*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: May 27, 2026	)	Case No.: PSH-26-0127
	)	
	)	

Issued: October 28, 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 granted.

I. BACKGROUND

The Individual applied for access authorization in connection to his employment with a DOE contractor. Exhibit (Ex.) 1 at 6.[2] In October 2025, the Individual completed a Questionnaire for National Security Positions (QNSP). Ex. 9. In his QNSP, the Individual disclosed that in 2019, he was arrested and charged with felony illegal hunting without a license and misdemeanor negligent discharge of a firearm. *Id.* at 94–95. When discussing this incident with the OPM investigator who was doing his background investigation, the Individual disclosed that he had consumed between three and five beers prior to the incident. Ex. 11 at 154. In the course of his investigation, the OPM investigator also received information from a university that the Individual attended from 2018 to 2020 that indicated that as a result of four on-campus alcohol-related incidents, the Individual had been removed from university housing. *Id.* at 158. Subsequently, the Local Security Office (LSO)

[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] References to the Local Security Office's (LSO) exhibits are to the exhibit number and the PDF page number from the LSO's exhibit notebook.

asked the Individual to complete a letter of interrogatory (LOI), which the Individual did on February 12, 2026. Ex. 8. Upon receipt of the responses to the LOI, the LSO asked the Individual to undergo a psychological evaluation in March 2026, by a DOE-consultant psychologist (DOE Psychologist). Ex. 7 at 36. The DOE Psychologist's evaluation resulted in a finding that the Individual met sufficient *Diagnostic and Statistical Manual of Mental Disorders – Fifth Edition, Text Revision* (*DSM-5-TR*) criteria for a diagnosis of Alcohol Use Disorder (AUD), Mild, and that the Individual had not demonstrated adequate evidence of rehabilitation or reformation. Ex. 7 at 42.

The 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. 1 at 6–8. In a Summary of Security Concerns (SSC) attached to the letter, the LSO explained that the derogatory information raised security concerns under Guideline G of the Adjudicative Guidelines. *Id.*

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 I conducted an administrative hearing. The LSO submitted eleven exhibits (Ex. 1–11). The Individual submitted eight exhibits (Ex. A–H). The Individual testified on his own behalf and presented the testimony of three other witnesses.[3] Hearing Transcript, OHA Case No. PSH-26-0127 (Tr.). The LSO presented the testimony of the DOE Psychologist. *Id.*

II. THE SECURITY CONCERNS

Guideline G, under which the LSO raised security concerns, relates to security risks arising from excessive alcohol consumption. "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 include: "alcohol-related incidents away from work" and "diagnosis by a duly qualified medical or mental health professional . . . of alcohol use disorder." *Id.* at ¶ 22(a), (d). In citing Guideline G, the LSO relied upon the five alcohol-related incidents that the Individual was involved in between 2018 and 2020. Ex. 1 at 5. The LSO also cited the DOE Psychologist's diagnosis of AUD, Mild, without adequate evidence of rehabilitation or reformation. *Id*. The aforementioned allegations justify 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

[3] Two of those other witnesses were the Individual's current supervisor and a prior supervisor, who both testified that he was trustworthy and had good judgment. Tr. at 79, 88. As these witnesses did not offer any substantive testimony concerning the Guideline G concerns and the Individual's efforts to mitigate them, I do not address their testimony further herein.

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 § 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

In November 2018, the Individual was charged by his university with possessing alcohol on campus. Ex. 11 at 158. The Individual testified that he had been eighteen years old, and campus security stopped him on his way home from a party while he was carrying a can of beer. Tr. at 21–22. As a result of this incident, the Individual was required to take an alcohol education course. Ex. 11 at 158.

In January 2019, the Individual was charged by his university with possessing alcohol on campus for a second time. *Id.* The Individual testified that he was at a gathering in an on-campus dorm when either campus security or a resident assistant knocked on the door because the gathering was too loud. Tr. at 23–24. The Individual stated that there was alcohol at the gathering, and everyone who was in the dorm was charged with having alcohol. *Id.* When asked, the Individual could not recall if he had been consuming alcohol at the gathering. *Id.* at 41–42. As a result of this incident, the Individual was required to take another alcohol education course. Ex. 11 at 158.

In April 2019, the Individual was charged with felony illegal hunting without a license and misdemeanor negligent discharge of a firearm. *Id.* at 154. When discussing this incident with the OPM investigator who was doing his background investigation, the Individual disclosed that he had consumed between three and five beers prior to the incident. *Id.* The charges related to this incident were ultimately dropped. Ex. 9 at 94–95.

In August 2019, the Individual was charged by his university with possessing alcohol on campus for a third time. Ex. 11 at 158. The Individual testified that the circumstances surrounding this incident were the same as the circumstances surrounding the January 2019 incident. Tr. at 24. As a result of this incident, the Individual was put on housing probation. Ex. 11 at 158.

In January 2020, the Individual was charged by his university with possessing alcohol on campus for a fourth time. *Id.* The Individual testified that the university had staff conduct a safety check

of the dorms while students were on break and discovered an empty vodka bottle[4] in his dorm. Tr. at 26. As a result of this incident, the Individual was removed from campus housing. Ex. 11 at 158.

In the LOI that the Individual completed in February 2026, he disclosed that, at that time, he typically consumed alcohol between two and four days a week, and "sometimes" consumed up to twenty-four light beers between Thursday night and Saturday night, though "sometimes [he] [went] without for days/weeks."[5] Ex. 6 at 25. He said this pattern of consumption began "around the end of freshman year of high school." *Id.*; *but see* Tr. at 30 (testifying that he had reduced his alcohol consumption in 2020 due to the physical nature of the job he had at that time). He also stated that in the future, it was his intention to eliminate his alcohol consumption or consume alcohol "rarely." Ex. 6 at 28.

Prior to his evaluation with the DOE Psychologist, the Individual reported consuming "at max a case[6] a week" spread out from Thursday to Saturday. Ex. 7 at 38. At the hearing, he testified that a case of beer over the course of a weekend would not be an accurate description of his consumption prior to his evaluation with the DOE Psychologist, saying his consumption "fluctuated." Tr. at 37–38. The night prior to the evaluation the Individual reported consuming two to four beers and "maybe a shot of vodka." Ex. 7 at 39. He said he consumed alcohol that evening because he was anxious about his father's health and because he was nervous about the evaluation. *Id.* at 46.

The Individual was evaluated by the DOE Psychologist on March 11, 2026. *Id.* at 36. As part of his evaluation, the Individual underwent a Phosphatidyl Ethanol (PEth) test[7] on the same date. *Id.* at 40. The PEth test came back positive at a level of 269 ng/mL. *Id.* This result was consistent with his report to the DOE Psychologist, according to the medical doctor who interpreted the test. *Id.* at 41.

After the Individual completed the evaluation, the DOE Psychologist issued a report in which she concluded that the Individual met sufficient *DSM-5-TR* criteria for a diagnosis of AUD, Mild. *Id.* at 42. In explaining her diagnosis, the DOE Psychologist explained that she believed that the Individual continued to use alcohol "despite having persistent or recurrent social or interpersonal problems caused by the use of the substance" and that his self-reported consumption indicated a

[4] The Individual testified that a friend had put Christmas lights into the empty bottle to turn it into a decoration, and he had put the decoration on his desk. Tr. at 26.

[5] The Individual's father testified at the hearing that the Individual had lived in the father's home for the last year and a half, and before the Individual stopped consuming alcohol, he never saw the Individual consume more than "a beer or two." Tr. at 70; *but see* Ex. 6 at 25 (the Individual stating in February 2026 that he sometimes consumed up to twenty-four light beers between Thursday night and Saturday night). Considering the significant discrepancy between the Individual's description of his alcohol consumption and the father's testimony, I assign the father's testimony minimal weight.

[6] When asked at the hearing how many beers were in a case, he stated "[i]t could be a 15, 12, 18, or 24." Tr. at 59.

[7] "The PEth level reflects the average amount of alcohol consumed over the previous 28–30 days as red blood cells degrade and enzymatic action removes PEth. PEth less than 20 ng/mL is consistent with light or no consumption . . . . PEth greater than 200 ng/mL corresponds to Heavy Consumption of alcohol." Ex. 7 at 58.

high tolerance. *Id.* She stated that she believed he met the first criteria due to the number of alcohol-related incidents he was involved in while in college and the negative consequences associated with those incidents. *Id.*; Tr. at 130. She also explained that she believed he met that criterion for an active AUD, rather than one in remission, because he reported consuming a significant amount of alcohol the evening before his evaluation even though he knew the evaluation related to concerns about his alcohol use and that doing so carried potential consequences. Ex. 7 at 42; Tr. at 130. In order for the Individual to show rehabilitation, the DOE Psychologist stated that the Individual should remain abstinent from alcohol for six months with documentation of his abstinence and attend four meetings of an evidence-based peer support group a week or attend outpatient treatment[8] for a period of six months. Ex. 7 at 42. The DOE Psychologist also said that the Individual could show reformation by abstaining from alcohol and providing monthly PEth tests for a total of twelve months while "demonstrat[ing] lifestyle changes with effective coping mechanisms." *Id.*

The Individual testified at the hearing in September 2026 that he had not consumed any alcohol since May 17, 2026, and to support that testimony he provided four negative PEth tests dated June 1, 2026; July 20, 2026; August 21, 2026; and September 17, 2026. Tr. at 34; Ex. B; Ex. C; Ex. D. The Individual testified that he does not plan on consuming alcohol in the future. Tr. at 60.

The Individual provided a letter from a counselor who had "evaluated" the Individual on July 6, 2026, August 21, 2026, and September 25, 2026. Ex. E. The counselor stated that based on the information available to him, including clinical interviews, testing, and "records reviewed, as applicable," he did not find any evidence of AUD or other alcohol-related impairment. *Id.* The Individual stated that he provided the counselor with a copy of the DOE Psychologist's report, but the letter did not directly address the concerns raised in that report. Tr. at 57; Ex. E. The Individual testified that he had seen the counselor once a month since July. Tr. at 52. He said at his sessions he and the counselor discussed the Individual's historical drinking behavior and how alcohol made him feel, among other issues. *Id.* The Individual testified that he did not think he had a problem with alcohol, though he did admit his alcohol consumption made his life more difficult when he was in college. *Id.* at 53, 56.

At the hearing, the DOE Psychologist testified that based on her review of the Individual's exhibits and witness testimony, she did not believe that the Individual had met the recommendations she had laid out to show rehabilitation or reformation. *Id.* at 107. She explained that while it was good that the Individual was meeting with a counselor who specialized in alcohol and drug counseling, he was meeting with the counselor less often than she recommended, and the letter the Individual provided appeared to indicate that the meetings were evaluations rather than counseling sessions. *Id.* at 111–12. When asked why she recommended weekly therapy rather than monthly, the DOE Psychologist stated that individuals who do not want to participate in a sobriety supporting community, like Alcoholics Anonymous, need weekly accountability check ins to support their sobriety. *Id.* at 128. She explained that regular support in a clinical setting is important to recovery. *Id.* at 129.

[8] The DOE Psychologist defined outpatient treatment as "weekly individual counseling with a therapist certified in substance abuse counseling" or "weekly group meetings run by a certified counselor." Ex. 7 at 42.

The DOE Psychologist testified that the Individual's prognosis was guarded, despite the "early sustained activities he's engaged in," because his motivation for recovery was external and entirely based on his job. *Id.*

V. ANALYSIS

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

> (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 maladaptive alcohol use, provides evidence of actions taken to overcome this problem, and has demonstrated a clear and established pattern of modified alcohol consumption or abstinence in accordance with treatment recommendations;
>
> (c) The individual is participating in counseling or a treatment program, has no previous history of treatment and relapse, and is making satisfactory progress in a treatment program; and
>
> (d) The individual has successfully completed a treatment program along with any required aftercare, and has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations.

Adjudicative Guidelines at ¶ 23.

As an initial matter, I find that there is insufficient evidence in the record to establish that the Individual was being treated by a healthcare professional for his AUD. The letter provided by the counselor does not describe any treatment or counseling; instead, it mentions that the counselor evaluated the Individual. When the Individual testified about the sessions with the counselor, he explained that they discussed the Individual's history and feelings about alcohol, but did not mention the development of any coping mechanisms or other tools that are typical of alcohol-related counseling. As the Individual did not present the counselor as a witness, he was unavailable to answer questions to clarify what occurred during the Individual's sessions. Because of the general nature of the information in the counselor's letter, the lack of information explaining why he disagreed the DOE Psychologist's findings, and the lack of live testimony from the counselor explaining his opinion, I assign less weight to his opinion that the Individual does not have AUD or another alcohol misuse problem. An unexplained opinion from the counselor is not sufficient to overcome the opinion of the DOE Psychologist, who testified and was able to explain the basis of her diagnosis.

The Individual has not resolved the security concerns pursuant to mitigating factor (a). Between 2018 and 2020, the Individual had five alcohol-related incidents that by the Individual's own

account in his LOI and to the DOE Psychologist during his evaluation, did not cause him to change his behavior related to alcohol consumption. While the Individual asserts that the four incidents related to his time in college were minor, these incidents resulted in a serious consequence, being removed from on-campus housing, but did not appear to result in any reflection or behavioral change. At the hearing, the Individual testified that he consumed less alcohol after that period ended, but this testimony contradicted his stated consumption in his LOI and to the DOE Psychologist. That testimony was also contradicted by the PEth test the Individual underwent after his evaluation with the DOE Psychologist, which clearly indicated that the Individual had heavily consumed alcohol in the prior month. Thus, I conclude that the Individual's alcohol misuse occurred regularly for a period of years. Against this longstanding pattern, the Individual had established only about four months of abstinence from alcohol as of the hearing date. Therefore, I cannot say that so much time has passed, the behavior was so infrequent, or that the behavior occurred under unusual circumstances.

As to mitigating factor (b), the Individual admitted that his alcohol consumption in college made his life more difficult, but was unwilling to say that he had a problem while he was in college or in the more recent past. Further, as discussed above, there is not clear evidence in the record that establishes the Individual has completed any treatment or taken any other actions to overcome his issues with alcohol. Finally, the Individual has only been abstinent from alcohol for a period of four months. I cannot find that this period of abstinence shows a clear and established pattern of abstinence from alcohol consumption. *See, e.g.*, *Personnel Security Hearing*, OHA Case No. PSH-25-0091 at 12 (2025) (finding four months of sobriety insufficient to show a clear and established pattern of abstinence when the DOE Psychologist recommended six months of documented sobriety).

As I explained above, the Individual did not present sufficient evidence to establish that he was participating in a counseling program at the time of the hearing. Even if I found that he was participating in a counseling program, the letter from the counselor makes no statement as to the Individual's progress in a counseling program or the skills that the Individual had developed in that program. Moreover, the DOE Psychologist opined that the Individual's sessions with the counselor were insufficiently frequent to meet his treatment needs even if they were treatment, and opined that the Individual's prognosis was guarded. Therefore, mitigating factor (c) does not apply.

Mitigating factor (d) does not apply here because the Individual did not testify or provide any other evidence that he had completed a treatment program. Even if he had, as discussed above, he has not demonstrated a clear and established pattern of abstinence in accordance with treatment recommendations.

Accordingly, I find that the Individual has not resolved the security concerns asserted by the LSO under Guideline G.

VI. CONCLUSION

In the above analysis, I found that there was sufficient derogatory information in the possession of DOE to raise security concerns under Guidelines G 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. Accordingly, I have determined 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.

Erin C. Weinstock
Administrative Judge
Office of Hearings and Appeals