

*The original of this document contains information which is subject to withholding from disclosure under 5 U.S. C. § 552. Such material has been deleted from this copy and replaced with XXXXXX's.

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

In the Matter of: Personnel Security Hearing)
)
Filing Date: July 2, 2026)
)
_____)

Case No.: PSH-26-0145

Issued: September 10, 2026

Administrative Judge Decision

James P. Thompson III, 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 be restored.

I. BACKGROUND

The Individual is employed by a branch of the United States military in a position that requires a DOE security clearance. Exhibit (Ex.) 1 at 2.² In January 2026, the Individual submitted a Questionnaire for National Security Positions (2026 QNSP) in connection with his application for a higher-level security clearance in which he disclosed a history of illegal drug use from May 2019 until August 2022. Ex. 3 at 144–45. However, information available to DOE indicated that the Individual previously submitted a QNSP in February 2025 (2025 QNSP) stating that in the last seven years he had not illegally used any drugs or controlled substances. *Id.* at 223. On March 27, 2026, the local security office (LSO) sent the Individual a Letter of Interrogatory (LOI) to gather information about the discrepancy. Ex. 4 at 246. Based on the information gathered by the LSO, described in detail below, the LSO informed the Individual by letter (Notification Letter) that it possessed reliable information that created substantial doubt regarding his eligibility to possess a security clearance. In an attachment to the Notification Letter, entitled Summary of Security

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 local security office (LSO) submitted its Exhibits 1 through 4 as a single PDF file. References to the LSO's exhibits are to the exhibit number and the PDF page number.

Concerns (SSC), the LSO explained that the derogatory information raised security concerns under Guidelines E and H of the Adjudicative Guidelines.

The Individual exercised his right to request an administrative review hearing pursuant to 10 C.F.R. Part 710. The Director of the Office of Hearings and Appeals appointed me as the Administrative Judge in this matter, and I subsequently conducted an administrative review hearing on August 7, 2026. Hearing Transcript, OHA Case No. PSH-26-0145 (Tr.). At the hearing, the Individual provided his own testimony and the testimony of three witnesses: his mother, his father, and a friend. Tr. at 10. The LSO did not present any witnesses. The Individual submitted ten exhibits, labeled Exhibits A through J.³ The LSO submitted four exhibits, marked Exhibits 1 through 4.

II. THE NOTIFICATION LETTER AND THE ASSOCIATED SECURITY CONCERNS

As indicated, the LSO cited Guideline E (Personal Conduct) and Guideline H (Drug Involvement and Substance Misuse) of the Adjudicative Guidelines as the bases for concern regarding the Individual's eligibility for a security clearance. Ex. 1.

Guideline E provides that “[c]onduct 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.” Adjudicative Guidelines at ¶ 15. “Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes.” *Id.* The SSC cited the Individual’s responses from his QNSPs in which the Individual provided contradictory answers to a question asking if he illegally used any drugs or controlled substances in the last seven years. Ex. 1 at 5. On the 2025 QNSP, the Individual answered “no,” but on the 2026 QNSP the Individual disclosed that he used marijuana from May 2021 through December 2021, used hallucinogenic mushrooms from July 2020 through August 2020, and tried cocaine in August 2022. *Id.* The LSO’s allegation that the Individual’s deliberate omission, concealment, or falsification of relevant facts from a personnel security questionnaire demonstrates questionable judgment, lack of candor, dishonesty or unwillingness to comply with rules and regulations justifies the LSO’s invocation of Guideline E. *See* Adjudicative Guidelines at ¶ 16(a).

Guideline H provides that “[t]he illegal use of controlled substances . . . can raise questions about an individual’s reliability and trustworthiness.” *Id.* at ¶ 24. Conditions that could raise a security concern include “any substance misuse.”⁴ *Id.* at ¶ 25(a). The SSC cited the Individual’s disclosure of illegal drug use in the 2026 QNSP referenced in the preceding paragraph. The LSO’s allegation that the Individual’s illegal use of controlled substances raises questions about the Individual’s

³ The Individual submitted his Exhibits A through H as a single PDF file. The Individual submitted Exhibit I and Exhibit J in a separate PDF file. This Decision references the Individual’s exhibits by their exhibit letter and the PDF page number.

⁴ “Substance misuse” is the generic term adopted in the Adjudicative Guidelines to describe the “illegal use of controlled substances, to include the misuse of prescription and non-prescription drugs, and the use of other substances that cause physical or mental impairment or are used in a manner inconsistent with their intended purpose” Adjudicative Guidelines at ¶ 24.

reliability and trustworthiness justifies the LSO's invocation of Guideline H. *See* Adjudicative Guidelines at ¶ 25(a).

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 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 or her eligibility for an access authorization. The Part 710 regulations are drafted 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.

The discussion below reflects my application of these factors to the testimony and exhibits presented by both sides in this case.

IV. FINDINGS OF FACT

In February 2025, when he was twenty-two years of age, the Individual was a senior in college exploring potential job options. Tr. at 12. One of those options was working for the armed forces in the nuclear energy field, which the Individual became interested in after working on a project for one of the DOE National Laboratories through an extracurricular organization in college. *Id.* at 12, 23–24. Accordingly, the Individual reported to a Military Entrance Processing Station (MEPS) to complete a medical evaluation and initial paperwork with the understanding that he needed to complete this process if he wanted to consider joining the armed forces in the future. *Id.* at 11–12, 46–47. The Individual had no direct family or contacts that served in the armed forces, so he had no knowledge of the onboarding process. *Id.* at 11. Upon arriving at MEPS, the Individual underwent a "half-day of medical examinations" before meeting with a recruiter to fill out forms. *Id.* at 12. The Individual did not know what the forms would be or have any context as to what the forms were for, and he did not recall the recruiter telling him the purpose of each form. *Id.* at 12–13, 44. One of the forms that the Individual filled out was the 2025 QNSP to obtain a security clearance for the armed forces. Ex. 4 at 245 (2025 QNSP); Tr. at 14 (Individual's testimony). According to the Individual, he did not know that the 2025 QNSP would be used to determine his eligibility for a security clearance. Tr. at 14. On the 2025 QNSP, the Individual

responded “no” to a question regarding whether he had illegally used any drugs or controlled substances in the last seven years. Ex. 3 at 223.

In May 2025, the Individual graduated from college. Tr. at 46. In June 2025, the Individual completed interviews for a position with the armed forces, was given a job offer, and signed paperwork to officially join the armed forces. *Id.* at 45. The Individual commissioned in October 2025 and went through a five-week officer training that concluded in November 2025. *Id.* at 10, 14. Based on the information provided in the 2025 QNSP and subsequent investigation, the Individual was granted a DOE security clearance on November 7, 2025. Ex. 3 at 180. The Individual testified that he did not know that he had a DOE security clearance until he arrived at a DOE site for his first day of work in November 2025 and saw his badge, which indicated he had been issued an interim clearance. Tr. at 16, 32; *see also* Ex. 3 at 180 (indicating his clearance was granted the same month he joined the armed forces).

In January 2026, the Individual submitted the 2026 QNSP to request a higher-level DOE security clearance in conjunction with his employment in the armed forces. Ex. 3 at 118. The Individual stated that the QNSP “was one of the first things that was briefed to [him]” when he arrived at his new command. Tr. at 15. On the 2026 QNSP, the Individual responded “yes” to the question regarding whether he had illegally used any drugs or controlled substances in the last seven years. Ex. 3 at 144. The Individual reported that he used marijuana from May 2019 through October 2021, used hallucinogenic mushrooms four times from July 2020 through August 2020,⁵ and used cocaine one time in August 2022. *Id.* at 144–45. The Individual was motivated to use marijuana out of curiosity because he “had friends who were trying it” and because it is legalized for adults in the Individual’s home state, so he thought “it seem[ed] relatively safe at the time.” *Id.* at 47. The Individual is still friends with one friend with whom he previously used marijuana, but the Individual has “not seen him in person in two years maybe” because they live several states apart now. *Id.* at 48–49. Regarding mushrooms, the Individual “had a friend who was experimenting with it” so he decided to try it with him, but he has “no desire to use mushrooms again.” *Id.* at 19, 38. The Individual used cocaine one time because it was provided to him by people he did not know very well at a party. *Id.* at 39; Ex. 3 at 162. The Individual was concerned about trying cocaine without knowing the people who provided it to him, but his curiosity outweighed his concern. Tr. at 39. He stopped all illegal drug use in 2022 because he “just didn’t see the need or the point to using drugs in any capacity.” *Id.* at 40. He testified that most of his current friends are military officers who possess security clearances and accordingly do not use illegal drugs. *Id.* at 42.

The LSO sent the Individual an LOI to clarify the discrepancy between the Individual’s responses in his QNSPs regarding illegal drug use, to which he responded on March 31, 2026. Ex. 4 at 244. When asked therein why he failed to report his drug usage in the 2025 QNSP, the Individual responded that he had “almost no intention of moving forward in pursuit of joining the [military]” and that he “felt that [he] should not disclose any unnecessary information to the government.” *Id.*

⁵ The Individual made a typographical error in the 2026 QNSP in characterizing his hallucinogenic mushroom use as once monthly when he actually used mushrooms twice a month for two months from July 2020 through August 2020 for a total of four times. Tr. at 17, 54.

at 245. At the hearing, the Individual was asked what he meant by that, and he responded that he “wasn’t confident that [he] would pursue this career with [another] job lined up in his hometown, close to family and friends” Tr. at 13. When the Individual filled out the 2025 QNSP, he had not yet applied to any positions with the armed forces. *Id.* at 47.

The Individual does not dispute that he understood the question on the 2025 QNSP, which explicitly asked for any illegal drug use within the past seven years. *Id.* at 29. The Individual also stated in the LOI that his recruiter hinted that if it had been “a long time” since his drug use and he had no intentions of using drugs in the future, then he could mark “no,” which he took as “an easy excuse to hide [his] history.” Ex. 4 at 245. Further, the Individual explained that he did not previously report his prior drug usage because it was not clear to him that the form’s purpose was to obtain an initial security clearance; otherwise he “would like to think [he] would have reconsidered [his] actions.” *Id.* The Individual testified at the hearing that he “did definitely pause” before completing the prior drug use section on the 2025 QNSP but that he used the recruiter’s “loose guidance . . . as an easy out to excuse [his] omission and [he] rationalized it by thinking [he] would not pursue this job.” Tr. at 13–14.

The Individual testified at the hearing that he “greatly regret[s]” and “take[s] full accountability for [his] action and [his] omission.” *Id.* at 14. He admitted that what the recruiter said was not an excuse for falsifying his history. *Id.* When asked why he chose the 2026 QNSP as an opportunity to reveal all the details of his past substance use, the Individual explained that he “realized the importance of the trust that is being placed in [him] to hold a security clearance.” *Id.* at 15. Specifically, the Individual testified that going through officer training and learning more about how the armed forces operates and what is expected of him as an officer “had an effect on [him].” *Id.* at 43. He testified, “I realized the importance of the material that I would have access to if I had a security clearance and the importance of providing sufficient and honest background on myself for [DOE] to be able to provide a decision or adjudication on my eligibility.” *Id.* The record includes a signed statement from the Individual, dated July 2026, wherein he pledges to “continue to abstain from all drug involvement, including marijuana” and acknowledges that “future involvement will be grounds for disqualification from employment and potential revocation of national security eligibility.” Ex. D at 31.

The record contains several indicators that support the veracity of the Individual’s account of his drug use in the 2026 QNSP and his explanation for the omission from the 2025 QNSP. First, the Individual’s subsequent descriptions of his past drug use were consistent with his disclosure in the 2026 QNSP. *See* Ex. 3 at 160 (discussing the details of his reported drug use with an investigator); Ex. A at 4 (report of the Individual’s July 2026 psychological evaluation, in which he described drug use consistent with his disclosure in 2026 QNSP and investigative interview); Ex. B at 12–13 (report of the Individual’s June 2026 substance use disorder evaluation, in which he provided consistent reporting). Second, when asked on the 2025 QNSP to provide the names and contact information of people who knew him well, the Individual listed at least three people whom he would later disclose to the investigator as sources of information regarding his past drug use. *Compare* Ex. 3 at 206, 213–14 *with id.* at 161. This supports the conclusion that his omission was not a calculated attempt to deceive security personnel. Finally, one of the named sources of information regarding his past drug use was subsequently interviewed by an investigator and provided information that corroborated the Individual’s disclosure. *Compare id.* at 161 *with id.* at 168–69

(source reporting knowledge that the Individual previously used marijuana and mushrooms “for curiosity purposes”).

The Individual’s parents testified that they did not have any knowledge of the Individual’s prior drug use until June 2026 when the Individual received the Notification Letter. Tr. at 62–63, 68, 73. The Individual’s father testified that they talked about it after the Individual received the Notification Letter and the Individual told him that he wanted to take the initiative to rectify his prior omission “as opposed to waiting down the road and hoping that it was never an issue.” *Id.* at 63. The Individual’s father further testified that “when [the Individual] was filling [the 2025 QNSP] out initially, he wasn’t certain what his path would be and maybe he was making that decision sort of off the cuff, thinking it would never happen again.” *Id.* at 59–60. The Individual’s mother testified that the Notification Letter surprised her because the Individual “has always been a very responsible young man.” *Id.* at 68. When asked if the Individual provided her with a reason for his omission, the Individual’s mother responded that “it was still something he was debating pursuing altogether and so just kind of whizzed through the application without really considering the magnitude of what he was being asked at that point in his life.” *Id.* at 73–74. She also testified that once the Individual was given the 2026 QNSP, “he was committed and wanted to acknowledge that this was a mistake and that he wanted to enter into the military wholeheartedly.” *Id.* at 74.

The Individual’s friend testified that he met the Individual during their first year of college, and they lived together for three years thereafter. *Id.* at 79–80. The friend testified that he never observed the Individual take any illegal substances. *Id.* at 80, 87. When asked whether the Individual ever told him about his previous drug use, the friend confirmed that he had and that the reason the Individual decided to stop his illegal drug use was because he did not like “being in an altered state.” *Id.* at 87.

V. ANALYSIS

A. Guideline E Considerations

Conditions that can mitigate security concerns based on personal conduct include the following:

- (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.

I conclude that ¶ 17(c) applies to resolve the security concerns. The Individual has acknowledged his behavior by admitting that he deliberately failed to disclose derogatory information in the 2025 QNSP and taking responsibility for his concerning conduct by explaining that he tried to rationalize his behavior at the time by listening to the recruiter who gave him the leeway to omit the information and attempting to convince himself he would not join the military. The record also demonstrates that the circumstances that gave rise to his untrustworthy behavior are no longer present, which, when viewed in consideration of the factors outlined in 10 C.F.R. § 710.7(c), establishes that the Individual's single instance of omitting relevant facts from a personnel security questionnaire is not likely to recur. *See* 10 C.F.R. § 710(c) (requiring the consideration of, among other factors, "the nature, extent, and seriousness of the conduct; . . . the frequency and recency of the conduct; the age and maturity of the individual at the time of the conduct; . . . [and] the motivation for the conduct . . ."). Since completing the 2025 QNSP, the Individual graduated college and decided to pursue a career in the military by joining the armed forces and being commissioned as an officer. As a result, he testified that he obtained a deeper understanding of the great responsibility placed in a military officer and clearance holder, and he holds himself to a higher standard than he did when he was still in college. Furthermore, as part of that process, and quite different from the circumstances he described when he completed the 2025 QNSP, he received a briefing prior to completing his 2026 QNSP, which demonstrates he received a more thorough explanation as to the purpose of the QNSP before he filled it out the second time.⁶

Additionally, there is sufficient evidence in the record for me to credit the Individual's account of his decision to disclose his drug use on the 2026 QNSP. As part of the 2025 QNSP, he had already

⁶ The Individual's parents corroborated the Individual's claims that he did not fully understand or appreciate the stakes involved when completing the 2025 QNSP, he realized his mistake, and he voluntarily disclosed the information because he wanted to set the record straight at the beginning of his military career. Their testimony, at the very least, confirms that the Individual has been consistent in his explanation for his behavior.

provided the contact information for people he could expect to disclose his omitted drug use. Therefore, I credit the Individual's claim that he had no clear intention to pursue a job requiring a security clearance at the time he completed the 2025 QNSP, which led him to treat it with minimal seriousness, whereas he voluntarily disclosed his drug use in the 2026 QNSP in an effort to disclose the truth. Additionally, his disclosure of drug use on the 2026 QNSP removed the factors that contributed to his untrustworthy behavior, namely, the fear that his past illegal drug use or his failure to report it, if known, would preclude him from joining the military or obtaining a necessary security clearance. His conduct demonstrated a changed behavior in that he did not exercise the same rationalization he used when he decided to omit the information on the 2025 QNSP. It also established that his prior omission was a discrete episode, and that his disclosure less than one year later represented a significant maturation from his pre-college graduation mindset when he made a single poor decision to omit information when relatively uninformed as to the gravity of that decision. *See* 10 C.F.R. § 710.7(c). It further demonstrated that it is unlikely that the Individual would engage in the same concerning conduct because, when actually presented with the opportunity, he chose to take the appropriate action to disclose the information, and, by doing so, removed the motivation for his previously deceptive behavior and empirically demonstrated how he will act going forward. Based on my above reasoning, I conclude that the record demonstrates the Individual's concerning behavior is unlikely to recur. I therefore conclude that ¶ 17(c) applies to resolve the security concern asserted by the LSO under Guideline E.

B. Guideline H Considerations

Conditions that can mitigate security concerns based on drug involvement include the following:

- (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 were 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 or 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.

I conclude that the Individual has resolved the security concerns pursuant to ¶ 26(a). His last illegal drug use occurred four years ago in August 2022, a onetime use of cocaine. Prior to that, he consumed hallucinogenic mushrooms infrequently and marijuana for approximately two years. I find his testimony regarding his drug use credible given that he chose to voluntarily disclose his past use in the 2026 QNSP; he has provided a consistent accounting of his past use when subsequently discussing it with the investigator, with evaluators, and at the hearing; and he provided actual sources who could verify his reported use to the investigator—one of whom corroborated the extent of his drug use during an investigative interview. The latter indicates that the Individual intended to be, and has been, forthcoming at all times since he disclosed the omitted information in the 2026 QNSP. Accordingly, I conclude that a significant period of time has passed since the Individual used illegal drugs while in high school and college, and I accept as credible his testimony that he has not used illegal drugs since and has no intention to use illegal drugs in the future.

Relying upon my above findings regarding the Individual's credibility, I conclude that the mitigating condition ¶ 26(b) also applies to resolve the security concern because the Individual has fully acknowledged his illegal drug use, taken action to overcome the problem, and established a pattern of abstinence. The Individual is no longer a young and curious high school or college student; he has demonstrated maturity through his commitment to serving the country and demonstrating that he understands that illegal drug use is inconsistent with the career he has chosen. Even though the Individual has maintained association with one friend that he used to use drugs with, that friend now lives several states away and they no longer see one another in person with any regularity. The Individual testified that a vast majority of his current friend group consists of coworkers in the armed forces who also have access authorizations and, by implication, do not use illegal drugs. Lastly, the Individual provided a signed statement of his 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.

For the aforementioned reasons, I find that the Individual has resolved the security concerns asserted by the LSO under Guideline H.

VI. CONCLUSION

In the above analysis, I found that there was sufficient derogatory information in the possession of the DOE that raised security concerns under Guidelines E and H of the Adjudicative Guidelines. After considering all of the relevant information, favorable and unfavorable, in a comprehensive, common-sense manner, including weighing all of the testimony and other evidence presented at the hearing, I find that the Individual has brought forth sufficient evidence to resolve the security concerns. Accordingly, I have determined that the Individual's access authorization should be restored.

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

James P. Thompson III
Administrative Judge
Office of Hearings and Appeals