of Hearings and Appeals (OHA) appointed me as the Administrative Judge, and I conducted an administrative hearing in August 2026. The LSO submitted eleven exhibits (Ex. 1–11) and the Individual submitted one exhibit (Ex. A).⁴ The Individual testified on his own behalf and offered the testimony of his wife. Tr. at 3, 11, 18–19. The LSO offered the testimony of a personnel security specialist. *Id.* at 3, 43.

II. THE NOTIFICATION LETTER AND THE ASSOCIATED SECURITY CONCERNS

The LSO cited Guideline D (Sexual Behavior) of the Adjudicative Guidelines as the first basis for its substantial doubt regarding the Individual’s eligibility for access authorization. Ex. 2 at 1–2. “Sexual behavior that involves a criminal offense; reflects a lack of judgment or discretion; or may subject the individual to undue influence of coercion, exploitation, or duress” can present security concerns under Guideline D. Adjudicative Guidelines at ¶ 12. “These issues, together or individually, may raise questions about an individual’s judgment, reliability, trustworthiness, and ability to protect classified or sensitive information.” *Id.* The SSC alleged that the Individual’s purchases of pornography placed him at risk of coercion, exploitation, or duress, noting that the

³ The LSO amended the SSC attached to the Notification Letter after this matter was referred to OHA for adjudication. *See* Tr. at 7–8. This Decision refers to the allegations contained in the amended SSC, reflected in Ex. 2, when describing the SSC allegations. I advised the Individual that he was entitled to the notice set forth at 10 C.F.R. § 710.21 and offered to reschedule the hearing concerning this matter to allow him additional time to prepare in light of the new allegations. *See id.* The Individual declined and chose to go forward with the hearing as scheduled. *See id.*

⁴ After the hearing, the Individual’s wife sent me an e-mail message in which she provided information on actions she and the Individual had taken. This unauthorized submission was not offered into evidence by the Individual, and even if it had been I would not have accepted it considering that the LSO had no opportunity to cross-examine the Individual’s wife concerning the unsworn information she provided.

purchases might have included CSAM, that the Individual purchased pornography from a Cash App account owned by a minor, the Individual admitted that he used Cash App due to concerns about blackmail, and the Individual's wife was not aware of these purchases. Ex. 2 at 1–2. The LSO's allegations that the Individual engaged in sexual behavior of a criminal nature by purchasing CSAM and that his behavior caused him to be vulnerable to coercion, exploitation, or duress justify its invocation of Guideline D. Adjudicative Guidelines at ¶ 13(a), (c).

The LSO cited Guideline E (Personal Conduct) of the Adjudicative Guidelines as the other basis for its substantial doubt regarding the Individual's eligibility for access authorization. Ex. 2 at 3–4. "Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes." Adjudicative Guidelines at ¶ 15. The SSC cited the Individual's inconsistent responses to the Second and Third LOIs and alleged that his pornography-related behavior, and his having hidden it from his wife, could make him vulnerable to exploitation, manipulation, or duress. Ex. 2 at 3–4. The LSO's allegations that the Individual provided false or misleading information to the LSO and engaged in activities which, if known, could affect his personal, professional, or community standing and render him vulnerable to exploitation, manipulation, or duress justify its invocation of Guideline E. Adjudicative Guidelines at ¶ 16(b), (e)(1).

III. REGULATORY STANDARDS

A DOE administrative review proceeding under Part 710 requires me, as the Administrative Judge, to issue a Decision that reflects my comprehensive, common-sense judgment, made after consideration of all of the relevant evidence, favorable and unfavorable, as to whether the granting or continuation of a person's access authorization will not endanger the common defense and security and is clearly consistent with the national interest. 10 C.F.R. § 710.7(a). The regulatory standard implies that there is a presumption against granting or restoring a security clearance. *See Dep't 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).

An 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). An individual is afforded a full opportunity to present evidence supporting his or her 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

The Individual testified that he had resorted to using pornography due to troubles in his marriage. Tr. at 19. He asserted that he believed that all of the women depicted in the pornography he purchased were adults. *Id.* at 20, 33.

In early 2026, the LSO received an alert indicating that the Individual's Cash App account had been closed, potentially because he used it to purchase CSAM. *Id.* at 48. The alert noted a flagged transaction in which the Individual sent \$90 to an account owned by a Cash App user, who was seventeen years old at the time of the transaction, in exchange for what Cash App determined to be pornographic material. *Id.* at 48–49, 51–52; *see also* Ex. 2 (alleging that a comment the Individual made through Cash App as part of the transaction referred to lubricant and a sexual accessory).

In his hearing testimony, the Individual represented that he believed that the person depicted in the pornographic materials he purchased via the flagged Cash App transactions was twenty-three years of age. Tr. at 20; *see also* Ex. A (screenshot of a social media post the Individual claimed was made by the person in question wherein the poster purports to be twenty-three years of age). According to the Individual, he opened a Cash App account at the request of this individual to facilitate purchases of pornography. Tr. at 24–25.

In response to the First LOI, in which the LSO asked the Individual about why he had opened the Cash App account and the circumstances under which it had been closed, the Individual stated that he opened the Cash App account “to send money to a female in an attempt to have some companionship.” Ex. 5 at 16. He stated that Cash App had not provided him with a reason for closing the account. *Id.* He also provided transaction records showing that he had engaged in Cash App transactions, which he identified as related to pornography, in December 2025 and January 2026, and that the last transaction was January 17, 2026. *Id.* at 18–27.

In response to the Second LOI, wherein the LSO requested additional details concerning the Individual's transactions, the Individual stated that he had only purchased pornographic materials via Cash App and a website. Ex. 7 at 30. He admitted that there were two instances in which Cash App had denied transactions for pornographic materials, which he claimed Cash App had identified as “a scam.” *Id.* He denied that he had viewed or sought to obtain CSAM and stated that it was his practice to “try to stay 24 and older” when purchasing pornographic content.⁵ *Id.* The Individual indicated that no one, including his wife, was aware of his pornography-related transactions, except for the women who were the source of the pornographic material and male

⁵ Notably, the Individual knowingly made payments to male individuals in some of the transactions, which he claimed he did at the request of women who wanted payments sent to a “brother” or “friends.” Ex. 5 at 16; Ex. 7 at 30; *see also* Ex. 5 at 22 (Cash App transactions showing that the Individual made hundreds of dollars of payments to recipients with male names in January 2026); Ex. 11 at 84–85 (showing that the Individual made hundreds of dollars in payments via PayPal to another male individual in January 2026). He acknowledged that he “was suspicious” of these payments. Ex. 9 at 34; *see also* Tr. at 27–28 (testifying that one of the individuals from whom he purchased pornography made a request that led him to believe “that’s a fake account” and that he felt “really silly for that”); Tr. at 30–32 (testifying that he had paid “talking fees” to men to interact with women). Based on the foregoing, I find that the Individual was, or should have been, aware of the possibility that the pornographic materials he was purchasing were not directly from the persons depicted in the pornographic materials and that his payments to these men could have supported human trafficking, nonconsensual publication of intimate images, or other illegal conduct.

persons to whom he had made payments. *Id.* He denied that he was in “constant communication” with any of the women or that “anyone could use any of the information against [him] in a blackmail capacity” *Id.*

In the Third LOI, in which the LSO confronted him as to how his purchases of pornography continued since his Cash App transactions stopped in January 2026, the Individual admitted that he had also used PayPal for pornography-related transactions. Ex. 8 at 32; Ex. 9 at 34. When asked to clarify why he had opened the Cash App account if not to hide transactions from his wife, the Individual admitted that he used the account “as a somewhat protective line against possible blackmail.” Ex. 8 at 32; Ex. 9 at 34; *see also* Ex. 11 at 78 (showing that the Individual’s PayPal account ID included his full name). He further noted that his wife did not have access to his financial accounts and could not learn of his activities in that way. Ex. 9 at 34. He also admitted that he was still in contact with one of the women whose pornographic materials he had purchased. *Id.*

The Fourth LOI requested that the Individual provide copies of his PayPal and banking records, which the Individual provided. Ex. 10 at 49; Ex. 11 at 54–95. Cumulatively, these records showed that the Individual had spent nearly \$2,000 on pornographic materials from December 2025 through April 2026.⁶ Ex. 5 at 19, 22; Ex. 11 at 56, 60, 84, 89–90. The Individual also indicated in his response to the Fourth LOI that, although his wife was aware that he “watch[ed] pornography on occasion,” she was not aware of the LSO’s inquiry into his pornography-related transactions. Ex. 11 at 52.

When the Individual’s access authorization was suspended, he told his wife that he was unaware of the reason for which it had been suspended. Tr. at 15. Approximately one week prior to the hearing, the Individual told his wife that he had learned that his access authorization had been suspended because he had reported that “he had watched pornography” in response to “a security questionnaire.” *Id.* at 16. The Individual’s wife testified at the hearing that she was aware that the Individual viewed pornography, but when confronted with the facts that he had paid for pornography and directly interacted with women online to obtain sexual content she denied that she had known that information prior to the hearing. *Id.* at 13, 16.

The Individual testified at the hearing that he “stopped talking to” individuals from whom he purchased pornography at the “end of March” 2026. *Id.* at 20. He explained that “[t]he females started to be demanding of money and [he] was just very over it and [] not getting anything that [he] wanted” *Id.* at 36. However, upon further questioning he acknowledged that he continued to speak with one woman into at least April 2026. *Id.* at 39.

V. ANALYSIS

A. Guideline D

Conditions that could mitigate security concerns under Guideline D include:

⁶ The SSC’s calculation of the Individual’s pornography-related expenditures appears to have failed to account for several transactions that were charged back. *See* Ex. 2 at 3 (estimating the Individual’s expenditures as exceeding \$2,100). The exact amount of the Individual’s pornography-related expenditures is not material to my determination in this case.

- (a) the behavior occurred prior to or during adolescence and there is no evidence of subsequent conduct of a similar nature;
- (b) the sexual behavior happened so long ago, so infrequently, or under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or judgment;
- (c) the behavior no longer serves as a basis for coercion, exploitation, or duress;
- (d) the sexual behavior is strictly private, consensual, and discreet; and
- (e) the individual has successfully completed an appropriate program of treatment, or is currently enrolled in one, has demonstrated ongoing and consistent compliance with the treatment plan, and/or has received a favorable prognosis from a qualified mental health professional indicating the behavior is readily controllable with treatment.

Adjudicative Guidelines at ¶ 14.

The first mitigating condition is irrelevant because the Individual was an adult when he engaged in the concerning conduct. *Id.* at ¶ 14(a).

The exact date when the Individual began purchasing pornographic content online and the duration during which he did so is not entirely clear from the record. He testified that he had stopped purchasing pornographic materials, but provided no evidence, such as financial records, to corroborate that claim. Even if I accepted the Individual's representations that he stopped purchasing pornographic material, considering that the purchases were documented to have occurred on numerous occasions over a span of five months until as recently as April 2026, the Individual's behavior did not occur so long ago or infrequently that I can conclude that it will not recur. As to unusual circumstances, while the Individual's marital problems may have led him to seek sexual content, relationship difficulties are hardly an unusual circumstance, let alone one that assuages my concerns regarding the Individual's reliability, trustworthiness, and judgment. Accordingly, the second mitigating condition is inapplicable. *Id.* at ¶ 14(b).

The Individual acknowledged that his behaviors could place him at risk of blackmail. There are numerous ways in which the Individual's conduct exposed him to potential blackmail. First, to the extent that he purchased CSAM, he might be blackmailed by the threat of revealing his illegal, immoral behavior to law enforcement, DOE, his wife, and other personal contacts. However, beyond the CSAM, it is apparent that the Individual engaged in personal communications with persons he believed to have been depicted in the pornography he purchased. The Individual's intimate communications with these individuals were likely explicit and potentially highly embarrassing if revealed to his wife, family, and friends. Finally, the fact that the Individual was documented to have spent nearly \$2,000 on pornography, and may have spent even more of which the LSO was unaware, could have formed a basis for blackmailing the Individual based on the threat of disclosing this spending to his wife. While the Individual's wife learned some information

regarding the Individual's behavior during the hearing that diminishes his risk of blackmail, there are likely many details concerning his conduct of which she is not aware that could still serve as a basis for blackmail or coercion. Most importantly, the CSAM-related allegations were not addressed with the Individual's wife during the hearing. It is also possible that a threat to reveal the Individual's conduct, CSAM-related or not, could serve as a basis for blackmail or coercion involving persons besides the Individual's wife, such as his family, friends, and colleagues. The revelation of some of the Individual's conduct to his wife reduces his susceptibility to coercion, exploitation, or duress, but not to such an extent that the third mitigating condition is applicable in this case. *Id.* at ¶ 14(c).

The Individual's behavior is not strictly private or discrete because the Individual has paid unknown persons for pornographic material and cannot say who is aware of that conduct. While the Individual sought to maintain anonymity using a Cash App account, he also paid unknown persons for pornographic content using a PayPal account for which his account identification contained his full name. Moreover, considering his doubts as to the identities of the persons with whom he was communicating, there is no basis under which I could conclude that the women depicted in the pornographic materials consented to the Individual receiving them. And with regard to the alleged CSAM materials, the individual depicted could not have legally consented to the transmission of her images to the Individual if she was a minor. For these reasons, the fourth mitigating condition is inapplicable. *Id.* at ¶ 14(d).

The final mitigating condition is not relevant because the Individual did not claim to have pursued any form of treatment related to sexual behavior. *Id.* at ¶ 14(e).

Having concluded that none of the mitigating conditions are applicable, I find that the Individual has not resolved the security concerns asserted by the LSO under Guideline D.

B. Guideline E

Conditions that could mitigate security concerns under Guideline E include:

- (a) the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;
- (b) the refusal or failure to cooperate, omission, or concealment was caused or significantly contributed to by advice of legal counsel or of a person with professional responsibilities for advising or instructing the individual specifically concerning security processes. Upon being made aware of the requirement to cooperate or provide the information, the individual cooperated fully and truthfully;
- (c) the offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;
- (d) the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances,

or factors that contributed to untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur;

- (e) the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress;
- (f) the information was unsubstantiated or from a source of questionable reliability; and
- (g) association with persons involved in criminal activities was unwitting, has ceased, or occurs under circumstances that do not cast doubt upon the individual's reliability, trustworthiness, judgment, or willingness to comply with rules and regulations.

Adjudicative Guidelines at ¶ 17.

The Individual's admissions in response to the Third LOI were based on confrontation by the LSO on illogical or inconsistent aspects of the Individual's response to the Second LOI. Accordingly, the Individual's admissions in response to the Third LOI were not voluntary, good-faith corrections of the record, and the first mitigating condition is inapplicable. *Id.* at ¶ 17(a).

The second mitigating condition is irrelevant because the Individual did not claim to have relied on the advice of counsel or another representative in responding to the LOIs. *Id.* at ¶ 17(b).

With respect to the behavior that placed the Individual at risk of blackmail, I find that the conduct was serious, recent, frequent, and did not happen under unusual circumstances for the reasons set forth above under the Guideline D analysis. *Id.* at ¶ 17(c). Turning to the Individual's responses to the LOIs, his inconsistent accounts were recent and significant. For example, had the LSO credited the Individual's account of his behavior without further inquiry, it would not have learned that he continued engaging in pornography-related transactions via PayPal after his Cash App account was closed. While the Individual's untruthful behavior was relatively isolated, I find that this fact alone is not sufficient to resolve the security concerns in light of the serious nature of failing to truthfully provide information as part of the security adjudicative process. Moreover, considering that the behaviors at the heart of this case turn on a broader pattern of secrecy and deception – the LSO would not have learned of the Individual's potential purchases of CSAM but for receiving an alert and the Individual is still concealing aspects of his behavior from others, such as his wife – the isolated nature of his untruthful statements is not sufficient to convince me that his deceptiveness will not recur. *See* 10 C.F.R. § 710.7(c) (requiring consideration of, among other things, “the circumstances surrounding the conduct” and “the motivation for the conduct” in applying the Adjudicative Guidelines). Finally, no unusual circumstances were present when the Individual completed the LOIs. Thus, the third mitigating condition is inapplicable. *Id.*

The fourth mitigating condition is irrelevant to the facts of this case because the Individual does not claim to have pursued counseling related to sexual behavior. *Id.* at ¶ 17(d).

The fifth mitigating condition is inapplicable for the reasons stated above under Guideline D – although his susceptibility to blackmail has lessened, it has not been resolved. *Id.* at ¶ 17(e).

The information the LSO relied on in raising the allegations included the alert and information from the Individual himself. None of this information is an unreliable basis upon which to raise security concerns, and thus the sixth mitigating condition is inapplicable. *Id.* at ¶ 17(f).

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

For the aforementioned reasons, none of the mitigating conditions are applicable to the facts of this case. Therefore, the Individual has not resolved the security concerns asserted by the LSO under Guideline E.

VI. CONCLUSION

In the above analysis, I found that there was sufficient derogatory information in the possession of DOE to raise security concerns under Guidelines D and E of the Adjudicative Guidelines. After considering all relevant information, favorable and unfavorable, in a comprehensive, common-sense manner, including weighing all testimony and other evidence presented at the hearing, I find that the Individual has not brought forth sufficient evidence to resolve the security concerns asserted by the LSO. Accordingly, I have determined that the Individual's access authorization should not be restored. This Decision may be appealed in accordance with the procedures set forth at 10 C.F.R. § 710.28.

Phillip Harmonick
Administrative Judge
Office of Hearings and Appeals