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United States Department of Energy
Office of Hearings and Appeals

In the Matter of:	Personnel Security Hearing	)	
		)	
Filing Date:	June 25, 2026	)	Case No.: PSH-26-0142
		)	
		)	

Issued: November 2, 2026

Administrative Judge Decision

Diane L. Miles, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXXXX (the Individual) to hold an access authorization under the United States Department of Energy's (DOE) regulations, set forth at 10 C.F.R. Part 710, "Procedures for Determining Eligibility for Access to Classified Matter and Special Nuclear Material or Eligibility to Hold a Sensitive Position."[1] As discussed below, after carefully considering the record before me in light of the relevant regulations and the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information.* (June 8, 2017) (Adjudicative Guidelines), I conclude that the Individual's access authorization should not be granted.

I. Background

The Individual is employed by a DOE Contractor, in a position that requires that he hold a security clearance. In January 2025, in connection with the Individual's request for access authorization, the Individual completed a Questionnaire for National Security Positions (QNSP). Exhibit (Ex.) 11.[2] In the QNSP, the Individual reported that from November 2021 to March 2022, he received counseling or treatment related to his use of alcohol. *Id*. at 156–58.

In April 2025, the Local Security Office (LSO) issued a Letter of Interrogatory (LOI) to the Individual requesting additional details about his alcohol-related treatment. Ex. 6. In the LOI, the Individual reported that while in the military, from November 2021 to March 2022, he received

[1] The regulations define access authorization as "an administrative determination that an individual is eligible for access to classified matter or is eligible for access to, or control over, special nuclear material." 10 C.F.R. § 710.5(a). This Decision will refer to such authorization as access authorization or security clearance.

[2] The DOE's exhibits were combined and submitted in a single, 167-page PDF workbook. Many of the exhibits are marked with page numbering that is inconsistent with their location in the combined workbook. This Decision will cite to the DOE's exhibits by reference to the exhibit and page number within the combined workbook regardless of any internal pagination.

"alcohol/substance abuse counseling," and that he had been previously diagnosed with an Alcohol Use Disorder (AUD) by the U.S. Department of Veterans Affairs (VA). *Id*. at 24–25. In July 2025, the Individual was cited by a police officer for possessing alcohol at a campground. Ex. 3 at 15. The LSO recommended a psychological evaluation for the Individual, but the Individual's employment with a DOE contractor was terminated before an evaluation could be conducted. Ex. 4 at 18. In October 2025, the Individual began employment with another DOE contractor, who requested a security clearance for the Individual. Ex. 8.

Because of the security concerns raised by the Individual's alcohol treatment, the LSO requested that the Individual undergo an evaluation by a DOE-contractor psychologist (DOE Psychologist), who, in April 2026, conducted a clinical interview of the Individual and issued a report (the Report) of his findings. Ex. 9. On April 14, 2026, as part of the evaluation, the Individual underwent alcohol testing, in the form of a Phosphatidylethanol (PEth) test,[3] the result of which was positive at a level of 107 ng/mL, which a medical doctor opined suggested the Individual consumed up to four alcoholic drinks per day and indicated "midrange excessive alcohol use." *Id*. at 106–08. Based on his evaluation of the Individual and the results of the Individual's PEth test, the DOE Psychologist opined that the Individual regularly consumed alcohol "at a significantly high rate that [was] problematic and [met] the criteria for habitual or binge drinking." *Id*. at 101.[4] The DOE Psychologist also opined that the Individual had not shown adequate evidence of rehabilitation or reformation from his habitual or binge consumption of alcohol. *Id*.

On June 4, 2026, the LSO informed the Individual, in a Notification Letter, that it possessed reliable information that created substantial doubt regarding his eligibility to hold a security clearance. Ex. 1 at 6–8. In a Summary of Security Concerns (SSC) attached to the Notification Letter, the LSO explained that the derogatory information raised security concerns under Guideline G (Alcohol Consumption) of the Adjudicative Guidelines. *Id*. at 5.

The Individual requested an administrative hearing, and the LSO forwarded the Individual's request to the Office of Hearings and Appeals (OHA). Ex. 2. The Director of OHA appointed me as the Administrative Judge in this matter. On September 29, 2026, I convened a hearing pursuant to 10 C.F.R. § 710.25(d), (e), and (g). During the hearing, I took testimony from three witnesses: the Individual, the Individual's wife, and the DOE Psychologist. *See* Transcript of Hearing, OHA Case No. PSH-26-0142 (Tr.). Counsel for the DOE submitted 12 exhibits, marked as Exhibits 1 through 12. The Individual submitted six exhibits, marked as Exhibits A through F.

II. The Summary of Security Concerns

[3] The Report indicates that "PEth is a marker of alcohol exposure to the body. PEth does not occur naturally in the body so elevated PEth levels are evidence of alcohol exposure." Ex. 9 at 107. "PEth reflects the average use of alcohol over the previous 28–30 days," and a PEth level "between 20 ng/mL and 200 ng/mL is considered midrange excessive alcohol use (2–4 drinks/day on average)." *Id*. at 108.

[4] The Report indicates that "habitual" alcohol consumption is excessive alcohol consumption that occurs "more frequently than once a month." Ex. 9 at 98. For the purposes of the Individual's evaluation, the DOE Psychologist defined "binge" drinking as "the consumption of alcohol to a level of intoxication that is markedly and episodically higher than what is typical for an employee." *Id*.

Under Guideline G, "excessive alcohol consumption often leads to the exercise of questionable judgment or the failure to control impulses, and can raise questions about an individual's reliability and trustworthiness." Adjudicative Guidelines at ¶ 21. Conditions that could raise a security concern under Guideline G include "alcohol-related incidents away from work . . . ," and the "habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed with alcohol use disorder." *Id*. at ¶ 22(a), (c). In invoking Guideline G, the LSO cited the Individual's July 2025 citation for "having alcohol on an alcohol-free campground." Ex. 1 at 5. The LSO also cited the DOE Psychologist's opinion that the Individual "regularly consume[d] alcohol at a significantly high rate that [was] problematic and [met] the criteria for habitual or binge drinking," without evidence of rehabilitation or reformation. *Id*.[5]

III. Regulatory Standards

A DOE administrative review proceeding under Part 710 requires me, as the Administrative Judge, to issue a decision that reflects my comprehensive, common-sense judgment, made after consideration of all the relevant evidence, favorable and unfavorable, as to whether the granting or continuation of a person's access authorization will not endanger the common defense and security and is clearly consistent with the national interest. 10 C.F.R. § 710.7(a). The regulatory standard implies that there is a presumption against granting or restoring a security clearance. *See Department of Navy v. Egan*, 484 U.S. 518, 531 (1988) ("clearly consistent with the national interest" standard for granting security clearances indicates "that security determinations should err, if they must, on the side of denials"); *Dorfmont v. Brown*, 913 F.2d 1399, 1403 (9th Cir. 1990) (strong presumption against the issuance of a security clearance).

The individual must come forward at the hearing with evidence to convince the DOE that granting or restoring access authorization "will not endanger the common defense and security and will be clearly consistent with the national interest." 10 C.F.R. § 710.27(d). The individual is afforded a full opportunity to present evidence supporting their eligibility for an access authorization. The Part 710 regulations are drafted so as to permit the introduction of a very broad range of evidence at personnel security hearings. Even appropriate hearsay evidence may be admitted. *Id.* § 710.26(h). Hence, an individual is afforded the utmost latitude in the presentation of evidence to mitigate the security concerns at issue.

[5] The LSO also cited the results of the Individual's April 2026 PEth test, which was positive at a level of 107 ng/mL. Ex. 1 at 5. While the Individual's April 2026, PEth test result informed the DOE Psychologist's opinion, it does not present a security concern in and of itself.

IV. Findings of Fact and Hearing Testimony

At the hearing, the Individual explained that in July 2025, he went camping with his family during the July 4th holiday weekend. Tr. at 42. The Individual was under the mistaken belief that he could possess alcohol while at the campground, until a local sheriff observed the Individual holding a can of beer and issued him a citation. *Id*. at 42–44.

The Individual's wife testified that she had concerns about the Individual's drinking while he was in the military, when he would purchase a 12–pack of beer every week. Tr. at 13–14. The Individual then self-reported his level of alcohol consumption to the military, and from November 2021 to March 2022, he received alcohol treatment from a VA Medical Center (VAMC). *Id*. at 13, 77. The VAMC diagnosed the Individual with an AUD. Ex. 9 at 98. The Individual recalled that this treatment consisted of group meetings that were focused on education about alcohol and the risk factors associated with alcohol consumption. Tr. at 78–79. After being discharged from the VAMC, the Individual stopped drinking for a few weeks but later resumed drinking alcohol after he was discharged from the military in April 2022. *Id.* at 15–16, 77; Ex. 6 at 28. The Individual's wife stated that after completing treatment at the VAMC, the Individual stopped drinking for about a year before he resumed drinking. Tr. at 15–16.

During his April 14, 2026, psychological evaluation, the Individual told the DOE Psychologist that before receiving alcohol treatment, beginning in November 2021, he consumed "750 mL of liquor every two to three days and 20 or more beers per week." Ex. 9 at 98. During the 30 days prior to the evaluation, the Individual estimated that he consumed about "15 cans of Coors light and 15 Zipline IPA" beers and between one and three standard bourbon drinks on a given night. *Id*. at 99–100. He acknowledged that he previously received alcohol treatment, but he also stated that he believed his drinking was "under control." *Id*.

On April 14, 2026, the Individual underwent PEth testing, the result of which was positive at 107 ng/mL. Ex. 9 at 100. A medical doctor opined that the Individual's narrative of his alcohol use was "difficult to quantify," but based on the Individual's reported alcohol consumption, of "32 standard beers/month and 40 standard bourbon drinks/month totaling about 72 drinks over the last month," his PEth test result was higher than his reported consumption and indicated "midrange excessive alcohol use." *Id*. The DOE Psychologist opined that the Individual "regularly consumes alcohol at a significantly high rate that is problematic and meets the criteria for habitual or binge drinking." *Id*. at 100–01. The DOE Psychologist opined that the Individual "should not drink alcohol" and recommended that the Individual participate in a substance abuse treatment program that offers weekly therapy sessions for a minimum of 12 weeks. *Id*. at 101. He also recommended that the Individual participate in monthly relapse prevention, or maintenance, group therapy sessions, following his 12 weeks of therapy, for one year. *Id*. He also recommended that the Individual participate in Alcoholics Anonymous (AA) or SMART[6] Recovery at least weekly, for a minimum

[6] SMART is "an evidenced-informed recovery method grounded in Rational Emotive Behavioral Therapy and Cognitive Behavioral Therapy" that helps people with substance abuse problems make behavioral changes through education and peer support. SMART RECOVERY USA, INC., WHAT IS SMART RECOVERY?, *available at* smartrecovery.org/what-is-smart-recovery (last visited Oct. 29, 2026).

of four months, and that if the Individual chose AA, the Individual should work the steps of the program with a sponsor. *Id*.

On June 5, 2026, the Individual read the DOE's Notification Letter and realized that the DOE had concerns about his alcohol consumption. Tr. at 48–50. On June 9, 2026, the Individual requested an administrative hearing in this case, and submitted a letter, in which he wrote that since becoming aware of the DOE's concerns, he had abstained from alcohol. Ex. 2 at 11. However, the Individual and his wife testified to the Individual's consumption of alcohol regularly after he received the Notification Letter. Tr. at 20–21, 51–52. Two weeks after reading the Notification Letter, the Individual went on vacation, during which he consumed alcohol "a couple times a week." *Id*. at 50. Upon returning home from vacation, he consumed about one or two cans of beer a week. *Id*. at 50–51. He consumed alcohol during a concert in July 2026, during a birthday party in August 2026, and during a football game on September 20, 2026. *Id*. at 20–21, 51–52. He stated that at some point, he chose to abstain from alcohol so he could take a PEth test. *Id*. at 51. The Individual submitted evidence that on August 27, 2026, he underwent PEth testing, the result of which was negative. Ex. A. He stated that he took this PEth test to demonstrate that he could abstain from alcohol. Tr. at 84.

Although the Individual read the DOE Psychologist's Report and the treatment recommendations contained in the Report, he believed he could drink alcohol "moderately and responsibly," on occasion. Tr. at 53–54. On September 22, 2026, seven days before the hearing, he contacted a substance abuse program to enter an alcohol treatment program. *Id.* at 53; Ex. B; Ex. C. On September 28, 2026, one day before the hearing, the Individual had an intake call with the substance abuse program. Ex. D. Before the intake call, he disagreed with the DOE Psychologist's opinion, that he habitually and binge-consumed alcohol at a level that was problematic. Tr. at 57. After the intake call, when he learned about the amount of alcohol in "a standard drink," he realized that he was drinking more than he believed, and the DOE Psychologist's opinion was correct. *Id*. at 56–57.

Documentation of the Individual's intake call with the substance abuse program showed that during the call, he told the program that the DOE Psychologist "exaggerated his drinking to higher numbers than he reported, and as a result, he lost his security clearance" and needed to complete a 12-week treatment program. Ex. E at 2; Tr. at 56. He told the program he was drinking more due to stress, that "alcohol help[ed] him avoid [his] feelings," and that his goals were to have one to two drinks a week, without the urge to drink more, and get his security clearance reinstated. Ex. E at 3, 6. The Individual admitted he made these statements to the substance abuse program during the hearing. Tr. at 56, 59, 64–65. After the intake call, the substance abuse program diagnosed the Individual with AUD, Mild. Ex. E at 14; Tr. at 60. The substance abuse program did not have an opening for the Individual to start the 12-week treatment program until the end of October 2026, but the Individual testified that he would start attending the program's weekly group therapy sessions a week after the hearing, until he could start the 12-week program. Tr. at 63–64, 69–70; Ex. E at 15. He believed the weekly group meetings were the same as AA, because they were for people who were struggling with substance abuse. Tr. at 71–72.

He further testified that he did not want his alcohol consumption to feel "criminalized," and that the information the DOE had obtained during his evaluation was not an accurate representation of

his lifestyle. Tr. at 72. He acknowledged that he had "cravings" for alcohol, but he believed he could comfortably meet his goals and get to a place where he could comfortably drink. *Id*. at 72–73.

Finally, the Individual submitted an email, wherein he claimed that the Department of War (DOW) found him eligible for access to Sensitive Compartmented Information (SCI). Ex. F. The Individual believed that being granted access to SCI by another federal department supports that the DOE should grant him a security clearance. *Id*. The Individual did not submit any documentation to support this claim that such a determination was made. *Id*.

The DOE Psychologist testified that after listening to the testimony provided during the hearing and reviewing the Individual's exhibits, the Individual had not shown adequate evidence of rehabilitation or reformation from his habitual or binge consumption of alcohol. Tr. at 97. He explained that during the evaluation, the Individual did not provide him with enough information to meet diagnostic criteria in the *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, Text Revisio*n (DSM 5-TR) for a diagnosis of AUD. *Id*. at 86–87. However, the Individual's intake form for the substance abuse program indicates that he was diagnosed with AUD, Mild, because he provided more information to the substance abuse program, than he did during his April 2026 evaluation. *Id*. at 87–88. For example, the Individual told the substance abuse program that he was experiencing cravings for alcohol, which he did not report experiencing during the April 2026 evaluation, and the intake form reflected that the Individual changed "how accurately he portrayed symptoms when he was discussing them." *Id*. He stated that if he had the information the Individual provided to the substance abuse program, during the April 2026 evaluation, he would have diagnosed the Individual with AUD, Mild. *Id*. at 89–90. Based on the Individual's testimony, he did not have an adequate understanding of his alcohol problem because he expressed that he wanted his security clearance reinstated and he also wants to continue to drink, and he didn't see his drinking as problematic. *Id*. at 87–88. The DOE Psychologist gave the Individual a prognosis of "guarded." *Id*. at 96–97.

V. Analysis

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

(a) So much time has passed, or the behavior was so infrequent, or it happened under such unusual circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or judgment;

(b) The individual acknowledges his or her pattern of maladaptive alcohol use, provides evidence of actions taken to overcome this problem, and has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations;

(c) The individual is participating in counseling or a treatment program, has no previous history of treatment and relapse, and is making satisfactory progress in a treatment program; and

(d) The individual has successfully completed a treatment program along with any required aftercare, and has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations.

Adjudicative Guidelines at ¶ 23.

As to factor (a), the Individual admitted that before entering treatment at the VAMC, in November 2021, he was consuming 750 mL of liquor every two to three days and 20 or more beers a week. His problematic alcohol consumption continued before his April 2026 psychological evaluation, when he reported consuming 32 beers and 40 bourbon drinks a month. Therefore, his pattern of alcohol consumption was heavy and frequent. Furthermore, there is no evidence that the Individual's problematic alcohol consumption occurred under unusual circumstances.

Additionally, as of the hearing, the Individual completed an intake call with a substance abuse program to inquire about receiving alcohol treatment, but he had not yet started treatment. He also expressed that his goal was to continue consuming alcohol, rather than abstain, as recommended by the DOE Psychologist. I am persuaded by the opinion of the DOE Psychologist, that the Individual was not yet rehabilitated or reformed from his habitual and binge-consumption of alcohol, because he had not received alcohol treatment. There is no evidence upon which I can conclude that the Individual's problematic alcohol consumption is unlikely to recur, and his alcohol consumption continues to cast doubt on his current reliability, trustworthiness, and judgment. Therefore, I find that the Individual has not mitigated the security concerns related to his alcohol consumption under ¶ 23(a) of the Adjudicative Guidelines.

As to factor (b), the Individual continued to consume alcohol after receiving four months of alcohol treatment from the VAMC, where he was diagnosed with AUD. He also continued to consume alcohol after he read the DOE Psychologist's Report, wherein he opined that he consumed alcohol at a level that was problematic, and after he read the DOE's June 2026 Notification Letter and realized the DOE was concerned about his alcohol use. Despite having previously been diagnosed with an AUD and knowing that his alcohol use may have consequences for his employment, the Individual expressed that he intended to continue drinking alcohol.

The Individual did not take any steps to obtain alcohol treatment until seven days before the administrative hearing, when he contacted a substance abuse treatment program by telephone. Due to his delay in seeking treatment, he had not started any alcohol treatment as of the hearing and provided evidence that he was not likely to begin alcohol treatment until a month after the hearing. Therefore, I am unable to conclude that the Individual took sufficient actions to overcome his problematic alcohol consumption. Finally, the Individual produced a negative August 27, 2026, PEth test, but he testified that he took this test for the sole purpose of demonstrating that he could abstain from alcohol, and he expressed his intention to continue drinking alcohol at a level that was comfortable for him. Therefore, he has not demonstrated a clear and established pattern of modified consumption or abstinence in accordance with the DOE Psychologist's treatment recommendations, and he has not mitigated the security concerns under ¶ 23(b) of the Adjudicative Guidelines.

As to factors (c) and (d), as explained above, the Individual did not attempt to enroll in an alcohol treatment program until seven days before the hearing. He also provided evidence that he was unlikely to begin receiving alcohol treatment until one month after the hearing. So, as of the date of the hearing, the Individual had not participated in an alcohol treatment program, as recommended by the DOE Psychologist. He also continued to consume alcohol until nine days before the hearing and admitted that his goal was to continue consuming alcohol at a level that was comfortable for him. Finally, although the Individual produced a negative August 27, 2026, PEth test result, he admitted that he nonetheless continued to consume alcohol before and after the testing period, and he did not intend to continue with abstinence. He has not yet satisfied the DOE Psychologist's recommendations to receive alcohol treatment. Therefore, I find that the Individual has not mitigated the security concerns related to his alcohol consumption under ¶ 23(c) or ¶ 23(d) of the Adjudicative Guidelines.

Finally, the Individual claimed that the DOW found him eligible for access to SCI, and he believed that the DOE should consider this information as support that he is eligible for a DOE security clearance. Ex. F. The Individual did not submit any documentary evidence to support that any federal department found him eligible for SCI access, and I have no information related to what the DOW relied upon in making their determination, if it was made. Therefore, I do not find that this information to be reliable evidence and I give very little weight to the Individual's claim.

Based on the foregoing analysis, I cannot find that the Individual has resolved the concerns raised by the LSO under Guideline G of the Adjudicative Guidelines.

VI. Conclusion

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

Diane L. Miles
Administrative Judge
Office of Hearings and Appeals