

United States Department of Energy
Office of Hearings and Appeals

Case No.: PSH-26-0112

Administrative Judge Decision

This Decision concerns the eligibility of XXXXXXXXXXXX (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 granted.

Following the completion of an Enhanced Subject Interview (ESI), a Letter of Interrogatory (LOI) was sent to the individual at the behest of the Local Security Office (LSO). Ex. 6. The Individual completed the LOI in January 2026. *Id.* at 38. In the LOI, the Individual responded to questions

² The exhibits submitted by the local security office (LSO) were Bates numbered in the upper right corner of each page. This Decision will refer to the Bates numbering when citing to exhibits submitted by the LSO.

related to the aforementioned alcohol incidents and his alcohol consumption generally. *Id.* at 24–31.

After submission of the LOI, the Individual was asked to undergo a psychological evaluation conducted by a DOE-consultant psychologist (DOE Psychologist) in February of 2026. Ex. 7. The Individual submitted to a Phosphatidylethanol (PEth) test in conjunction with the evaluation which registered a 151 ng/mL result, indicating alcohol use in the past thirty (30) days. *Id.* at 62.³ The DOE Psychologist issued a report (the Report) of his findings in February of 2026 in which he concluded that, while the Individual could not be diagnosed with Alcohol Use Disorder (AUD) because of the Individual’s denial of all related criteria, the Individual does have “an alcohol related problem that is best described as habitual drinking along with binge episodes[.]” *Id.* at 47. The Report included a series of recommendations for treatment of the Individual’s alcohol related problem and was provided to the Individual in April of 2026. *See* Ex. 1 at 6; *see also* Tr. at 32.

Following the issuance of the Report, the LSO began the present administrative review proceeding by issuing a letter (Notification Letter) to the Individual in which it notified him that it possessed reliable information that created a substantial doubt regarding his eligibility for access authorization. Ex. 1 at 6. In a Summary of Security Concerns (SSC) attached to the Notification Letter, the LSO explained that the information raised security concerns under Guideline G (Alcohol Consumption) of the Adjudicative Guidelines. *Id.* at 5. The Notification Letter informed the Individual that he was entitled to a hearing before an Administrative Judge to resolve the substantial doubt regarding his eligibility to hold a security clearance. *See* 10 C.F.R. § 710.21; *see also* Ex. 1 at 6.

The Individual requested a hearing, and the LSO forwarded the Individual’s request to the Office of Hearings and Appeals (OHA). The Director of OHA appointed me as Administrative Judge in this matter. At the hearing I convened pursuant to 10 C.F.R. § 710.25(d), (e), and (g), the Individual testified on his own behalf and DOE Counsel presented testimony of the DOE Psychologist. *See* Transcript of Hearing, OHA Case No. PSH-26-0112 (hereinafter cited as “Tr.”). In addition to testimony at the hearing, the Individual submitted three (3) exhibits, marked as Exhibits A through C, all of which are accepted as part of the administrative record. DOE Counsel submitted eleven (11) exhibits, marked as Exhibits 1 through 11, all of which are accepted as part of the administrative record.

II. Notification Letter

Under Guideline G, “[e]xcessive 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. Those conditions set forth in the Adjudicative Guidelines that could raise a disqualifying security concern include, but are not limited to, “alcohol-related incidents away from work . . . regardless of the frequency of the individual’s alcohol use or whether the individual has been diagnosed with alcohol use disorder,”

³ “PEth is not a normal body metabolite. PEth accumulates when ethanol binds to the red blood cell membrane. . . . PEth greater than 20 ng/mL is the established threshold that indicates that the subject has consumed alcohol excessively in the previous 30 days.” Ex. 7 at 61.

“alcohol-related incidents at work, such as reporting for work or duty in an intoxicated or impaired condition,” and “habitual or binge consumption of alcohol to the point of impaired judgement, regardless of whether the individual is diagnosed with alcohol use disorder.” *Id.* at ¶ 22(a)–(c). Under Guideline G, the LSO alleged that:

- A. The DOE Psychologist evaluated the Individual and concluded that he habitually consumes alcohol to the point of impaired judgment and demonstrates episodic binge drinking without adequate evidence of rehabilitation or reformation. Ex. 1 at 5.
- B. In October of 2024, the Individual tested positive on a random workplace breath alcohol test administered while he was serving in the United States military. *Id.*
- C. In May of 2017 the Individual was cited for Minor in Consumption of Alcohol. *Id.*

The LSO’s invocation of Guideline G is justified given the security concerns outlined above.

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 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 to permit the introduction of a very broad range of evidence at personnel security hearings. Even appropriate hearsay evidence may be admitted. *Id.* at § 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

The Individual has had two documented adverse incidents involving alcohol. *See* Ex. 9 at 89, 98–99.

First, in 2017 the Individual was cited for being a minor in possession of alcohol. Regarding the 2017 incident, the Individual informed the DOE Psychologist that he had consumed two beers prior to the police arriving at a high school party, leading to his citation. Ex. 7 at 44. At the hearing

the Individual stated, “I had one consumption can [sic], and then that’s when I got in trouble for it.” Tr. at 30. As a consequence of the 2017 incident, the Individual, according to the QNSP, did community service and, according to the LOI, was ordered to pay a fine after pleading guilty. Ex. 6 at 24; Ex. 9 at 99.

Second, in 2024 the Individual reported to his work at a military base and tested positive for alcohol consumption after taking a random breathalyzer. Ex. 9 at 89; *see also* Tr. at 28–29. Specifically, the Individual consumed ten beers over a two-hour period which led to the positive result. Ex. 6 at 25. As a consequence of the 2024 incident, the Individual was barred from military promotion for a period of three months. *Id.* at 27.

The DOE Psychologist Report from February 2026 noted that the Individual was often evasive “and tended to provide vague answers to questions related to his alcohol use.” Ex. 7 at 45. In the Report, the Individual gave inconsistent accounts of his alcohol consumption, initially stating that he typically drinks one or two beers at the twelve (12) or so events per year he drinks at, then stating he drinks shots as well, and ultimately stating that he is inclined to drink “whatever is available.” *Id.* The Individual was likewise evasive when providing a history of his alcohol consumption during his psychological evaluation. The DOE Psychologist asked about the Individual’s drinking habits and he “denied drinking any alcohol during the previous six months, and during the previous 30 days, [while stating] he also typically drank ‘maybe once a month.’” *Id.* at 61.

When forming a clinical opinion of the Individual’s drinking, the DOE Psychologist reviewed the results of the Individual’s February 2026 PEth test, reviewed the Individual’s Personnel Security File, and performed a clinical interview with the Individual. *Id.* at 44–47. As stated, the Individual had a positive PEth result of 151 ng/mL. *Id.* at 62. The PEth results were interpreted by a physician who concluded that “[the Individual] is not alcohol abstinent . . . [he] provided [a] substantially inconsistent narrative regarding his alcohol use pattern . . . by quantity, recency and frequency [the Individual] excessively consumes alcohol at a medium level.” *Id.* at 62. During the clinical interview, the Individual acknowledged that on rare occasions he had consumed as many as ten beers in a sitting. *Id.* at 45. However, he stated “that the last event involving alcohol consumption was probably six months ago, but he then corrected himself and said that it was probably eight months ago and he reported consuming two glasses of champagne.” *Id.* at 44. The Individual’s statements regarding his alcohol use, namely that he had not consumed any alcohol for six to eight months prior to the clinical interview, were directly contradicted by the PEth test which showed that the Individual had consumed at least moderate amounts of alcohol in the thirty (30) days prior to the clinical interview. *Id.* at 62. Based on the Individual’s unreliability in reporting his alcohol consumption, and considering his admitted prior excessive alcohol consumption and the evidence of excessive alcohol consumption from the positive workplace alcohol test, the DOE Psychologist inferred that the Individual was attempting to hide maladaptive alcohol use and opined that the Individual both habitually consumed alcohol to the point of impaired judgment and binge consumed alcohol, i.e., “consuming five or more alcoholic drinks on the same occasion for males . . . at least once in the past 30 days.” *Id.* at 43, 47.

The DOE Psychologist recommended that the Individual take the following steps to address the aforementioned maladaptive alcohol use: (1) accept that he has an alcohol problem; (2) engage with an Intensive Outpatient Program (IOP) of at least eight to twelve weeks duration; (3) participate in support groups, therapy groups, individual therapy, family programs, and all aspects of IOP programming; (4) participate in Alcoholics Anonymous (AA) meetings; (5) engage in monthly PEth testing until he demonstrates at least a full year of abstinence; and (6) seek an individual therapist. *Id.* at 47. This Report, with the recommendations, was sent to the Individual in April of 2026, along with the Notification Letter and SSC. Ex. 1 at 6.

At the hearing, the Individual testified that he had not engaged with any of the recommendations of the DOE Psychologist nor had he abstained from alcohol use since these proceedings began. Tr. at 20–23. When asked if the Individual had read the DOE Psychologist’s Report and the recommendations therein, he testified that he had read it, and he could “understand why [the DOE Psychologist] and whoever the other doctor was made their analysis and the way they feel[.]” but does not consider himself to have an alcohol consumption problem. *Id.* at 33–34. The Individual testified that he was willing to abstain from alcohol but had not done so to date. *Id.* at 31. In fact, the Individual testified that, despite the recommendation in the DOE Psychologist’s Report to abstain from alcohol, and the Individual’s stated willingness to abstain from alcohol if necessary, the last time he had consumed alcohol was one week prior to the instant hearing, when he consumed beer with friends while watching a football game. *Id.* at 36–37. This is consistent with the Report, which indicated that the Individual stated he did not plan to change his alcohol consumption habits. Ex. 7 at 45. When asked at the hearing if he felt he needed to abstain from alcohol he testified that “I think it would be better for me to like step away from it *a little bit for a while.*” *Id.* at 42 (emphasis added).

While the Individual has largely not engaged with any of the recommendations by the DOE Psychologist since the Guideline G concerns were raised, he did complete one four-hour Drug and Alcohol Awareness Class on September 11, 2026, the same day as the hearing. Ex. A (Certificate of Completion).⁴ The Individual testified that “it taught [him] a lot of stuff that [he] didn’t know[.]” and that he feels “that [he] can continue to use that in [his] everyday life.” Tr. at 23. However, the Individual later stated that he does not feel he has an alcohol problem and confirmed that he drank as recently as one week prior to the hearing. *Id.* at 33–34, 36–37.

The DOE Psychologist testified that, during his initial evaluation of the Individual, the Individual appeared “cooperative and fairly engaging[.]” and that “[the Individual] come[s] across pretty well[.]” Tr. at 53, 61. However, the DOE Psychologist further testified that the Individual appeared “guarded” in relation to discussing his alcohol use and that the Individual appeared to not “quite want to tell the whole story.” *Id.* at 59. The DOE Psychologist further testified that, based on the Individual not engaging with any of the recommendations and his presentation during the hearing, his opinion remained unchanged from the opinion he provided in the Report, namely that the Individual suffers from an alcohol-related problem that is best described as habitually consuming alcohol to the point of impaired judgment with binge episodes. *Id.* at 57–58; Ex. 7 at 47. The DOE

⁴ At the hearing, the Individual referred to the Certificate of Completion as Exhibit 3, but it was accepted into the record as Exhibit A. Tr. at 7–8.

Psychologist specifically testified about his recommendation that the Individual remain abstinent from alcohol, emphasizing the importance of abstinence for at least one year to significantly lower the rate of recidivism in cases, such as these, where an individual is habitually consuming alcohol and has consumed from a young age. Tr. at 56–57. The DOE Psychologist further testified that, based on the evidence presented and the testimony he heard that day, it did not appear that the Individual had engaged in any of the recommendations the DOE Psychologist had provided in order to address his alcohol consumption and the Guideline G concerns. *Id.* at 57–58.

V. Analysis

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 cannot conclude that the Individual has sufficiently mitigated the Guideline G concerns. The Individual has not taken any significant steps towards sobriety, and in fact consumed alcohol as recently as one week prior to the instant hearing. *See* Tr. at 36–37.

Under 10 C.F.R. § 710.7(c), I must consider, among other factors, “the frequency and recency of the conduct; the age and maturity of the individual at the time of the conduct; the voluntariness of participation; [and] the absence or presence of rehabilitation or reformation and other pertinent behavioral change[.]” 10 C.F.R. § 710.7(c).

Regarding the incident in 2017, I find that the security concerns associated with this incident have been mitigated. The Individual was a minor in 2017 and over nine years have passed. No evidence has been submitted of the Individual engaging in further alcohol-related criminal conduct in the

nine years since the 2017 incident. Accordingly, I find that his age and maturity at the time of the incident, combined with the passage of time, mitigate concerns arising from the 2017 incident pursuant to mitigating factor (a), particularly considering that he has had no further known criminal record related to alcohol. *See* 10 C.F.R. § 710.7(c) However, the incident in 2024 was less than two years ago, and the underlying behavior, that of engaging in excessive alcohol consumption, appears likely to recur given the Individual’s failure to take adequate actions in response to the Guideline G concerns.

Here, the Individual was made aware, as early as January of 2026, that his alcohol habits raised questions about his eligibility to hold a security clearance. *See* Ex. 6 at 37 (“DOE CONCERN ALCOHOL CONSUMPTION: Excessive alcohol consumption . . . can raise questions about an individual’s reliability and trustworthiness.”). The Individual was provided with the SSC along with a series of recommendations to assist with mitigating the Guideline G concerns in April of 2026, five months prior to the instant hearing. *See* Tr. at 32. Since receiving the Report and recommendations therein, the Individual has not abstained from alcohol, enrolled in an IOP, engaged in any treatment for alcohol use, engaged in individual therapy, or sought out any support groups for substance use. *See id.* at 20–23, 32–33, 39.

While it is true that the Individual testified he would abstain from alcohol or at least “step away from it a little bit for a while[,]” to date the Individual has not demonstrated any steps towards abstinence despite receiving notification that his alcohol consumption was cause for a security concern. *See id.* at 42. In fact, the Individual testified that the last time he drank was one week prior to the hearing. *See id.* at 37. I credit the Report of the DOE Psychologist – who conducted a clinical interview of the Individual, review of the Individual’s personnel file, and review of the Individual’s PEth result – and his opinion that the Individual habitually drinks to the point of impaired judgment and engages in binge drinking. Ex. 7 at 47; Tr. at 58. While the Individual did not outright dispute the findings of the Report regarding his alcohol consumption during the hearing, the Individual has been repeatedly evasive about his alcohol consumption. As indicated in the Report, the Individual stated in February of 2026 that the last time he had consumed alcohol was between six to eight months ago; however, that same month the Individual had a PEth result of 151 ng/mL, which established that he had consumed alcohol in the past thirty days and therefore was not truthful to the DOE Psychologist. *Id.* at 44, 61–62. The Individual has provided no evidence of abstinence or of reduced drinking since the February 2026 PEth test and, as stated, admitted to drinking one week prior to the hearing. As the Individual continues to consume alcohol, is evasive about his alcohol consumption, and has provided no evidence since February of 2026 to contradict the opinion of the DOE Psychologist as to his habitual consumption of alcohol to the point of impaired judgment and binge drinking, I cannot conclude that 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. The Individual has failed to mitigate the stated concerns pursuant to mitigating factor (a).

The Individual has not acknowledged his maladaptive pattern of alcohol consumption. In fact, the Individual repeatedly testified that he does not believe he has an alcohol problem. Tr. at 33–34,

36–37. The Individual’s PEth test in February had a result of 151 ng/mL which, in concert with the Individual’s admitted excessive alcohol consumption on at least some occasions and unreliability in reporting his own alcohol consumption, support the conclusion of the DOE Psychologist that he uses alcohol maladaptively. *See* Ex. 7 at 61–62. During the psychological evaluation and in his testimony, the Individual was repeatedly non-committal about his alcohol use and maintained that he does not see himself as having an alcohol problem, which strongly suggests he will not take meaningful, consistent steps towards abstinence moving forward despite the security concerns and recommendations of the DOE Psychologist. Irrespective of this fact, the Individual has not remained abstinent from alcohol pursuant to the DOE Psychologist’s recommendation and has not provided any evidence that he has taken steps to modify his consumption. The Individual has failed to mitigate the stated concerns pursuant to mitigating factor (b).

The sole education or treatment option that the Individual has sought out in the past five months is one four-hour course on Drug and Alcohol Awareness Class completed the day of the hearing. *See* Tr. at 32–33, 39; Ex. A. With respect to treatment, the Individual stated he did not have time to engage in treatment, such as an IOP, and continues to maintain that he does not have an alcohol consumption problem. Tr. at 39–40. Additionally, as stated, the Individual continues to consume alcohol. *Id.* at 36–37. As the Individual did not undergo or complete any treatment, and continues to consume alcohol, mitigating factors (c) and (d) are not applicable.

As the Individual has not demonstrated a pattern of abstinence, does not acknowledge his pattern of maladaptive alcohol consumption, does not attend any treatment program for alcohol use, has not completed any treatment for alcohol use, and has not—to date—modified his alcohol consumption, he has not satisfied any of the mitigating factors set forth in the Adjudicative Guidelines. *See* Adjudicative Guidelines at ¶ 23. Accordingly, I find that the Individual has failed to resolve the security concerns asserted by the LSO under Guideline G.

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 Guideline G concerns set forth in the SSC. Accordingly, the Individual has not demonstrated that granting 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 granted. This Decision may be appealed in accordance with the procedures set forth at 10 C.F.R. § 710.28.

Noorassa A. Rahimzadeh

Administrative Judge

Office of Hearing and Appeals.