*The original of this document contains information which is subject to withholding from disclosure under 5 U.S. C. § 552. Such material has been deleted from this copy and replaced with XXXXXX's.

United States Department of Energy
Office of Hearings and Appeals

In the Matter of: Personnel Security Hearing	)	
	)	
Filing Date: April 27, 2026	)	Case No.: PSH-26-0105
	)	
	)	

Issued: November 10, 2026

Administrative Judge Decision

James P. Thompson III, 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 be restored.

I. Background

The Individual is employed by a DOE contractor in a position that requires him to hold a security clearance. The Individual was previously granted access authorization following submission of a Questionnaire for National Security Positions (QNSP) in August 2021 and a subsequent security check. *See* Exhibit (Ex.) 1; Ex. 11; Ex. 13.[2] On December 2, 2025, the Individual submitted a Personnel Security Information Reporting Form (Incident Report) reporting his arrest for Aggravated Driving Under the Influence (Aggravated DUI), a misdemeanor, on November 30, 2025. Ex. 6 at 22–23. Following the submission of the Incident Report, the LSO sent a letter of interrogatory (LOI) to the Individual, requesting additional information about the event. Ex. 7. In addition to asking the Individual about the specifics surrounding the November 30, 2025, arrest, the Individual was asked about two previous incidents of Driving While Intoxicated (DWI), one in January 2009 and one in August 2012. *Id*. at 35. In the LOI, the Individual was also asked about

[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 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.

his alcohol consumption generally, including his current pattern of consumption, the history of his alcohol consumption, and whether he had ever sought or been ordered to seek treatment. *Id*. at 36–39. The Individual described his alcohol use as typically three twelve-ounce beers on the weekends, stated that he had ceased all alcohol use since his arrest in November 2025, and stated that he had never sought nor been mandated to seek treatment for alcohol consumption. *Id*. at 36, 39.

After submission of the LOI, the Individual was asked to undergo a psychological evaluation conducted by a DOE-consultant psychologist (DOE Psychologist). Ex. 9. Following the evaluation the DOE Psychologist issued a report (Report) in which she opined that the Individual "has a recent history of habitual consumption of alcohol, including binge drinking episodes . . . which has impaired his judgment[]." *Id*. at 57.

Following the issuance of the Report, the LSO began the present administrative review proceeding by issuing a letter (Notification Letter) to the Individual that notified him that it possessed reliable information that created a substantial doubt regarding his eligibility for access authorization. *See* Ex. 1. In a Summary of Security Concerns (SSC) attached to the Notification Letter, the LSO explained that the information raised security concerns under Guidelines G (Alcohol Consumption) and J (Criminal Conduct) of the Adjudicative Guidelines. *Id*. at 5–6.

The Individual exercised his right to request an administrative review hearing pursuant to 10 C.F.R. Part 710. Ex. 2. The Director of the Office of Hearings and Appeals (OHA) appointed me as the Administrative Judge in this matter, and on September 24, 2026, I conducted an administrative hearing. 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 presented testimony from his employer's Employee Assistance Program (EAP) counselor (EAP Counselor). The LSO presented testimony of the DOE Psychologist. *See* Transcript of Hearing, OHA Case No. PSH-26-0105 (Tr.). The Individual submitted seven exhibits marked A1, A2, A3, B1, B2, B3, and C1. DOE Counsel submitted fourteen exhibits, marked as Exhibit 1 through Exhibit 14.[3]

II. Notification Letter

The LSO cited Guideline G as the first of two bases for suspending the Individual's security clearance. 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 "alcohol-related incidents away from work, such as driving while under the influence, . . . regardless of the frequency of the individual's alcohol use or whether the individual has been diagnosed with alcohol use disorder" 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 issued a Report in which she opined that the Individual "has a recent history of habitual consumption of alcohol, including binge drinking episodes, which has

[3] The LSO submitted Exhibit 14 during the hearing, which was accepted into the administrative record without objection. Tr. at 85–86.

impaired his judgment[,]" and has not shown adequate evidence of rehabilitation or reformation;

B. in November 2025 the Individual was arrested for Aggravated DUI and had a blood alcohol concentration (BAC) of 0.16 at the time of arrest;

C. in August 2012 the Individual was arrested and charged with DWI; and

D. in January 2009 the Individual was arrested and charged with DWI.

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

The LSO also cited Guideline J as the second basis for suspending the Individual's security clearance. *Id*. at 6. Under Guideline J, "[c]riminal activity creates doubt about a person's judgment, reliability, and trustworthiness." Adjudicative Guidelines at ¶ 30. "By its very nature, it calls into question a person's ability or willingness to comply with laws, rules, and regulations." *Id.* Conditions that could raise a security concern include "[e]vidence (including, but not limited to, a credible allegation, an admission, and matters of official record) of criminal conduct, regardless of whether the individual was formally charged, prosecuted, or convicted . . . ." *Id.* at ¶ 31(b). Under Guideline J, the LSO again alleged the three aforementioned alcohol-related arrests in 2025, 2012, and 2009. Ex. 1 at 6. The above information justifies the LSO's invocation of Guideline J.

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

The Individual provided the following information concerning his alcohol use generally as well as his alcohol-related criminal conduct in 2009, 2012, and 2025.

A. The Individual's History of Alcohol Use and Report

In the January 2026 LOI, the Individual reported that his current drinking pattern involved typically drinking three, twelve-ounce beers on the weekends. Ex. 7at 36. The Individual stated that that had been his pattern of consumption since 2004, when the Individual started playing golf. *Id*. The Individual further stated that on the date of his November 2025 arrest, he had consumed five sixteen-ounce beers over a five-hour period. *Id*. at 37. The Individual defined intoxication as "slurred speech and inproper[sic] balance[,]" and stated that he would require approximately five to six beers over four hours to become intoxicated. *Id*. The Individual reported that he consumed alcohol to the point of intoxication approximately four times a year. *Id*. However, he reported that he had ceased all drinking as of November 30, 2025. *Id*.

The psychological evaluation occurred in February 2026. The LSO specifically asked the DOE Psychologist to opine on whether the Individual had, at the time of the evaluation, an alcohol use disorder and whether the Individual habitually consumed or binge drank alcohol to the point of impaired judgment. *See* Ex. 9 at 51. In forming her opinion, the DOE Psychologist relied on a review of the Individual's Personnel Security File and the information she gained during the clinical interview and evaluation of the Individual. *Id.* at 52. Additionally, the Individual submitted to a Phosphatidylethanol (PEth) test for recent alcohol consumption.[4] *Id.*

Despite previously reporting in the LOI that he had ceased drinking as of November 2025, during his clinical interview, the Individual admitted to two instances of consuming alcohol since November 30, 2025, once on Christmas Eve and once on December 29, 2025, although the Individual maintained that he was currently abstinent at the time of the clinical interview. *Id*. at 55–56; *see* Tr. at 33 (the Individual testifying that the information in the LOI was an "error on [his] part"). The PEth test to which the Individual submitted immediately following his clinical interview was negative, which was consistent with the Individual having been alcohol abstinent for several weeks preceding the clinical interview. *See* Ex. 9 at 55.

According to the Report, in 2004, the Individual went through a difficult divorce and custody battle, which led to an increase in his drinking. *Id*.; *see also* Ex. 7 at 35. Following the divorce, the Individual joined a golf club, where drinking was more routine. *See* Ex. 9 at 54. By 2008, he started drinking during rounds of golf as well as afterwards and would spend a lot of time at the golf club where he would engage in social drinking. *Id*. The Individual largely described his drinking as related to socializing. *Id*. at 56. During the hearing, the Individual likewise testified that he has "always been just a social drinker . . . [and] would drink if [he] was with friends playing golf." Tr. at 36. The Individual further testified that he is not the type of person to drink at home on a regular basis, although he did on occasion. *Id*.

In her Report the DOE Psychologist defined "'habitual' [drinking] as being approximately monthly intoxication." Ex 9 at 58. The DOE Psychologist relied on the Substance Use and Mental Health Services Administration's (SAMHSA) definition of "binge" drinking which defines binge drinking in men as consuming five or more standard drinks per occasion. *Id*. In the Report, the DOE Psychologist opined that the Individual had a recent history of habitual consumption of alcohol, including binge drinking episodes, which impaired his judgment as evidenced by his Aggravated DUI and two DWIs, his high BAC at the time of his arrest, his self-reported high

[4] PEth is a biomarker of alcohol which can be detected in the blood, and "PEth test[s] detect any significant alcohol use over the past three to four weeks." Ex. 9 at 55, 59. "PEth levels in excess of 20 ng/mL are considered evidence of moderate to heavy ethanol consumption." *Id.* at 61.

tolerance for alcohol consumption, his discrepant accounts of abstinence since his arrest, and his self-report of significant periods of time in which he drank on a daily basis. *Id*. at 56–57. The DOE Psychologist recommended that the Individual (1) abstain from alcohol for a period of no less than six months, (2) attend alcohol rehabilitation counseling with a therapist specializing in alcohol or substance abuse treatment for at least three months, (3) engage in some evidence-based treatment approach, and (4) engage in monthly PEth testing. *Id*.

B. The Individual's Alcohol-Related Arrests

As stated above, the Individual has three documented incidents with alcohol which resulted in criminal consequences. Ex. 1 at 5–6. Both the 2009 and 2012 DWI convictions were the result of the Individual pleading guilty. *See* Ex. 9 at 53; Ex. 11 at 101–03. Regarding the 2025 DUI, the Individual pled guilty to the lesser charge of DUI, rather than Aggravated DUI; he is currently in a deferred disposition as of June 2026; and should the Individual successfully complete all the requirements of his plea agreement, the DUI may be dismissed at the Court's discretion. Ex. 14; Tr. at 68, 85.

The police report from the November 30, 2025, arrest indicates that the Individual was pulled over by police officers after they observed him driving over painted lanes and driving in the opposite lane of travel. Ex. 6 at 27. At the time that officers attempted to effectuate a stop, the Individual did not immediately pull over and instead drove to his driveway. *Id*. at 23; Ex. 7 at 32. The Individual admitted to consuming five to six beers prior to being stopped, and he submitted to a breathalyzer that provided a result of 0.16 BAC. *Id*. at 26. Prior to the hearing, the Individual implied several times that medical issues may have contributed to his behavior or BAC level. *See*, *e.g.*, Ex. 9 at 53. However, at the hearing, he acknowledged that he had been drinking and was intoxicated at the time of his arrest. Tr. at 22, 26–28. As a result of his most recent arrest, the Individual's license was suspended and an interlock device (interlock) was placed on his vehicle. *Id*. at 28.

As part of the Individual's deferred disposition, the Individual was required to participate in DUI classes, individual therapy, community service, and a DUI Impact Panel. *See* Tr. at 28, 85; *see also* Ex. 14. As of September 2026, the Individual had completed all of these requirements except that the interlock installed in approximately March 2026 is required to remain on the Individual's vehicle for a period of twelve months. Tr. at 67.

C. The Individual's Subsequent Treatment and Current Relationship to Alcohol, and Updated Opinion of the DOE Psychologist

At the hearing, the EAP Counselor, the Individual, and the DOE Psychologist testified regarding the Individual's treatment related to his alcohol use, his current relationship to alcohol, and—in the case of the DOE Psychologist—his prognosis as it relates to alcohol. Additionally, the Individual submitted PEth tests results for March, April, May, June, and July 2026, as well as education certificates and evidence of attendance at recovery programs. *See* Ex. B1–3, C1. The PEth test results were all negative. Ex. C1.

The EAP Counselor testified that she first spoke with the Individual in her Alcohol Awareness Education Class (Alcohol Awareness), which the Individual attended from March 26, 2026, through August 5, 2026. *See id*; *see also* Ex. A1. She described the Individual as an active participant in sessions, "as evidenced by his openness, sharing, listening, honesty, and initiative."

Ex. A1 at 1. She also described the Individual as making "behavioral changes in his social life, and express[ing] responsibility and accountability." *Id*. As part of the programming done with the EAP Counselor, after the Individual completed Alcohol Awareness, he enrolled in the EAP's abstinence support group class (Abstinence Support). *See id*. at 2–4;[5] Ex. B2. At the hearing, the EAP counselor explained that the Alcohol Awareness classes are largely educational, and the Abstinence Support courses are a mixture of education and treatment. *See* Tr. at 12, 15–16. The EAP Counselor testified that the Individual had engaged in treatments and enacted lifestyle changes and learned that "for him [drinking] [is] just not something that he wants to continue with anymore." *Id*. at 16–17.

The Individual testified that since his recent DUI, he has engaged with individual counseling and group sessions, Self Management and Recovery Training (SMART), and, as previously stated, the EAP programs. The Individual completed at least twelve individual counseling sessions with a Licensed Professional Clinical Counselor (LPCC), which the DOE Psychologist testified satisfied her recommendation for three months of individual therapy, from April 20, 2026, through July 13, 2026. *See* Ex. A3; Tr. at 44, 53, 79–80, 90–91. Additionally, the Individual participated in twelve SMART meetings where he learned tools for understanding his triggers and motivators for alcohol use and how to identify areas of his life where he needed to make improvements. *See* Tr. at 50–53. For example, the Individual testified that his trigger for alcohol consumption was looking for acceptance and "looking for . . . a sense of connection with people[.]" *Id*. at 47.

As part of his individual counseling, the Individual explored his relationship to alcohol and the driving forces of his alcohol use and triggers. *See id*. at 45–48. The Individual testified that his drinking was related to social connection and acceptance. *See id*. at 47–48. As part of his recovery, the Individual has communicated with members of his social group that he is no longer drinking, has set boundaries with certain friend groups, and in those social settings he still visits where he previously consumed alcohol, such as golf, he has abstained from drinking. *See id*. at 57–58, 74–75. The Individual has also removed certain individuals from his friend group. *See id.* at 74–75. Finally, the Individual has sought out new social outlets, including continuing his volunteer work and looking for new opportunities for volunteering to satisfy his need for social outlets outside of situations where he previously consumed alcohol. *See, e.g.*, *id*. at 40. Of note, the Individual maintained that he does not view himself as having a problem with alcohol since he defined "problem" as not being able to stop drinking, drinking in secret, or drinking every day. *Id*. at 36–38. However, the Individual acknowledged that he now understands he had been habitually consuming alcohol and binge drinking, although he maintained he has been committed to abstinence and will remain abstinent moving forward. *Id*. at 64–65.

The DOE Psychologist testified regarding the Individual's compliance with her recommendations and her updated prognosis on his alcohol use. Ultimately, the DOE Psychologist testified that she viewed the Individual as demonstrating an increased understanding of his relationship with alcohol and that the Individual has demonstrated rehabilitation. *Id*. at 92–94. In forming her opinion, the DOE Psychologist relied upon the testimony of the Individual and the Exhibits submitted which demonstrated his alcohol abstinence, his consistent engagement with treatment, and his personal,

[5] The EAP Counselor described Alcohol Awareness as a "six-week class . . . [that] focuses on increasing awareness of each person's unique relationship to alcohol including its effect on the body, effects on relationships and money, individual triggers to drink, or drinking more than intended." Ex. A1 at 2. She described Abstinence Support as a "12-week [group] class . . . [that is] an opportunity for a participant to further explore their relationship with alcohol while learning skills [and where] all stages of change are discussed[.]" *Id.* at 4–5.

internalized changes regarding his alcohol use. *Id*. at 92–95. The PEth test results the Individual submitted, including the one conducted in connection with the February 2026 evaluation, corroborated six months of abstinence or negligible alcohol use, satisfying her recommendation to abstain for at least six months as demonstrated by clinical testing. *See* Ex. 9 at 61–63; Ex. C1; Tr. at 97. Additionally, the Individual engaged with a therapist to discuss his alcohol use and relationship with alcohol. *See e.g.*, Ex. A3. The DOE Psychologist was satisfied that the twelve sessions with the LPCC met the recommendation that he attend alcohol rehabilitation counseling. *See* Tr. at 90–91. Additionally, the DOE Psychologist viewed favorably that the Individual had participated in thirty group sessions between his SMART meetings and the "[EAP] groups," which satisfied her recommendation that he participate in evidence-based treatment. *Id*. at 91–92. The DOE Psychologist opined that the Individual's testimony demonstrated he had been engaged in and internalized his treatment. *Id.* at 92. She opined that he had demonstrated a better understanding of the driving forces of his alcohol use and had identified other outlets for those motivations—citing the example of volunteer work. *Id*. at 92–93. The DOE Psychologist opined that the Individual had demonstrated rehabilitation based on following her treatment recommendations and that his prognosis was good. *Id*. at 95.

V. Analysis

A. Guideline G

The Adjudicative Guidelines provide that conditions that could mitigate security concerns under Guideline G include

> (a) So much time has passed, or the behavior was so infrequent, or it happened under such unusual circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or judgment;
>
> (b) The individual acknowledges his or her pattern of maladaptive alcohol use, provides evidence of actions taken to overcome this problem, and has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations;
>
> (c) The individual is participating in counseling or a treatment program, has no previous history of treatment and relapse, and is making satisfactory progress in a treatment program; and
>
> (d) The individual has successfully completed a treatment program along with any required aftercare, and has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations.

Adjudicative Guidelines at ¶ 23.

I conclude that the Individual has sufficiently mitigated the Guideline G concerns under ¶ 23(b) and ¶ 23(d). First, although he fell short of acknowledging he had a problem with alcohol, his hesitancy to do so was based on his concern that agreeing to the same would be agreeing that he engaged in addictive behavior regarding alcohol. However, the Individual clearly acknowledged

that he had been previously consuming alcohol to the point of impairment and binge consuming alcohol. I therefore conclude that he acknowledged a maladaptive relationship with alcohol.

The record also contains significant evidence of the actions he has taken to overcome this problem. He has participated in individual therapy, alcohol education, and group treatment through the Alcohol Awareness and Abstinence Support classes, and SMART. By undergoing individual therapy and attending SMART meetings, the Individual increased his understanding regarding his relationship with alcohol and his triggers. The record demonstrates that he modified that relationship by not only abstaining but also refraining from spending time with friends with whom he used to consume alcohol to support his abstinence; and he also sought out different social outlets to support his abstinence, such as volunteer work. His changed mindset, the progress he made in the recommended treatment, as described by himself and the EAP Counselor, and the period of abstinence corroborated by negative PEth test results led the DOE Psychologist to opine that the Individual had rehabilitated from his alcohol misuse and had a good prognosis. Lastly, the Individual has submitted negative PEth tests for March, April, May, June, and July, in addition to the negative PEth test from February, demonstrating a period of abstinence of at least six months. Accordingly, the Individual he has provided evidence demonstrating a clear and established pattern of abstinence in accordance with treatment recommendations. I therefore conclude that ¶ 23(b) applies to mitigate the Guideline G concerns.

Additionally, the DOE Psychologist opined that the Individual could continue to support his recovery through SMART meetings but did not suggest that he must continue his treatment. Therefore, in addition to my above finding that the Individual has demonstrated a clear and established pattern abstinence in accordance with treatment recommendations, I also conclude that has successfully completed a treatment program along with any required aftercare by successfully completing the EAP courses and recommended individual therapy. Thus, the Individual has mitigated the Guideline G concerns pursuant to ¶ 23(d).

B. Guideline J

The Adjudicative Guidelines provide that conditions that could mitigate security concerns under Guideline J include:

> (a) So much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;
>
> (b) The individual was pressured or coerced into committing the act and those pressures are no longer present in the person's life;
>
> (c) No reliable evidence to support that the individual committed the offense; and
>
> (d) There is evidence of successful rehabilitation; including, but not limited to, the passage of time without recurrence of criminal activity, restitution, compliance with the terms of parole or probation, job training or higher education, good employment record, or constructive community involvement.

Adjudicative Guidelines ¶ 32.

I find that the Individual has provided enough evidence to mitigate the Guideline J concern under ¶ 32(d). The record demonstrates that the Individual's criminal conduct is inextricably tied to his history of problematic alcohol consumption because the three criminal charges cited in the SSC all resulted from his decision to operate a motor vehicle while under the influence of alcohol. According to my above findings under Guideline G, I find the Individual has rehabilitated from his past pattern of habitual or binge consumption of alcohol to the point of impairment and has demonstrated that he is unlikely to resume a pattern of problematic alcohol consumption. Since the Individual is unlikely to engage in problematic alcohol consumption, the Individual is similarly unlikely to engage in future criminal conduct since the concerns raised in the SSC under Guideline J are entirely related to alcohol use. In addition to resolving the underlying cause of his criminal conduct, he is complying with the terms of his deferred disposition by using the interlock and successfully completing court-ordered individual therapy, community service, and a DUI Impact Panel. For the aforementioned reasons, I find the Individual has mitigated the Guideline J concerns.

VI. Conclusion

For the reasons set forth above, I conclude that the LSO properly invoked Guidelines G and J of the Adjudicative Guidelines. After considering all the evidence, both favorable and unfavorable, in a comprehensive, common-sense manner, including weighing all the testimony and other evidence presented at the hearing, I find that the Individual has brought forth sufficient evidence to resolve the Guideline G and J concerns set forth in the SSC. Accordingly, the Individual has demonstrated that restoring his security clearance would not endanger the common defense and security and would be clearly consistent with the national interest. Therefore, I find that the Individual's access authorization should be restored. This Decision may be appealed in accordance with the procedures set forth at 10 C.F.R. § 710.28.

James P. Thompson, III
Administrative Judge
Office of Hearings and Appeals