*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:	June 24, 2026	)	Case No.: PSH-26-0134
		)	
		)	

Issued: October 20, 2026

Administrative Judge Decision

Diane L. Miles, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXXXX (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 that requires that he hold a security clearance. On February 16, 2026, the Individual was arrested and charged with Driving While Intoxicated (DWI). Exhibit (Ex.) 8 at 33–34.[2] In March 2026, the Local Security Office (LSO) issued a Letter of Interrogatory (LOI) to the Individual requesting additional details about his February 2026 arrest and his alcohol consumption. Ex. 9. In the LOI, the Individual reported that before his DWI arrest, from 10:00 a.m. on February 15, 2026, to 2:00 a.m. on February 16, 2026, he consumed two "whiskey and cokes," and 12–14 alcoholic beers. *Id*. at 53. In September 2020, the Individual was arrested and charged with Public Intoxication. Ex. 12 at 120–121; Ex. 9 at 56. Before this arrest, the Individual was at a house party, during which he consumed 12 alcoholic

[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, 226-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.

drinks to intoxication and decided to walk home. Ex. 12 at 121; Ex. 14 at 206–207. While walking along a road, he was stopped by a police officer and arrested. Ex. 9 at 56. In October 2020, the Individual was found guilty of Public Intoxication. Ex. 12 at 121.

Due to the security concerns raised by the Individual's alcohol-related arrests, the LSO referred the Individual for an evaluation by a DOE-contractor psychologist (DOE Psychologist), who conducted a clinical interview of the Individual in March 2026 and issued a report (the Report) of his findings. Ex. 10. Based on his evaluation of the Individual, 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), Moderate, without adequate evidence of rehabilitation or reformation. *Id*. at 69–70.

In May 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.

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 five witnesses: the Individual, the Individual's step-father, the Individual's girlfriend, the Individual's psychologist, and the DOE Psychologist. *See* Transcript of Hearing, OHA Case No. PSH-26-0134 (Tr.). Counsel for the DOE submitted 14 exhibits, marked as Exhibits 1 through 14. The Individual submitted ten exhibits, marked as Exhibits A through J.

II. The Summary of Security Concerns

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, . . . or other incidents of concern," and 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(a), (d).

In invoking Guideline G, the LSO cited the following information:

A. In February 2026, the Individual was arrested and charged with DWI. In his March 2026 LOI, the Individual admitted that before this arrest, from 10:00 a.m. on February 15, 2026, to 2:00 a.m. on February 16, 2026, he consumed two "whiskey and cokes" and 12–14 beers;

B. In October 2020, the Individual was found guilty of Public Intoxication. Before this arrest, he was at a house party, during which he consumed "about 12 mixed alcoholic drinks"; and

C. In March 2026, the DOE Psychologist evaluated the Individual and opined that the Individual met sufficient *DSM-5-TR* diagnostic criteria for a diagnosis of AUD, Moderate, without adequate evidence of rehabilitation or reformation.

Ex. 1 at 5. The information cited above justifies the LSO's invocation of Guideline G.

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 October 2020 arrest for Public Intoxication, the Individual consumed "about 12 mixed drinks" with friends at a house party. Tr. at 46; Ex. 14 at 207. While he was at the party, his mobile phone died, so he was unable to call a car service or a friend to drive him home. Tr. at 46. The Individual decided to walk home. *Id*. While walking home, the Individual was stopped by a police officer, who arrested him. *Id*. After pleading guilty to Public Intoxication, the Individual was court-ordered to complete community service and watch a video about drugs and alcohol. Ex. 14 at 207; Ex. 12 at 121. At the hearing, the Individual admitted that after this arrest, he "cut down" his alcohol consumption, but he was still drinking. Tr. at 47.

On February 15, 2026, from 10:00 a.m. to 2:00 p.m., the Individual played golf, during which he consumed two cocktails. Ex. 8 at 46; Tr. at 47. After golfing, the Individual went to a bar, where he consumed three to four beers. Ex. 8 at 46. Then, he went to another bar and consumed "another

three beers." *Id*. at 47. At around 9:00 p.m., the Individual went home, then left his home, an hour later, to go to another bar, where he consumed "another 4–5 beers." *Id*. At around 2:00 a.m., on February 16, 2026, the Individual drove to a waffle house to eat, and as he entered the parking lot, a police officer stopped him, based on his suspicion that the Individual had been consuming alcohol. *Id*. at 46–47. The police officer administered a field sobriety test, which the Individual failed. *Id*. The Individual was arrested and charged with DWI. Tr. at 48. To resolve his criminal charge, the Individual was required to serve one year of probation, complete an alcohol awareness course, and install an ignition interlock device in his vehicle for six months. *Id*. at 48–49. However, the Individual's State ordered that his driver's license be suspended, from March 28, 2026, to September 23, 2026. *Id.* at 76–77; Ex. 7 at 31; Ex. 8 at 50. The Individual relied on friends and family to drive him around. Tr. at 44.

On February 17, 2026, the Individual reported his arrest to his employer who subsequently placed him in its Fitness For Duty (FFD) program. Ex. 8; Tr. at 45. As part of his employer's FFD program, on February 17, 2026, the Individual underwent a breath alcohol test (BAT), the result of which was negative for alcohol. Ex. 8 at 39; Tr. at 48. In his March 2026 LOI, the Individual reported that the last time he consumed alcohol was on February 20, 2026, when he consumed alcohol during a concert. Ex. 9 at 58.

During his March 2026 psychological evaluation, the Individual told the DOE Psychologist that despite consuming 14 alcoholic beers from 10:00 a.m. the previous day, he did not feel intoxicated at the time of his February 16, 2026, arrest. Ex. 10 at 66. He explained that his pattern of alcohol was typically six beers, two to three times a week. *Id*. at 66–67. He stated that the last time he consumed alcohol was March 28, 2026, two days before the evaluation, when he consumed two beers and a "fireball shot." *Id*. at 66. He also stated that, in the future, he would "either stop or limit" his drinking, which the DOE Psychologist believed showed "only a nominal acknowledgment of the seriousness of his situation." *Id*. at 68. As part of the psychological evaluation, on March 30, 2026, the Individual underwent Phosphatidylethanol (PEth)[3] testing, the result of which was positive at a level of 259 ng/mL. *Id*. at 67, 76, 78. A medical doctor interpreted the Individual's PEth test result and opined that the PEth test result was evidence that the Individual consumed, on average, 3–5 alcoholic drinks per day, which was evidence of "heavy alcohol consumption." *Id*. at 67, 77.

The DOE Psychologist opined that the Individual met sufficient *DSM-5-TR* criteria for a diagnosis of AUD, Moderate, without adequate evidence of rehabilitation or reformation. Ex. 10 at 70. To show adequate evidence of rehabilitation from his AUD, Moderate, the DOE Psychologist recommended that the Individual complete an Intensive Outpatient Treatment Program (IOP), followed by an aftercare program. *Id*. He also recommended that the Individual abstain from alcohol for 12 months, supported by monthly PEth testing, from the completion of the IOP. *Id*. Alternatively, to show adequate evidence of reformation from his AUD, Moderate, the DOE Psychologist recommended that the Individual abstain from alcohol for 18 months, supported by

[3] The Report indicates that "PEth accumulates when ethanol binds to the red blood call membrane" and "reflects the average amount of alcohol consumed over the previous 28–30 days." Ex. 10 at 76. A PEth test result greater than 200 ng/mL is evidence of "heavy drinking" and "corresponds to 4 or more drinks/day." *Id*.

monthly PEth testing. *Id*. Finally, the Report indicated that "[f]or additional assistance, [the Individual] could opt to participate in an Alcoholics Anonymous (AA) program or [some] other regular, substance abuse-type accountability group when his aftercare participation ceases." *Id*.

On April 9, 2026, the Individual met with an occupational psychologist, who, after evaluating the Individual, diagnosed him with AUD, Moderate, and recommended that he enroll in an IOP. Ex. 7 at 26–27; Tr. at 54–55, 94–95. On May 4, 2026, the Individual began treatment at an IOP, where he was again diagnosed with AUD, Moderate. Tr. at 80, 97; Ex. H at 17, 21. The Individual submitted a record of his appointments at the IOP, to support his testimony that he attended the IOP four days a week for two and a half hours each day, for eight weeks. Ex. A at 2; Tr. at 55, 80–82. During the IOP, he admitted that he was an alcoholic, and he learned how to prevent relapsing, maintain his mental wellbeing, and manage his emotions without alcohol. *Id*. at 55–56, 59, 85. He also learned how to use "the diver reflex," which involves putting your face or hands in cold water, to reset his nervous system and adjust his emotions. *Id*. at 56, 85–86. As a form of relapse prevention, the Individual learned that if he is in an environment where alcohol is being consumed, he should leave the environment. *Id*. at 51. He also learned how to set boundaries with others about alcohol. *Id*. at 51, 68. He did not have individual counseling sessions during the IOP. *Id*. at 83. The Individual's psychologist, who was the IOP's clinical director and diagnosed him with AUD, Moderate in April 2026, testified that he interacted with the Individual during the IOP and discussed the Individual progress through treatment with his treatment providers. Id. at 92. He stated that the Individual attended the IOP without any significant absences. Tr. at 92, 97. The Individual's psychologist also stated that, based on his observations of the Individual, and his discussions with other therapists at the IOP, the Individual was very active during the program. *Id*. at 97–98. The Individual submitted a Certificate of Completion to support his testimony that he completed the IOP on July 2, 2026. Ex. A at 1; Tr. at 56–57. Upon discharge from the IOP, the IOP recommended that the Individual attend AA and its aftercare program. Ex. H at 55.

On July 6, 2026, the Individual began the IOP's aftercare program. Tr. at 57, 81–82; Ex. D at 1. The Individual explained that the aftercare program was 90 days long and consisted of weekly meetings. Tr. at 57, 81, 89. He described the aftercare program as a support group, where everyone discussed their week and gave each other constructive feedback about how they avoided drinking alcohol. *Id*. at 57–58. As of the hearing, the Individual had attended seven aftercare meetings. Ex. D at 1; Tr. at 71–72.

The Individual started attending AA in early July 2026. Tr. at 83. He explained that he attends meetings in person, when he has free time, and when someone can drive him to the meetings. Tr. at 54, 84. The Individual submitted an AA attendance sheet, which indicated that he attended six meetings, on July 1, 2026, July 7, 2026, July 11, 2026, July 14, 2026, July 24, 2026, and August 15, 2026. Ex. J. As for the 12 steps of the program, he explained that it was easy for him to complete step one, because he admitted he was powerless over alcohol. Tr. at 59. As of the hearing, he was on step eleven of the program. *Id*. at 70. He recalled being given a "starter packet," in which he wrote the names of people in his support system. *Id*. at 59. He had not obtained an AA sponsor as of the hearing. *Id*. at 70. Since completing alcohol treatment, he believed his emotions were stable, he felt more clear-minded, and he believed he could remain sober with the tools he had learned. *Id*. at 60, 63.

The Individual's psychologist testified that the Individual was very new to the AA program and was still trying to figure out the overall theme of the program. Tr. at 98. He stated that the Individual needed to continue refining the skills and behaviors he learned in treatment to achieve long-term success with his recovery. *Id*. at 105–06. He explained that the Individual needed to complete 12 months of treatment to achieve sustained remission from his AUD, Moderate. *Id*. at 107. He stated that the Individual was on the right track to recovery and as of August 2026, was in early remission from his AUD, Moderate. *Id*. at 101, 107, 109–10. He believed the Individual's prognosis was "fair to good." *Id*. at 108. The Individual submitted evidence he underwent PEth testing on July 1, 2026, July 31, 2026, and August 25, 2026, the results of which were negative for alcohol consumption. Ex. B; Ex. C; Ex. I; Tr. at 53, 73–74. He considered his sobriety date to be May 1, 2026. Tr. at 72. He stated that he was not tested for alcohol during the IOP, and he had not been tested for alcohol in the aftercare program. Tr. at 88.

The Individual admitted that, at the time of his evaluation with the DOE Psychologist, he did not believe he had a problem with alcohol. Tr. at 53–54. After the Individual's girlfriend and step-father testified that they observed the Individual consume alcohol during April 2026, the Individual admitted that he consumed alcohol after his psychological evaluation because he was ashamed to admit he had a problem. *Id*. at 17, 29, 66–67. He stated that since reading the DOE Psychologist's Report, and attending alcohol treatment, he realized that the DOE Psychologist's diagnosis of AUD, Moderate, was accurate. *Id*. at 54. During his alcohol treatment, he learned that playing softball with friends was "one big trigger" for him to drink alcohol, so he no longer plays softball. *Id*. at 50, 86. The Individual's girlfriend also testified that the Individual no longer plays softball or visits bars, so he can avoid being in an environment where he is surrounded by alcohol. *Id*. at 13–14. However, the Individual continued to golf. *Id*. at 69. He explained that he has more control over his environment while golfing, and he stated that he golfs without drinking alcohol. *Id*. at 69, 86–87. He stated that he did not intend to drink alcohol again. *Id*. at 50, 72. The Individual also submitted letters from his mother, his roommate, and his manager, to support that he was committed to abstinence from alcohol and that he was a trustworthy and reliable person. Ex. E; Ex. F; Ex. G.

The DOE Psychologist testified that after listening to the testimony provided during the hearing and reviewing the Individual's exhibits, the Individual was not yet rehabilitated or reformed from his AUD, Moderate. Tr. at 114–16. He explained that the probability of a person maintaining their abstinence from alcohol grows substantially after 12 months of abstinence. *Id*. at 116, 119–20. He explained that the Individual had "a very good start on a long road" to recovery, but he was still "early in the process" of recovery. *Id*. at 115–16. The Individual had not completed an aftercare program, and he needed to show that he could abstain from alcohol on his own. *Id*. at 116. As of the hearing, the Individual had completed four months of alcohol treatment and had submitted PEth testing to support that he had abstained from alcohol for approximately three months. *Id*. at 120. However, the Individual had not yet received enough treatment to resolve his AUD, Moderate. *Id*. at 117. He stated that the Individual's prognosis was "fair to good." *Id*. at 116–17.

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 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 not sufficiently mitigated the security concerns raised by his alcohol consumption under Guideline G of the Adjudicative Guidelines.

As to factor (a), the Individual's had two alcohol-related arrests, one in 2020 and one in February 2026, seven months before the hearing. The Individual also admitted that after his February 2026, arrest for DWI, he continued to consume alcohol until April 2026, five months before the hearing. Not enough time has passed for the passage of time alone, to mitigate the security concerns related to his alcohol consumption. I am unable to conclude that the Individual's problematic alcohol consumption was not frequent because he admitted that he typically consumed six beers, two to three times a week, and he had two alcohol-related arrests within six years. There is also no evidence that the Individual's alcohol consumption and arrests occurred under unusual circumstances.

Finally, although the Individual followed the DOE Psychologist's recommendation to obtain alcohol treatment, I am persuaded by the opinion of the DOE Psychologist, that because the Individual had only completed four months of alcohol treatment at the time of the hearing, and had demonstrated abstinence from alcohol for approximately three months, he had not yet abstained from alcohol for 12 months and was not yet rehabilitated or reformed from his AUD, Moderate. I cannot conclude that the Individual's problematic alcohol consumption is unlikely to recur, and it continues to cast doubt on his current reliability, trustworthiness, and judgment. Therefore, the Individual has not mitigated the security concerns under ¶ 23(a) of the Adjudicative Guidelines.

As to factor (b), the Individual testified that he continued to consume alcohol after his February 2026 arrest and after his March 2026 psychological evaluation, because he was ashamed to admit

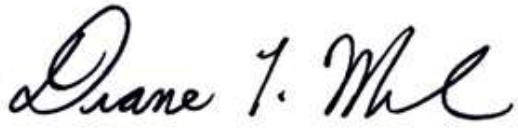
he had a problem. He later admitted that after reading the DOE Psychologist's Report and participating in an IOP, he understood that he had an AUD. Since May 2026, the Individual completed a two-month IOP, attended seven meetings of a 90-day aftercare program, and had attended six AA meetings, between July 1, 2026, and August 15, 2026. As of the hearing, the Individual completed approximately three to four months of treatment. However, the Individual demonstrated that he had abstained from alcohol for approximately three months, which is short of the 12 months of abstinence the DOE Psychologist opined was necessary for the Individual to resolve his AUD, Moderate. Accordingly, he had not demonstrated a clear and established pattern of abstinence from alcohol in accordance with treatment recommendations, and the DOE Psychologist opined he was not rehabilitated or reformed from his AUD, Moderate. Therefore, the Individual has not mitigated the security concerns under ¶ 23(b) of the Adjudicative Guidelines.

As to factors (c) and (d), the Individual submitted evidence that he completed a two-month IOP, attended seven meetings of a 90-day aftercare program, and had attended six AA meetings. The Individual had not yet completed the required aftercare at the time of the hearing. The Individual's psychologist testified that, based on his observations of the Individual, and his discussions with the Individual's other therapists, the Individual was an active participant in the IOP, but he needed more time in treatment to refine the skills he learned and use them to continue abstaining from alcohol. The DOE Psychologist concurred with the opinion of the Individual's psychologist and opined that the Individual was still early in his road to recovery and had not yet completed enough treatment to resolve his AUD. Finally, the Individual submitted evidence that he abstained from alcohol for approximately three months, and he had not established a pattern of abstinence in accordance with the DOE Psychologist's recommendations, which was that the Individual abstain from alcohol for 12 months. Therefore, the Individual has not mitigated the security concerns under ¶ 23(c) or ¶ 23(d) of the Adjudicative Guidelines.

Based on the foregoing, I find that the Individual has not satisfied any of the mitigating conditions, and he has not resolved the security concerns related to his alcohol consumption under Guideline G of the Adjudicative Guidelines.

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