*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 17, 2026	)	Case No.: PSH-26-0132
	)	
	)	

Issued: November 16, 2026

Administrative Judge Decision

Kristin L. Martin, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXXXX (hereinafter referred to as "the Individual") for access authorization under the Department of Energy's (DOE) regulations set forth at 10 C.F.R. Part 710, entitled, "Procedures for Determining Eligibility for Access to Classified Matter and Special Nuclear Material or Eligibility to Hold a Sensitive Position."[1] For the reasons set forth below, I conclude that the Individual's security clearance should not be restored.

I. BACKGROUND

The Individual is employed by a DOE Contractor in a position which requires a security clearance. Exhibit (Ex.) 1 at 1. During the course of the Individual's background investigation, derogatory information was uncovered regarding the Individual's finances and failure to report information to DOE as required. Ex. 4 at 28–30; Ex. 5 at 51. DOE subsequently asked the Individual to respond to a Letter of Interrogatory (LOI) concerning, among other things, his outstanding debts and a court-ordered temporary protection order that DOE had become aware of through continuous evaluation. Ex. 5 at 51–52. The Local Security Office (LSO) began the present administrative review proceeding by issuing a Notification Letter to the Individual informing him that he was entitled to a hearing before an Administrative Judge in order to resolve the substantial doubt regarding his eligibility to hold a security clearance. Ex. 1 at 1–2; *see* 10 C.F.R. § 710.21.

The Individual requested a hearing, and the LSO forwarded the Individual's request to the Office of Hearings and Appeals (OHA). Ex. 3 at 1–2. The Director of OHA appointed me as the Administrative Judge in this matter. The LSO submitted nine exhibits, marked as Exhibits 1 through 9 (hereinafter cited as "Ex."). The Individual submitted six exhibits, marked as Exhibits

[1] Under the regulations, "'[a]ccess authorization' means 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). Such authorization will also be referred to in this Decision as a security clearance.

A through F. The Individual testified on his own behalf. Hearing Transcript, OHA Case No. PSH-26-0132 (hereinafter cited as "Tr.").

II. THE NOTIFICATION LETTER AND THE ASSOCIATED SECURITY CONCERNS

As indicated above, the Notification Letter informed the Individual that information in the possession of the DOE created a substantial doubt concerning his eligibility for a security clearance. Ex. 1 at 1–2. That information pertains to Guidelines E and F of the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position*, effective June 8, 2017 (Adjudicative Guidelines). Ex. 2 at 1–5. These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with the factors listed in the adjudicative process. 10 C.F.R. § 710.7.

Guideline E states that:

> Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes.

Adjudicative Guidelines at ¶ 15. Conditions that could raise a security concern include:

> (a) Deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine national security eligibility or trustworthiness, or award fiduciary responsibilities;
>
> (b) Deliberately providing false or misleading information; or concealing or omitting information, concerning relevant facts to an employer, investigator, security official, competent medical or mental health professional involved in making a recommendation relevant to a national security eligibility determination, or other official government representative;
>
> (c) Credible adverse information in several adjudicative issue areas that is not sufficient for an adverse determination under any other single guideline, but which, when considered as a whole, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information;

(d) Credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information. This includes, but is not limited to, consideration of:

(1) Untrustworthy or unreliable behavior to include breach of client confidentiality, release of proprietary information, unauthorized release of sensitive corporate or government protected information;

(2) Any disruptive, violent, or other inappropriate behavior;

(3) A pattern of dishonesty or rule violations; and

(4) Evidence of significant misuse of Government or other employer's time or resources;

(e) Personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress by a foreign intelligence entity or other individual or group. Such conduct includes:

(1) Engaging in activities which, if known, could affect the person's personal, professional, or community standing;

(2) While in another country, engaging in any activity that is illegal in that country;

(3) While in another country, engaging in any activity that, while legal there, is illegal in the United States;

(f) Violation of a written or recorded commitment made by the individual to the employer as a condition of employment; and

(g) Association with persons involved in criminal activity.

Id. at ¶ 16.

Guideline F states that:

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. Financial distress can also be caused or exacerbated by, and thus can be a possible indicator of, other issues of personnel security concern such as excessive gambling, mental health conditions, substance misuse, or alcohol abuse or dependence. An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds. Affluence that cannot be explained by known sources of income is also a security concern insofar as it may result from criminal activity, including espionage.

Id. at ¶ 18. Conditions that could raise a security concern and may be disqualifying include:

> (a) Inability to satisfy debts;
>
> (b) Unwillingness to satisfy debts regardless of the ability to do so;
>
> (c) A history of not meeting financial obligations;
>
> (d) Deceptive or illegal financial practices such as embezzlement, employee theft, check fraud, expense account fraud, mortgage fraud, filing deceptive loan statements and other intentional financial breaches of trust;
>
> (e) Consistent spending beyond one's means or frivolous or irresponsible spending, which may be indicated by excessive indebtedness, significant negative cash flow, a history of late payments or of non-payment, or other negative financial indicators;
>
> (f) Failure to file or fraudulently filing annual Federal, state, or local income tax returns or failure to pay annual Federal, state, or local income tax as required;
>
> (g) Unexplained affluence, as shown by a lifestyle or standard of living, increase in net worth, or money transfers that are inconsistent with known legal sources of income;
>
> (h) Borrowing money or engaging in significant financial transactions to fund gambling or pay gambling debts; and
>
> (i) Concealing gambling losses, family conflict, or other problems caused by gambling.

Id. at ¶ 19.

Under Guideline F, the LSO alleged that the Individual had demonstrated an inability to satisfy his debts, including four delinquent accounts totaling $20,719 identified in July 2025, unresolved and increased delinquencies reflected in a March 2026 credit report, and a negative monthly remainder of $7,358.68 reported on his August 2025 Personal Financial Statement (PFS). Ex. 2 at 1–3. The LSO also alleged that the March 2026 credit report reflected eighteen accounts totaling $90,973 in

delinquent debt. *Id.* at 3. Under Guideline E, the LSO alleged that, in 2025 and 2026, the Individual failed to report a protection order and financial delinquencies in accordance with DOE Order 472.2A and provided false or misleading information to security officials concerning relevant facts, including his reasons for financial delinquency, the status of his planned home sale and bankruptcy, and later collection accounts. *Id.* at 4–5. Accordingly, the LSO's security concerns under Guidelines E and F are justified. Adjudicative Guidelines at ¶¶ 16(a)–(b) (Guideline E), 19(a), (c), (e) (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 of 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 entire process is a conscientious scrutiny of a number of variables known as the "whole person concept." Adjudicative Guidelines at ¶ 2(a). The protection of the national security is the paramount consideration. 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 his 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.* at § 710.26(h). Hence, an individual is afforded the utmost latitude in the presentation of evidence to mitigate the security concerns at issue.

The discussion below reflects my application of these factors to the evidence in the record.

IV. FINDINGS OF FACT

During a December 2018 background reinvestigation interview, an investigator questioned the Individual about delinquent accounts, including accounts he had not initially identified on his September 2018 Questionnaire for National Security Positions. Ex. 4 at 110–11, 123–24. The Individual testified that those accounts were subsequently resolved, and he received a Q clearance. Tr. at 48–50. The Individual testified that he and his then-wife purchased their marital home in 2024 and that most property and household debt was held in his name despite their shared use of the property. *Id.* at 17–19; Ex. 7 at 16. He stated that his financial difficulties began after the June 2024 home purchase and worsened during the divorce when his then-wife stopped contributing to accounts held solely by the Individual. Ex. 7 at 16; Tr. at 10–11. He did not identify what caused the initial financial difficulties. Regarding the worsening issue, according to the Individual, his

then-wife continued occupying the marital residence while he secured separate housing, and the pending divorce restricted his ability to sell the house or other marital property. Tr. at 10–11, 19.

In June 2025, while the couple was pursuing a divorce, the Individual and his then-wife argued about a telephone account, and the Individual testified that his then-wife contacted law enforcement after the disagreement. Tr. at 19–21. He testified that officers responded to the marital home but did not file charges or prepare an incident report. *Id.* at 20–22. His then-wife subsequently petitioned for a temporary protection order against him. Ex. 7 at 14–15; Tr. at 21–23. A temporary protection order was issued on June 9, 2025, and the Individual testified that he obtained a copy from the sheriff's office after learning about it while away for military training. Ex. 5 at 51; Tr. at 21–23. At the hearing, the Individual submitted a copy of his then-wife's petition for a temporary protection order, which DOE had previously requested from the Individual but had not received. Tr. at 23–28, 33–36; Ex. E at 1–3. The petition alleged that the Individual told his then-wife he could have sex with her whenever he wanted because she was his wife and, in a separate incident, pushed her to the ground and squeezed her throat. Ex. E at 2. It also alleged that he threatened to kill her if she tried to keep the children from him and threatened to kill himself if he could not have the children. *Id.* at 2. Initially when asked at the hearing about the allegations underlying the order, the Individual described consensual sexual conduct from several years earlier, including holding his then-wife's arms down, and acknowledged that there were other allegations. Tr. at 32–33, 36–37. After he produced the document, the Individual disputed the allegations therein, describing the alleged threat as taken out of context and denying that he choked his then-wife. *Id.* at 37–39. He also asserted that the allegations were false and that no criminal charges had been brought. *Id.* at 38–39. The Individual could not confirm that he had previously supplied DOE with the protection order, despite repeated requests, and attributed his uncertainty to the demands of his divorce and separate DOE and Department of War (DOW) security processes.[2] *Id.* at 23–31.

On June 25, 2025, the Individual submitted a personnel security information report (PSIR) disclosing a delinquent Rocket Mortgage account. Tr. at 52–54; Ex. 10 at 1–2. However, he did not report the temporary protection order to DOE within the three-working-day reporting period required for security-relevant incidents. Ex. 5 at 51; DOE Order 472.2A, Attachment 1, ¶ 7.f(3). The Individual testified that he reported the protection order to the DOW and believed that he had also communicated the relevant circumstances to his DOE security contact. Tr. at 52–53. A July 3, 2025, credit report the LSO reviewed after the Individual reported his delinquent mortgage identified additional delinquent accounts that the Individual had not reported to DOE, including a $332 DOW collection account, an Aqua Finance account with $1,487 past due, an Indigo credit-card account with $200 past due; it also showed the reported Rocket Mortgage account with $18,700 past due and an Apple credit card that had been 120 days past due multiple times in the previous year. Ex. 2 at 4; Ex. 4 at 29–30, 46; Ex. 5 at 51. The Aqua Finance account was already reported as repossessed in the July credit report, although the Individual later testified that he believed the account had not been sufficiently delinquent to require reporting on June 25 when he reported the delinquent Rocket Mortgage account. Ex. 4 at 30; Tr. at 55–58. The Indigo credit card was also listed as at least 120 days past due in the July credit report. Ex. 4 at 45.

[2] The Individual concurrently held security clearances from DOE and DOW. Ex. C; Tr. at 14–15.

On July 14, 2025, DOE issued an LOI to the Individual requesting information and court documents related to the protection order, the delinquent accounts, the Individual's financial circumstances, and his failure to report certain accounts. Ex. 5 at 51–52. On July 30, 2025, after the Individual and his then-wife reached a resolution, counsel for the Individual's then-wife asked the court to withdraw the protection-order petition without prejudice and vacate the temporary order. Ex. 6 at 32. The Individual testified that the resolution included a stipulation governing the parties' conduct and contact, which, he emphasized, applied to both parties. Tr. at 44–46. On July 31, 2025, the Individual submitted to DOE court documents concerning his divorce and the protection order proceedings, including a custody stipulation and a letter from his then-wife's attorney requesting withdrawal of the protection order petition and vacatur of the temporary order. Ex. 6 at 28–33. That same day, a DOE security specialist advised him that he still had not answered all of the LOI questions concerning the temporary protection order, provided the requested financial-account information, or submitted a personal financial statement. *Id.* at 27.

On August 17, 2025, the Individual responded to the LOI by asserting that the allegations underlying the protection order were untrue, that the matter had been resolved, and that court documents showed his then-wife had voluntarily withdrawn the petition. Ex. 6 at 24. He attributed his delinquent debts to the breakdown of his marriage, stated that he intended to list the house on September 1, 2025, and apply any proceeds to the debts, and identified bankruptcy as a possible alternative. *Id.* at 24–25. He explained that he believed the DOW collection account had already been resolved, that his then-wife controlled the Aqua Finance account, and that he misunderstood when he was required to report the credit-card account. *Id.* at 25.

On August 25, 2025, the Individual submitted a PFS to DOE. Ex. 8 at 45–46. On August 26, the security specialist informed him that the PFS omitted several open accounts and required calculations, and that his submission in response to the LOI did not include the requested answers concerning the temporary protection order. *Id.* at 19. On September 3, the Individual forwarded a more complete PFS dated August 24, 2025, listing eleven delinquent accounts and a net monthly salary of $4,808.32. *Id.* at 38, 42–44. The PFS reported monthly living expenses of $4,625.40, monthly debt payments of $7,542.20, and a negative monthly remainder of $7,358.68. *Id.* at 42–44. In the PFS, the Individual attributed his delinquencies to his then-wife's failure to make payments and stated that he had started the bankruptcy process and put the house up for sale to address his debts. *Id.* at 44.

On September 3, 2025, the Individual provided a further written response describing the protection-order incident, confirmed that he had not violated the order, and reiterating his intended house sale and possible bankruptcy. Ex. 7 at 240–43. He stated that his then-wife had stopped contributing to bills, that he believed the DOW debt had been resolved, that he did not know the Aqua Finance account was delinquent until the property was repossessed, and that he thought he was not required to report the credit-card debt until it entered collections. *Id.* at 242–43. On September 9, 2025, after being asked for clarification, the Individual stated that the house was not yet on the market and that he had arranged for a bankruptcy attorney but had not filed for bankruptcy. *Id.* at 238. On September 12, 2025, the security specialist requested a status update on the house sale and bankruptcy and advised that the Individual still had not answered all the questions about the temporary protection order. Ex. 9 at 254. At the hearing, the Individual asserted that he had spoken with security personnel by telephone during the ensuing months. Tr. at 64–67.

The Individual submitted screenshots of text messages with an unnamed contact that appears to be his realtor. Ex. B. According to the screenshots, the Individual's home was listed on the market on November 13, 2025, and removed from the market on January 11, 2026, due to property damage from a water leak. *Id.*

The Individual's divorce was finalized on December 15, 2025. Ex. A Attachment 5 at 1.

On March 10, 2026, the security specialist contacted the Individual after receiving no update, and the Individual replied that the house was on the market but had not sold and that he had not filed for bankruptcy.[3] Ex. 9 at 5. A March 19, 2026, credit report identified eighteen delinquent accounts totaling $90,973, including additional collection accounts, a mortgage with $46,383 past due and foreclosure initiated, and an automobile loan with $9,482 past due following involuntary repossession. Ex. 2 at 1–3; Ex. 4 at 5–12. The March report reflected an Aqua Finance collection balance of $16,143 and a DOW collection balance of $385. Ex. 4 at 9, 11.

At the October 1, 2026, hearing, the Individual testified that he could not sell the home until his divorce was finalized and that, after he listed the property for sale, a water-main break caused an additional interruption. Tr. at 10–11, 63–64. As of the hearing date, the Individual intended to include the house in his bankruptcy. *Id.* at 63. He testified that he had completed two credit counseling courses, moved into a less expensive apartment, and met with a financial counselor at his military base. *Id.* at 12. The Individual submitted into evidence a certificate of completion for a credit counseling course that explicitly stated that he had not created a payment plan for his debts. Ex. A Attachment 4. The Individual testified that his attorney had filed a bankruptcy petition and that he intended to include the delinquent accounts identified by DOE. Tr. at 61–64. The bankruptcy paperwork submitted prior to the hearing was unsigned and undated and did not establish a court filing, and the Individual was permitted to provide proof of filing within two weeks after the hearing. *Id.* at 62–63; Ex. A. The Individual subsequently submitted proof that his bankruptcy petition had been filed on September 6, 2026. Ex. F at 1. The Individual acknowledged that none of the debts had yet been discharged or otherwise resolved as of the hearing. Tr. at 63–64. He maintained that divorce-related restrictions and the loss of household income had prevented him from addressing the debts sooner. *Id.* at 60–64. The Individual did not submit a current personal budget, but included one based on his dual income prior to being suspended from one job after his security clearance was suspended. Ex. A Attachment 8. It is not clear from the budget what the Individual's current income is because the two pay stubs are not labeled to show which job he currently holds. *Id.*

The Individual testified that, despite having held a security clearance for ten years, he did not know what he was required to report as a clearance holder. Tr. at 50–51. When asked "is it your responsibility to know those things," the Individual testified, "I don't know." *Id.* at 52. He admitted that he had a history of not reporting financial delinquencies as required, but believed "it was never an issue because it was taken care of" and "they granted me the clearance afterward." *Id.* at 50. He testified that when he reported his delinquent mortgage, he did not disclose any other debts greater than 120 days delinquent as required because he did not believe anything else was that behind. *Id.*

[3] The Individual's exhibits did not include evidence that his house was relisted after January 11, 2026.

at 54. *See also* DOE O 472.2A, Attachment 5 at ¶ 6.b(3) (requiring that clearance holders report a "[d]elinquency more than 120 days on any debt" no later than three working days after occurrence). He testified that he did not report his delinquent Aqua Finance account because it "was nowhere near delinquent at that time." *Id.* at 55. When confronted with the fact that a credit report accessed eight days later listed the account as a repossession, he testified that he did not understand and that he could not do anything about it anyway because of his divorce. *Id.* at 57–58. He did not explain why his divorce interfered with his ability to make payments on delinquent accounts.

V. ANALYSIS

A person who seeks access to classified information enters into a fiduciary relationship with the government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The government places a high degree of trust and confidence in individuals to whom it grants access authorization. Decisions include, by necessity, consideration of the possible risk that the applicant may deliberately or inadvertently fail to protect or safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified information.

The issue before me is whether the Individual, at the time of the hearing, presents an unacceptable risk to national security and the common defense. I must consider all the evidence, both favorable and unfavorable, in a commonsense manner. "Any doubt concerning personnel being considered for access for national security eligibility will be resolved in favor of the national security." Adjudicative Guidelines at ¶ 2(b). In reaching this decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record. Because of the strong presumption against granting or restoring security clearances, I must deny access authorization if I am not convinced that the LSO's security concerns have been mitigated such that restoring the Individual's clearance is not an unacceptable risk to national security.

A. Guideline E

Conditions that could mitigate Guideline E concerns include:

(a) The individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;

(b) The refusal or failure to cooperate, omission, or concealment was caused or significantly contributed to by advice of legal counsel or of a person with professional responsibilities for advising or instructing the individual specifically concerning security processes. Upon being made aware of the requirement to cooperate or provide the information, the individual cooperated fully and truthfully;

(c) The offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;

(d) The individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that contributed to untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur;

(e) The individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress;

(f) The information was unsubstantiated or from a source of questionable reliability; and

(g) Association with persons involved in criminal activities was unwitting, has ceased, or occurs under circumstances that do not cast doubt upon the individual's reliability, trustworthiness, judgment, or willingness to comply with rules and regulations.

Adjudicative Guidelines at ¶ 17. None of the mitigating conditions apply. Conditions (e) and (g) are not relevant to the issues in this case.

The LSO alleges that the Individual did not properly report the temporary protection order and several past due accounts. It further alleges that he told investigators he had listed his house for sale and started the bankruptcy process, both of which were not true at the time he made those statements.

Regarding condition (a), the Individual did not make prompt efforts to correct his omissions. In particular, I note that the Individual did not provide some of the requested information about the temporary protection order until the October 2026 hearing despite repeated requests from the LSO beginning in July 2025. While the Individual asserts that he provided this information to the DOW, he has no proof that he provided it to DOE personnel security, a separate agency with separate clearance processing. As such, DOE had incomplete information on which to assess the Individual's eligibility for a security clearance. Moreover, the Individual provided no explanation for why he did not disclose the two credit cards his July 2025 credit report showed as having been at least 120 days delinquent. He claimed at the hearing that none of his debts besides the mortgage were 120 days delinquent at that time, a claim which is contradicted by the subsequent credit report. The Individual also misled the LSO by telling them his house was for sale and that he had started the bankruptcy process when, in fact, neither statement was true. The Individual had to be asked for omitted information multiple times, and he did not make efforts to correct his misleading statements until confronted. In the case of his hearing testimony regarding whether he had other reportable delinquent accounts when he reported his mortgage delinquency, the Individual did not correct his statements even after being confronted. As such, condition (a) does not apply.

Regarding condition (b), the Individual does not allege that he made his omissions and misleading statements pursuant to legal advice or advice from DOE security personnel. The condition does not apply.

Regarding condition (c), as stated above, the Individual continued his pattern of misleading statements until and during the hearing, even after contrary evidence was submitted. He did not accept responsibility for having omitted documents, instead claiming without evidence that he had discussed them with the LSO over the phone. Even assuming the truth of those claims, this does not fix the omission of requested documents. He also refused to admit that he had omitted the two delinquent credit card accounts from his PSIR even though his credit report obtained a week later showed them as currently or recently 120 days delinquent. I find it likely that the Individual will mislead security investigation processes and omit information in the future if he is faced with derogatory information. Condition (c) does not apply.

The Individual has not obtained counseling to address his lack of candor, and I find, for reasons laid out above, that he is likely to repeat omissions and misleading statements in the future. Accordingly, condition (d) does not apply.

The information depended upon to raise the Guideline E concern arises from the Individual's statements and actions, not from the underlying content of any documents he omitted. The concern was raised because the Individual omitted information and repeatedly gave misleading information to the LSO. The Individual does not challenge the credibility of the security clearance investigators to whom he gave misleading statements and from whom he withheld information. Condition (f) does not apply.

For the foregoing reasons, I find that the Individual has not mitigated the Guideline E concerns.

B. Guideline F

Conditions that could mitigate Guideline F security concerns include:

(a) The behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good 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 predatory 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 actions to resolve the issue;

(f) The affluence resulted from a legal source of income; and

(g) The individual has 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. None of the mitigating conditions apply. Conditions (f) and (g) are not relevant to this case.

Regarding condition (a), the Individual's debts remain outstanding. Although the Individual has now filed for bankruptcy, this was a recent action and there has not been sufficient time for the debts to be discharged. Because bankruptcy is subject to approval from the court, I cannot be certain that the Individual's debts will be discharged. Accordingly, the Individual's financial issues are a current concern, not a past concern that could be mitigated under mitigating condition (a). Moreover, the Individual's decision to delay filing bankruptcy, despite claiming multiple times to have begun the process, reflects poorly on his judgment, trustworthiness, and reliability. Condition (a) does not apply.

Regarding mitigating condition (b), the Individual testified that his financial problems arose after his 2024 home purchased and worsened after a disruption in joint income during a divorce. Because he did not specify what initially put him behind, I cannot find that it was out of his control. Moreover, the Individual did not act responsibly under the circumstances. He delayed taking action on resolving his debts for months, even though his misleading statements to security personnel show that he knew he had options for resolution. He provided no evidence to show that he had attempted to file for bankruptcy and had been prevented from doing so by the status of his pending divorce. He claimed that his pending divorce prevented him from listing his home for sale, but in reality, he listed the house for sale before his divorce was finalized in December 2025 and did not relist it after pulling it from the market in January 2026. Condition (b) does not apply.

Regarding mitigating condition (c), the record does not support a finding that the Individual's financial problems are under control at this time. While the Individual completed credit counseling, the certificate of completion explicitly states that a payment arrangement was not set up. His debts are not discharged. The Individual testified that his financial problems began after he purchased a home, but there is little information as to what about that purchase caused financial issues, whether those conditions persist, and whether the Individual is able to afford his bills. His budget did not show sufficient funds to meet his needs at this time because it was not clear what his current income was. I find that there is insufficient evidence to support condition (c)'s application.

Regarding condition (d), the Individual has only recently filed bankruptcy, so it remains to be seen whether he will comply with the requirements for that debt resolution process. At this time, there is insufficient evidence to support condition (d)'s application.

Regarding condition (e), the Individual does not dispute the validity of his debts, so the condition does not apply.

For the foregoing reasons, I find that the Individual has not mitigated the Guideline F concerns.

VI. CONCLUSION

Upon consideration of the entire record in this case, I find that there was evidence that raised concerns regarding the Individual's eligibility for access authorization under Guidelines E and F of the Adjudicative Guidelines. I further find that the Individual has not succeeded in fully resolving those concerns. Therefore, I cannot conclude that restoring DOE access authorization to the Individual "will not endanger the common defense and security and is clearly consistent with the national interest." 10 C.F.R. § 710.7(a). Accordingly, I find that the DOE should not restore access authorization to the Individual.

This Decision may be appealed in accordance with the procedures set forth at 10 C.F.R. § 710.28.

Administrative Judge
Office of Hearings and Appeals