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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: May 4, 2026	)	Case No.: PSH-26-0111
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	)	

Issued: September 28, 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 not be restored.

I. Background

The Individual is employed by a DOE Contractor, in a position for which he was granted a security clearance. On July 11, 2025, the Individual was involved in a "single vehicle motorcycle accident," in which he failed to stay in his lane and hit a parked car. Exhibit (Ex.) 8 at 34–35.² A police officer who arrived at the scene of the accident observed the Individual and suspected that the Individual was under the influence of alcohol. *Id.* at 35. The police officer was granted a search warrant to retrieve the Individual's blood sample for alcohol testing. *Id.*; Ex. 5 at 20. Immediately after the accident, the Individual was taken to a hospital for treatment, during which he underwent blood testing for alcohol. Ex. 6 at 24. The results of the Individual's blood testing showed that his alcohol concentration was over the legal limit, and a warrant was issued for his arrest. *Id.* On September 16, 2025, the Individual was arrested and charged with Driving Under the Influence (DUI),

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, 251-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.

Reckless Driving, and Due Care as a result of the July 11, 2025, accident. Ex. 10 at 44; Ex. 14 at 101–02.

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. 7. In the LOI, the Individual admitted that on the day of the July 2025 car accident, he consumed two alcoholic drinks, a “mixed drink (French 75),” and a “liquor (Scotch)” at a local restaurant. *Id.* at 26.

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. 11. During the evaluation, the Individual told the DOE Psychologist that before the July 2025 car accident, he likely consumed two ounces of Scotch and a French 75, which the DOE Psychologist wrote, contains, on average one ounce of gin and three ounces of champagne. *Id.* at 54. As part of the evaluation, on January 27, 2026, the Individual underwent Phosphatidylethanol (PEth)³ testing, the result of which was positive at a level of 201 ng/mL, which a medical doctor opined was evidence that the Individual “heavily consume[d] alcohol.” *Id.* at 68–69. Based on her evaluation of the Individual and her review of the Individual’s PEth test result, the DOE Psychologist opined that the Individual met sufficient diagnostic criteria in the *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, Text Revision (DSM-5-TR)* for a diagnosis of Alcohol Use Disorder (AUD), Severe, without adequate evidence of rehabilitation or reformation. *Id.* at 61–62.

In March 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 24, 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. On August 26, 2026, I held an administrative hearing, pursuant to 10 C.F.R. § 710.25(d), (e), and (g), during which I took testimony from two witnesses: the Individual and the DOE Psychologist. *See* Transcript of Hearing, OHA Case No. PSH-26-0111 (Tr.). Counsel for the DOE submitted 14 exhibits, marked as Exhibits 1 through 14. The Individual submitted three exhibits, marked as Exhibits A through C.

³ The Report indicates that “PEth is not a normal body metabolite” and “accumulates when ethanol binds to the red blood cell membrane.” Ex. 11 at 67. PEth “reflects the average amount of alcohol consumed over the previous 28–30 days as red blood cells degrade and enzymatic action removes PEth. PEth greater than 200 ng/mL indicates Heavy Consumption of alcohol (average 4 or more drinks/day several days/week).” *Id.*

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 a "diagnosis by a duly qualified medical or mental health professional (e.g., physician, clinical psychologist, psychiatrist, or licensed clinical social worker) of alcohol use disorder." *Id.* at ¶ 22(d).

In invoking Guideline G, the LSO cited the DOE Psychologist's opinion that the Individual met sufficient *DSM-5-TR* diagnostic criteria for a diagnosis of AUD, Severe, without evidence of rehabilitation or reformation. Ex. 1 at 5.⁴ The LSO also cited the Individual's September 16, 2025, arrest for DUI, Reckless Driving, and Due Care, after he was involved in a "single motorcycle accident" on July 11, 2025, and his admission that he consumed alcohol before his accident. *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

⁴ The LSO also cited the Individual's January 27, 2026, PEth test result of 201 ng/mL, which a medical doctor opined was "consistent with regulation consumption of alcohol." Ex. 1 at 5. While this information informed the DOE Psychologist's opinion, it does not appear to raise security concerns in of itself and therefore I will not consider it as a discrete security concern.

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

During the January 2026 psychological evaluation, the Individual maintained that he was not intoxicated before his July 2025 motorcycle accident, and he denied that the accident was due to his alcohol consumption. Ex. 11 at 55–56. For two months after the accident, the Individual avoided consuming alcohol, so it did not interfere with the efficacy of his prescribed pain medication. *Id.* at 55; Tr. at 25. He resumed drinking alcohol in September 2025, days before his arrest, when his medications were discontinued. Ex. 11 at 55, 58; Tr. at 25. He described his alcohol consumption as a “daily ritual or routine that delineates home life from work life.” Ex. 11 at 56. Three weeks before the evaluation, the Individual went on a cruise with his family and consumed “seven or eight liquor drinks over the course of each day.” *Id.* After his cruise, the Individual consumed two to four standard alcoholic drinks per day, during weekdays, and four to six alcoholic drinks per day during weekends. *Id.* At the time of the evaluation, he last consumed alcohol the night before the evaluation, when he consumed “two or three standard servings of Scotch.” *Id.*

As part of the evaluation, on January 27, 2026, the Individual underwent PEth testing, the result of which was positive at a level of 201 ng/mL, which a medical doctor opined was evidence that the Individual “regularly consume[d] alcohol, with weekend/vacation binges of up to 5–8 drinks/day.” Ex. 11 at 68–69. The Individual’s PEth test results were consistent with his reported alcohol consumption in the month leading up to the evaluation. *Id.* at 57. The DOE Psychologist found that the Individual’s decision to continue consuming alcohol, daily, leading up to an evaluation requested by the DOE to address concerns about his drinking, after an alcohol-related arrest, suggested that alcohol was a problem for him. *Id.* The DOE Psychologist opined that the Individual met sufficient diagnostic criteria in the *DSM-5-TR* for a diagnosis of AUD, Severe, without adequate evidence of rehabilitation or reformation. *Id.* at 61. The DOE Psychologist wrote in the Report that the Individual could demonstrate adequate evidence of rehabilitation from his AUD, Severe, by abstaining from alcohol for 12 months, supported by monthly PEth testing. *Id.* The DOE Psychologist also recommended that the Individual complete an intensive outpatient treatment program (IOP) and attend Alcoholics Anonymous (AA), or another mutual support group, meetings once a week, with documentation of his attendance and working the program’s steps with a sponsor. *Id.* The DOE Psychologist did not make a specific recommendation as to how the Individual could demonstrate reformation from his AUD, Severe. *Id.*

At the hearing, the Individual testified that before his July 2025 motorcycle accident, he consumed roughly three alcoholic drinks per day. Tr. at 17. While traveling, he would consume four to five alcoholic drinks per day. *Id.* at 17–18. After his accident, he was told by a police officer that his blood alcohol content was 0.18. *Id.* at 20. He did not believe his alcohol consumption was a problem before his September 2025 arrest, and he did not believe it was a problem since his arrest. *Id.* at 12–13, 36–37, 41–42.

He stated that the information he provided to the DOE Psychologist during his psychological evaluation was truthful. Tr. at 13–14. He read the Report and the DOE Psychologist’s treatment recommendations in the Report, including the recommendation that he abstain from alcohol. *Id.* at 14. He admitted that he did not follow the DOE Psychologist’s recommendation to abstain from alcohol; instead, he decreased the amount of alcohol he consumed. *Id.* at 14–15. He submitted a log of his alcohol consumption, which he stated accurately reflected his alcohol consumption from March 2026 to August 13, 2026, two weeks before the hearing. *Id.* at 14–15, 34–35; Ex. B. His log shows that between March 2026 and August 2026, two weeks before the hearing, he consumed approximately one to two alcoholic drinks per week. Ex. B at 7. One week, the Individual consumed as many as five beers and two drinks with Scotch or Bourbon. *Id.* His log also shows that two weeks before the hearing, he consumed two alcoholic drinks. *Id.* He claimed that he was willing to abstain from alcohol and that he did so for a few months after his July 2025 accident. *Id.* at 15–16, 18. When asked why he started drinking again, after the accident, he replied that he enjoyed drinking. *Id.* at 25. He also admitted that he had not sought any alcohol treatment or attended AA, as recommended by the DOE Psychologist. *Id.* at 29, 33.

In August 2026, he attended a two-hour victim impact panel for drunk driving because his attorney recommended that he do so. Tr. at 27; Ex. A. During the panel discussion, he learned how others are affected by drunk driving. Tr. at 27–28. Also, during August 2026, the Individual underwent a second psychological evaluation, by a psychologist recommended by his attorney. *Id.* at 29; Ex. B at 1. A report of the evaluation indicates that during the evaluation, the Individual reported the same pattern of alcohol consumption that he reported to the DOE Psychologist, that he drank alcohol daily before his July 2025 accident, abstained from alcohol after his accident because of his injuries and his medication, and decreased his alcohol consumption after his arrest in September 2025 (to no more than two drinks per day and no more than 14 drinks per week). Ex. B at 3. He also reported that since March 2026, he had engaged in moderate alcohol consumption and submitted his log of his alcohol consumption between March 2026 and early August 2026. *Id.* The Individual’s psychologist spoke to his wife, who did not believe the Individual had an alcohol problem. *Id.* The Individual’s wife also stated that the Individual drank once a month, which was inconsistent with the Individual’s reporting of his alcohol consumption. *Id.* The report also indicated that the Individual was firm in his position that he did not have an AUD, and that it was “very difficult for [the Individual] to reconcile [the result of his alcohol testing after the accident] with his own belief that he was not impaired by alcohol when the accident occurred.” *Id.* at 3–4. On August 19, 2026, the Individual underwent PEth testing as part of the evaluation, but the results were not available to his psychologist as of the date of the report. *Id.* at 2.⁵

The Individual’s psychologist agreed with the opinion of the DOE Psychologist, that the Individual had an AUD, but at the “Mild” severity because he only met three of the *DSM-5-TR* criteria. Ex. B at 5–6. Although the Individual’s psychologist believed the Individual had AUD, Mild, she made the same treatment recommendations as the DOE Psychologist: abstain from all alcohol use for 12 months, participate in an IOP, attend AA meetings weekly, and obtain an AA sponsor to work the 12 steps of the program. *Id.* at 6. The Individual expressed that he understood that both his psychologist, and the DOE Psychologist, determined that he had an AUD, albeit, at different levels of severity, and recommended that he receive alcohol treatment and abstain from alcohol. Tr. at 16, 30. But he had not followed either psychologist’s recommendations and stated he would only

⁵ After the hearing, the Individual submitted the result of his August 19, 2026, PEth test, which was negative. Ex. C.

attend alcohol treatment if he were required, or directed, to do so, to regain his security clearance. *Id.* at 33–34. His future plans regarding his alcohol consumption were to continue his current pattern of drinking, until he was directed to do otherwise. *Id.* at 39–40.

The DOE Psychologist testified that after listening to the testimony provided during the hearing and reviewing the Individual’s exhibits, she opined that the Individual had not demonstrated rehabilitation from his AUD, Severe. Tr. at 62. She stated that the Individual’s testimony that he considered abstaining from alcohol and believed he could control his alcohol consumption was a positive development. *Id.* at 60. But the Individual displayed the same level of denial as to the degree to which his alcohol consumption was a problem, as he did during her January 2026 evaluation. *Id.* at 61. As for the Individual’s psychologist’s opinion that the Individual has AUD, Mild, she was surprised by the diagnosis because his psychologist’s observations as to the Individual’s behavior were similar to hers and his psychologist made the same treatment recommendations as her. *Id.* at 59–60. She explained that typically, for someone with AUD, Mild, she would recommend six months of abstinence, and she would not typically recommend an IOP, unless she had evidence that the person tried to abstain in the past and was unable to. *Id.* at 73–75. She remained concerned with the Individual’s choice to not follow her treatment recommendations and continued consuming alcohol despite expressing that he understood the DOE’s concerns as to his alcohol consumption and despite receiving recommendations to abstain from alcohol and obtain treatment from two psychologists. *Id.* at 61–62. Her prognosis for the Individual was poor because he had not followed her, or his psychologist’s, recommendations to receive alcohol treatment and abstain from consuming alcohol. *Id.* at 62.

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.

As to factor (a), the Individual's September 2025 arrest for DUI, Reckless Driving, and Due Care, occurred approximately one year before the hearing. There is no evidence that the Individual's problematic alcohol consumption occurred infrequently or under unusual circumstances. The Individual continued to consume alcohol regularly after his September 2025 arrest, after his January 2026 diagnosis of AUD, Severe, and his August 2026 diagnosis of AUD, Mild, and as recently as two weeks before the hearing. This is an insufficient amount of time, for the passage of time alone, to mitigate the security concerns related to his alcohol consumption. Finally, the DOE Psychologist diagnosed the Individual with AUD, Severe, seven months before the hearing, and I concur with her opinion that he had not yet resolved his AUD, Severe, because he has not received treatment or demonstrated a pattern of abstinence. The DOE Psychologist also gave the Individual a poor prognosis because he refused to acknowledge that his alcohol consumption was a problem and he has not received treatment. Because the Individual has not yet resolved his AUD, Severe, and continues to consume alcohol after being recommended to abstain from alcohol, I cannot conclude that his problematic alcohol consumption will not recur, and it continues to cast doubt on the Individual's reliability, trustworthiness, and judgment. Accordingly, I find that the Individual has not mitigated the security concerns under ¶ 23(a) of the Adjudicative Guidelines.

As to factor (b), the Individual expressed, during his January 2026 evaluation with the DOE Psychologist, during his August 2026 evaluation with his psychologist, and during the hearing, that he did not believe his pattern of alcohol consumption was a problem before his September 2025 arrest, and that it was not a problem since his arrest. This evidence supports that the Individual has not acknowledged his problematic alcohol consumption. Additionally, he has not participated in alcohol treatment, as recommended by two psychologists, and therefore has not taken action to overcome the problem. The Individual submitted a log of his alcohol consumption, from March 2026 to August 2026, to support that he can drink alcohol in moderation. He also submitted a negative PEth test result from August 2026. However, any alcohol consumption, moderate or not, is not in accordance with the recommendations of the DOE Psychologist or the Individual's own psychologist, both of whom recommended full abstinence. Therefore, the Individual has not demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations, and he has not mitigated the security concerns under ¶ 23(b) of the Adjudicative Guidelines.

As to factor (c), although the Individual does not have a history of previous alcohol treatment and relapse, he was diagnosed with AUD, Severe, in January 2026, by the DOE Psychologist and AUD, Mild, in August 2026, by his psychologist. Despite these diagnoses, the Individual has not participated in an alcohol treatment program, or abstained from alcohol, as recommended by both psychologists. Moreover, the DOE Psychologist gave him a poor prognosis, so he cannot be said to have made satisfactory progress, in treatment or otherwise. Therefore, the Individual has not mitigated the security concerns under ¶ 23(c) of the Adjudicative Guidelines.

As to factor (d), as explained above, the Individual has not participated in an alcohol treatment program, as recommended by the DOE Psychologist and his psychologist. The Individual has also not abstained from alcohol for 12 months, and therefore he has not established a pattern of abstinence in accordance with the DOE Psychologist's, or his psychologist's treatment

recommendations. Accordingly, I find that the Individual has not mitigated the security concerns under ¶ 23(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 not brought forth sufficient evidence to resolve the concerns set forth in the SSC. Accordingly, the Individual has not demonstrated that restoring his security clearance would not endanger the common defense and security and would be clearly consistent with the national interest. Therefore, I find that the Individual's access authorization should not be restored. This Decision may be appealed in accordance with the procedures set forth at 10 C.F.R. § 710.28.

Diane L. Miles
Administrative Judge
Office of Hearings and Appeals