

*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: April 27, 2026	)	Case No.: PSH-26-0106
	)	
	)	

Issued: October 7, 2026

Administrative Judge Decision

Diane L. Miles, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXX (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 DOE Contractor, in a position for which he holds a security clearance. On September 3, 2025, the Individual was arrested and charged with Driving Under the Influence (DUI), "DUI Per Se," "Alcohol-Open Container/Drink in Vehicle," and "Careless Driving." Exhibit (Ex.) 7 at 45; Ex. 9 at 66; Ex. 15 at 125, 130.²

In December 2025, the Local Security Office (LSO) issued a Letter of Interrogatory (LOI) to the Individual requesting additional details about his alcohol consumption and his alcohol-related arrest. Ex. 8. In the LOI, the Individual reported that before his September 2025 arrest, he consumed five glasses of bourbon, between 6:00 p.m. and 9:00 p.m. *Id.* at 51. He also reported that before his arrest, he underwent breathalyzer testing, the results of which showed that his blood alcohol content (BAC) was .233 g/210L. *Id.*

¹ The regulations define access authorization as "an administrative determination that an individual is eligible for access to classified matter or is eligible for access to, or control over, special nuclear material." 10 C.F.R. § 710.5(a). This Decision will refer to such authorization as access authorization or security clearance.

² The DOE's exhibits were combined and submitted in a single, 236-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.

Due to the security concerns raised by the Individual's LOI responses, the LSO referred the Individual for an evaluation by a DOE-contractor psychologist (DOE Psychologist), who conducted a clinical interview of the Individual in January 2026 and issued a report (the Report) of her findings. Ex. 12. Based on her evaluation of the Individual, the DOE Psychologist opined that the Individual had been "habitually and binge consuming alcohol to the point of impaired judgment," and that he had not shown adequate evidence of rehabilitation or reformation. *Id.* at 94.³

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 6–8. 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) of the Adjudicative Guidelines. *Id.* at 5.

On April 20, 2026, 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 three witnesses: the Individual, the Individual's employer's occupational psychologist, and the DOE Psychologist. *See* Transcript of Hearing, OHA Case No. PSH-26-0106 (Tr.). Counsel for the DOE submitted 15 exhibits, marked as Exhibits 1 through 15. The Individual submitted 14 exhibits, marked as Exhibits A through N.

II. The Summary of Security Concerns

As previously mentioned, the Notification Letter included the SSC, which sets forth the derogatory information that raised concerns about the Individual's eligibility for access authorization. The SSC informed the Individual that information in the possession of the DOE created substantial doubt concerning his eligibility for a security clearance under Guideline G (Alcohol Consumption) of the Adjudicative Guidelines. Ex. 1 at 5.

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, regardless of the frequency of the individual's alcohol use or whether the individual has been diagnosed with alcohol use disorder." *Id.* at ¶ 22(a). A security concern may also be raised by the "habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed with alcohol use disorder." *Id.* at ¶ 22(c).

³ The DOE Psychologist defined "habitual" alcohol consumption as "approximately monthly intoxication." Ex. 12 at 95. The Report also indicates that the Substance Abuse and Mental Health Services Administration (SAMHSA) defines "binge" consumption as "five or more alcoholic drinks for males or four or more alcoholic drinks for females on the same occasion (not necessarily within two hours) on at least one day in the past month." *Id.*

In invoking Guideline G, the LSO cited the DOE Psychologist's opinion that the Individual had been "habitually and binge consuming alcohol to the point of impaired judgement," and that he had not displayed adequate evidence of rehabilitation or reformation. Ex. 1 at 5. The LSO also cited the Individual's September 3, 2025, arrest for DUI, "DUI Per Se/Drove with Excessive Alcohol Content, Alcohol-Open Container and Careless Driving." *Id.* The LSO also cited the results of the Individual's breathalyzer test, taken before his arrest, the result of which was .233 g/210L. *Id.* The LSO's invocation of Guideline G 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 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

Before his September 3, 2025, arrest, the Individual consumed five glasses of bourbon between 6:00 p.m. and 9:00 p.m. Ex. 8 at 51. A police officer observed the Individual driving "in a careless manner," and pulled him over. Ex. 4 at 32. The police officer observed that the Individual had "bloodshot watery eyes, a strong odor of alcohol and slurred speech." *Id.* The Individual underwent field sobriety testing, which he failed, and he submitted to a chemical breath test, the result of which was .233 g/210L. Ex. 4 at 32; Ex. 11 at 81–82. The Individual was arrested and charged with DUI, "DUI Per Se," "Alcohol-Open Container/Drink in Vehicle," and "Careless Driving." Ex. 7 at 45; Ex. 11 at 83. On September 4, 2025, the Individual reported his arrest to his employer, who subsequently placed him in its Fitness For Duty (FFD) program, a program which helps employees identify and address any "personal or behavioral patterns that might impact [their] ability to work safely or reliably." Ex. 7 at 47; Tr. at 10. As part of his employer's FFD program, the Individual signed an agreement to remain abstinent from alcohol, was subject to random alcohol testing, and was required to be evaluated by his employer's occupational psychologist. Ex. 8 at 52; Ex. 12 at 90; Tr. at 11, 17.

The Individual pled guilty to the DUI charge and testified that the other charges were dismissed. Ex. 4 at 32; Ex. 11 at 84; Tr. at 22–23. To resolve his DUI charge, the Individual was court-ordered to enroll in an alcohol-treatment program, complete ten days of electronic home monitoring, attend a victim impact panel, and complete 48 hours of community service. Ex. 11 at 84; Ex. 7 at 52; Tr. at 31. During the victim impact panel, the Individual listened to different stories about how drunk driving impacts families across the country. Tr. at 42–43. The Individual submitted a Certificate of Completion to support his testimony that he completed the victim impact panel in October 2025. Ex. K at 2. The Individual submitted documentation from his local sheriff's office indicating that he completed ten days of electronic monitoring in December 2025. *Id.* at 3. As to his community service, the Individual testified that he fulfilled this requirement at a local landfill, where he removed trash that blew onto neighboring properties. Tr. at 31. He also submitted a financial summary from his local county court, to support his testimony that he had paid all court fees associated with his DUI charge. Ex. K at 1; Tr. at 23–24. He also explained that to prevent his driver's license from being suspended, his State Department of Motor Vehicles (DMV) required him to install an ignition interlock device, called Intoxalock, in his car, which he was required to keep for either one or two years. Tr. at 24–25. He explained that when a driver tests positive for alcohol using the Intoxalock, the device locks and the driver has to get their vehicle towed to an Intoxalock facility, where you pay a fee to have the vehicle unlocked. *Id.* at 25. The Individual submitted an itemized receipt of his Intoxalock charges, to support his testimony that he never tested positive for alcohol using the Intoxalock device, so he never had to pay a fee to have the device unlocked. *Id.* at 25–26; Ex. J.

On October 2, 2025, the Individual started a 26-week alcohol treatment program at an outpatient alcohol treatment center. Ex. A. The Individual explained that this program included group sessions and individual therapy sessions. Tr. at 28. The group sessions occurred once per month, virtually, and involved a counselor facilitating discussions with other people in treatment. *Id.* at 30–31. During the individual counseling sessions, he learned how to recognize triggers to drink, and how to develop coping skills, which he stated was the most useful part of the therapy. *Id.* at 28. He learned how to manage stressful situations without having to resort to drinking alcohol. *Id.* He identified “extreme stress” as one of his triggers to drink alcohol. *Id.* at 33–34. After his DUI, he had to manage resolving the DOE's concerns, complying with the court-ordered requirements, and complying with the DMV's requirements so he could maintain his driver's license. *Id.* at 34. He stated that he had “three giant mountains” in front of him and he did not know how to manage everything. *Id.* Because of the stress of the DUI, he continued to drink after his arrest. *Id.* Once he started treatment, he realized that looking at his overall problem was overwhelming for him, so he broke his problems down into “obtainable steps.” *Id.* at 34–35. He also used his support group, consisting of his mother and two friends, to discuss his problems and get advice. *Id.* As of the hearing, he had three classes left at the outpatient treatment center, which he intended to complete within the next three weeks. *Id.* at 27, 29, 42; Ex. O. After the hearing, the Individual submitted evidence he was discharged from his 26-week alcohol treatment program on September 18, 2026. Ex. N.

On October 8, 2025, the Individual was evaluated by his employer's occupational psychologist. Ex. L at 3. At the hearing, the occupational psychologist testified that at the time of her evaluation, the Individual was engaged in his court-ordered alcohol treatment, which she described as “very robust.” Tr. at 11. She stated that the Individual had also completed a six-week alcohol education class provided by his employer. *Id.* at 12, 16–17, 26. The Individual explained that during this

class, he learned about DUIs, alcohol's detrimental effects on the body over time, and how binge consumption of alcohol affects the body. *Id.* at 26. The occupational psychologist also stated that the Individual completed an abstinence support group class provided by his employer. *Id.* at 17. She stated that the Individual authorized her to contact his current treatment providers, so she was able to obtain information about the treatment he was receiving and his level of engagement. *Id.* at 11. She recalled receiving "very positive feedback" about his engagement with treatment, but she could not recall specifically which treatment provider she spoke to. *Id.* at 13, 17. She further testified that the Individual never let himself get discouraged by about having to complete the FFD program, and he was motivated to share what he learned with other employees during his group classes. *Id.* at 15. He did not report having any struggles abstaining from alcohol. *Id.* As part of his employer's FFD, on October 14, 2025, the Individual underwent Phosphatidylethanol (PEth)⁴ testing, the result of which was positive at a level of 320 ng/mL. Ex. 12 at 90, 92–93, 98–99. On December 23, 2025, the Individual underwent PEth testing by his employer, the result of which was negative. *Id.* at 90. The occupational psychologist also submitted a letter, in which she wrote that the Individual "took full responsibility for his poor judgment," and had transformed his poor decision to drink and drive into a "positive turning point" by undergoing alcohol treatment. Ex. L at 3.

During the January 29, 2026, psychological evaluation, the Individual told the DOE Psychologist that the five glasses of bourbon he estimated drinking prior to his arrest were larger than "standard drinks," based on the knowledge he gained from a court-ordered alcohol class. Ex. 12 at 90. Before his arrest, the Individual typically consumed bourbon or beer, "a couple of times a month" and always on a day off at home during the evening. *Id.* at 90–91. The Report indicates that the Individual was remorseful for his lapse in judgment the night of his arrest for DUI and that he knew he had consumed too much alcohol to drive. *Id.* at 93. As for alcohol treatment, the Individual had completed a 12-week alcohol education program and a victim impact panel, and he had enrolled in a 26-week alcohol treatment program at an outpatient alcohol treatment center for individual therapy. *Id.* at 91. He was also meeting with the occupational psychologist monthly and was subject to random alcohol testing. *Id.*

The Report indicates that the occupational psychologist provided the DOE Psychologist with the results of the Individual's October 14, 2025, and December 23, 2025, PEth tests. Ex. 12 at 90. Although the Individual reported in his LOI that he stopped drinking after his September 2025 arrest, he admitted to the DOE Psychologist that he consumed alcohol "for a little bit after the DUI" and that he believed he stopped drinking alcohol a few weeks before the October 2025 PEth test. *Id.* at 91, 93. As part of the psychological evaluation, on January 29, 2026, the Individual underwent PEth testing, the result of which was negative. *Id.* at 92, 102–03. The DOE Psychologist opined that the Individual's December 2025 PEth test result, and the January 2026 PEth test result provided evidence that the Individual had not consumed alcohol since approximately mid-to-late November 2025. *Id.* at 93. The DOE Psychologist opined that the Individual had been habitually and binge consuming alcohol to the point of impaired judgment, "as indicated by the very elevated BAC at the time of his arrest, a subsequent October 2025 PEth test of 320 ng/mL, and the poor

⁴ The Report indicates that a PEth test "detects any significant alcohol use over the past three to four weeks." Ex. 12 at 92. "PEth values are a general correlation (not literally indicative of) the number of drinks consumed or how the alcohol was consumed." *Id.* at 93. A PEth test result over 200 ng/mL is evidence that a person is engaged in the "Heavy Consumption" of alcohol. *Id.*

judgment he had acknowledged when he chose to drive knowing he was intoxicated.” *Id.* at 94. To demonstrate adequate evidence of rehabilitation or reformation from his habitual and binge consumption of alcohol, the DOE Psychologist recommended that the Individual complete his 26-week alcohol counseling program at an outpatient alcohol treatment center. *Id.* The DOE Psychologist also recommended that the Individual remain in compliance with the abstinence agreement he signed through his employer’s FFD program and abstain from alcohol for six months, support by monthly PEth testing, beginning with the first negative PEth test on December 23, 2025. *Id.*

The Individual testified that two to three months before the hearing, he started attending the above-mentioned 12-week abstinence support through his employer. Tr. at 32–33. He described this class as a “free flow” group discussion where everyone talked about what they are trying to accomplish related to their alcohol consumption. *Id.* at 33. During this class, he met other participants, who were in similar circumstances to him, and to whom he provided advice. *Id.* at 36. The Individual stated that he continues to meet with the occupational psychologist, who recommended that the Individual attend Alcoholics Anonymous (AA) after completing therapy, to help him “maintain structure in his life.” *Id.* at 40–41. He intends to follow that recommendation. *Id.* He also explained that he spoke to the occupational psychologist about how he could help other contractor-employees who are struggling with alcohol and DUIs. *Id.* at 41–42. He stated that although he was previously able to manage his alcohol consumption, once he was arrested for DUI, he realized that his drinking was a problem and that it could not continue. *Id.* at 40. He recently went to a friend’s wedding and did not drink alcohol. *Id.* at 37. His friends are supportive of his decision to abstain from alcohol, and he does not feel pressure to drink when he is around his friends. *Id.* He last consumed alcohol at the end of September 2025. *Id.* at 38. He now realizes that he does not need to drink alcohol to have fun with his friends and he believes that he does not have anything to gain from drinking alcohol again. *Id.* at 38–39.

The Individual submitted evidence that he took seven additional PEth tests, dated from February 5, 2026, to August 10, 2026, the results of which were negative for alcohol consumption, to support that he had abstained from alcohol. Ex. D; Ex. E; Ex. F; Ex. G; Ex. H; Ex. I; Ex. N; Tr. at 43. The Individual was discharged from the FFD program on August 10, 2026. Tr. at 14; Ex. L at 3; Ex. M. The Individual submitted a letter from a manager at his place of employment, who wrote that he knew the Individual completed an alcohol-education course, and was currently receiving outpatient therapy. Ex. L at 1. He also wrote that the Individual had displayed an “improved character and personal growth” since his arrest. *Id.* The Individual also submitted letters from his supervisor and a colleague, both of whom wrote that the Individual was committed to his sobriety, had received outpatient alcohol treatment and education, and was a responsible worker. *Id.* at 4–6.

The DOE Psychologist testified that after listening to the testimony provided during the hearing and reviewing the Individual’s exhibits, she believed the Individual was rehabilitated from his habitual and binge consumption of alcohol. Tr. at 53–54. She explained that the Individual exceeded her treatment recommendations to complete the 26-week treatment program at an outpatient alcohol treatment center, which he had nearly completed, and complete the requirements of his employer’s FFD program. *Id.* at 54, 56–57. She explained that the Individual’s decision to complete the alcohol education class, and his intent to continue with the abstinence support class, reflected favorably on him. *Id.* at 50–51. She believed the Individual’s testimony about “paying it

forward” with his colleagues and trying to help them with their DUI issues spoke highly of his dedication to his own abstinence and to helping others. *Id.* at 51. Since his evaluation, the Individual had displayed more insight into his alcohol consumption. *Id.* at 52–53. She also explained that the results of the Individual’s PETH testing from December 2025 to August 2026, demonstrated that he has abstained from alcohol for approximately nine months. *Id.* at 53, 55. She gave the Individual a “very good” prognosis, which was the highest on her scale. *Id.* at 54.

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 sufficiently mitigated the security concerns raised by his alcohol consumption under ¶ 23(b) and ¶ 23(d) of the Adjudicative Guidelines.

Since his September 2025 arrest, the Individual acknowledged, to the occupational psychologist, to the DOE Psychologist, and during the hearing, that he showed poor judgment by driving after consuming alcohol to intoxication. He provided evidence of actions to overcome his poor judgment by completing his court-ordered alcohol treatment. The Individual successfully completed a 26-week outpatient alcohol treatment program. He also completed two alcohol-related classes, and as of the hearing, was participating in a third alcohol-related class provided by his employer. The occupational psychologist testified that she received positive feedback from the Individual’s treatment providers, as to the Individual’s level of engagement. The Individual testified that since receiving alcohol treatment, he was able to identify stress as one of his triggers

to drink and that he had learned how to manage stressful situations without having to resort to drinking alcohol. He also testified that he intends to follow the occupational psychologist's recommendation to attend AA. The DOE Psychologist testified that the Individual followed her treatment recommendations to complete the 26-week alcohol treatment program, comply with his employer's FFD program, and abstain from alcohol for six months.

Finally, the Individual underwent negative PEth tests, dated from December 2025 to August 2026, the results of which were all negative, to demonstrate a clear and established pattern of abstinence from alcohol, the full length of which has been approximately nine months, and the DOE Psychologist opined that the Individual was rehabilitated from his habitual and binge consumption of alcohol. The DOE Psychologist also opined that the Individual's prognosis was very good.

Therefore, I conclude that the Individual has acknowledged his pattern of maladaptive alcohol use, provided evidence of actions taken to overcome this problem, successfully completed the treatment program recommended by the DOE Psychologist, and demonstrated a clear and established pattern of abstinence from alcohol sufficient to mitigate the stated Guideline G concerns. Adjudicative Guidelines at ¶ 23(b), (d).

VI. Conclusion

For the reasons set forth above, I conclude that the LSO properly invoked Guideline G 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 brought forth sufficient evidence to resolve the concerns set forth in the SSC. Accordingly, the Individual has 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 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