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

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| In the Matter of: Personnel Security Hearing | ) | |
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| Filing Date: August 3, 2026 | ) | Case No.: PSH-26-0162 |
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Issued: October 22, 2026

## Administrative Judge Decision

Erin C. Weinstock, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXXXXX (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 him to hold an access authorization. Exhibit (Ex.) 3. In March 2024, the Individual completed a Questionnaire for National Security Positions (QNSP). Ex. 7. After completing his QNSP, the Individual underwent an enhanced subject interview (ESI) in June 2024. *Id.* at 59. During the ESI, he disclosed one past due debt that he had failed to include on his QNSP and was confronted about the existence of several other past due debts identified through a credit report obtained during the background investigation. *Id.* at 63–66. As a result of this interview, the Individual was asked to complete a letter of interrogatory (first LOI) in February 2025. Ex. 8. The Individual was asked to complete a subsequent letter of interrogatory (second LOI) in October 2025. Ex. 10.

The local security office (LSO) subsequently issued the Individual a Notification Letter advising him that it possessed reliable information that created substantial doubt regarding his eligibility for access authorization. Ex. 3. In a Summary of Security Concerns (SSC) attached to the letter,

[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.

the LSO explained that the derogatory information raised security concerns under Guideline F of the Adjudicative Guidelines. Ex. 2 at 4–5.

The Individual exercised his right to request an administrative review hearing pursuant to 10 C.F.R. Part 710. Ex. 4. The Director of the Office of Hearings and Appeals (OHA) appointed me as the Administrative Judge in this matter, and I conducted an administrative hearing. The LSO submitted eleven exhibits (Ex. 1–11). The Individual submitted two exhibits (Ex. A–B). The Individual testified on his own behalf, and no other witnesses were called. Hearing Transcript, OHA Case No. PSH-26-0162 (Tr.).

## II. THE SECURITY CONCERNS

Guideline F, under which the LSO raised security concerns, relates to security risks arising from financial concerns. "Failure to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information." Adjudicative Guidelines at ¶ 18. Conditions that may raise a security concern include "inability . . . [or] unwillingness to satisfy debts regardless of the ability to do so." *Id.* at ¶ 19(a)–(b). In citing Guideline F, the LSO relied on credit reports showing the Individual had two collection accounts and several past due accounts and concerns that the Individual had repeatedly failed to take steps to resolve his debts.[2] *Id.* at 4–5. The information cited by the LSO justifies its invocation of Guideline F.

## 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 their 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

[2] To the extent that the SSC additionally lists the Individual's failure to provide requested information about his debts as a security concern under Guideline F, I do not consider it because failure to fully cooperate with personnel security staff does not raise a security concern under Guideline F.

§ 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

Debt A is a collection account with a balance of $18,350. Ex. 7 at 79. The Individual testified that he believed that this debt was a student loan incurred for his ex-wife's education. Tr. at 27–28. The Individual stated that the Department of Education told him that he was liable for this debt because he co-signed the loan for his then-wife. *Id.* at 28. At several points, the Individual stated that he had not taken action on this debt because he had requested documentation from the creditor to show that the debt was actually his. Ex. 7 at 65; Ex. 10 at 4; Tr. at 28. At the hearing, the Individual testified that this debt was still unresolved. Tr. at 30.

Debt B is a collection account with a balance of $953. Ex. 7 at 79. During his ESI in 2024, the Individual stated that this account was a medical debt, and he planned to reach out to the collection agency to settle the debt or set up a payment plan. *Id.* at 65. In the second LOI that the Individual completed in December 2025, the Individual stated that he would pay off this balance "in two weeks." Ex. 10 at 5. At the time of the hearing, the Individual stated that he had paid off this debt with the help of his mother, and would provide documentation to that effect. Tr. at 32. There is nothing in the record to corroborate the Individual's testimony.[3]

Debt C is a past due account with a balance of $546. Ex. 7 at 85. The Individual testified that this debt was related to a car he had purchased. Tr. at 24. As of May 2025, the Individual no longer owed any money on this debt. Ex. A (letter from creditor stating that the lien on the Individual's vehicle was released and that the creditor no longer had an interest in the vehicle); Ex. 11 at 17 (July 2026 credit report indicating that the balance on Debt C was zero).

In addition to the above-described delinquent accounts, the Individual had at least sixteen past due accounts related to his student loans, totaling approximately $10,000. Ex. 9 at 2–8. At the hearing, the Individual testified that he had spoken to someone on the phone about these loans, but the creditors would not agree to a monthly repayment amount that he could afford, so he had not taken any action on them. Tr. at 31, 36–37.

The Individual testified that some of his financial issues stemmed from issues with his then-wife's management of their finances. *Id.* at 20–21. The Individual and his ex-wife separated in January 2022 and were ultimately divorced in November 2023. Ex. 7 at 61.

## V. ANALYSIS

### Guideline F

[3] After the hearing, the Individual submitted a copy of his mother's bank account statement with handwritten notations on it. Ex. B. The account statement seems to indicate that three payments, totaling approximately $800, were made between June and August 2026. *Id.* To the extent that the Individual asserts that these payments were related to Debt B, the total amount paid does not match the amount due according to the Individual's credit report. *Compare id. with* Ex. 7 at 79. Further, in the second LOI, which was completed in December 2025, the Individual stated that he intended to pay off Debt B "in two weeks." Ex. 10 at 5. Without the ability to ask the Individual or his mother questions about these records and discrepancies, I cannot find the records to depict what the Individual claimed.

An individual may be able to mitigate security concerns under Guideline F through the following conditions:

(a) the behavior happened so long ago, 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 conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, a death, divorce or separation, clear victimization by lending practices, or identity theft), and the individual acted responsibly under the circumstances;

(c) the individual has received or is receiving financial counseling for the problem from a legitimate and credible source, such as a non-profit credit counseling service, and there are clear indications that the problem is being resolved or is under control;

(d) the individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts;

(e) the individual has a reasonable basis to dispute the legitimacy of the past-due debt which is the cause of the problem and provides documented proof to substantiate the basis of the dispute or provides evidence of action to solve the issue;

(f) the affluence resulted from a legal form or income; and

(g) the individual made arrangements with the appropriate tax authority to file or pay the amount owed and is in compliance with those arrangements.

Adjudicative Guidelines at ¶ 20.

As to mitigating factor (a), the Individual still had past due debts at the time of the hearing, and he did not allege that he had any kind of payment plan related to the remaining debts. The Individual did not allege that there were any unusual circumstances involved here. Further, as the conduct was both recent and repeated, I cannot find that the security concerns are mitigated pursuant to mitigating factor (a).

Mitigating factor (b) does not apply here. While the Individual alleged that his financial circumstances were harmed by his ex-wife's financial management, he did not describe any way in which the situation was beyond his control. Rather, the Individual's failure to pay his delinquent debts was the result of his failure to take personal responsibility for those payments. To the extent the Individual claims his efforts to resolve his delinquent student loan debts have been unsuccessful because he cannot afford the monthly payments, the Individual did not submit a

budget or other evidence to support this assertion. Therefore, I cannot say he acted responsibly under the circumstances and the security concerns are not resolved.

Further, mitigating factor (c) is inapplicable because the Individual has not alleged that he is receiving financial counseling.

The security concerns are not resolved pursuant to mitigating factor (d). While the Individual did provide documentation showing that he had paid off the lien related to his vehicle, he did not provide documentation that showed that he has resolved or started a payment plan for any of the other debts listed in the SSC. Without that kind of documentation, I cannot find that the security concerns are resolved pursuant to mitigating factor (d).

Mitigating factor (e) does not apply here because the Individual has not disputed that he owed the delinquent debts. To the extent that the Individual disputes that he is responsible for Debt A, he has not met his burden to prove that because he has not provided any evidence that the debt is not his responsibility or that he has disputed the debt based on a reasonable belief that he is not responsible for the debt.

Mitigating factor (f) does not apply here. There is no allegation that the Individual had any unexplained affluence.

Mitigating factor (g) does not apply here because there is no allegation that the Individual has failed to file his tax returns or pay his taxes.

Therefore, I find that the Individual has not mitigated the security concerns raised under Guideline F.

## VI. CONCLUSION

In the above analysis, I found that there was sufficient derogatory information in the possession of DOE to raise security concerns under Guideline F of the Adjudicative Guidelines. After considering all the relevant information, 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 security concerns set forth in the Summary of Security Concerns under Guideline F. Accordingly, I have determined 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.

Erin C. Weinstock
Administrative Judge
Office of Hearings and Appeals