*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	)	
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Filing Date: July 13, 2026	)	Case No.: PSH-26-0149
	)	
	)	

Issued: November 17, 2026

Administrative Judge Decision

Phillip Harmonick, 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 should not be granted access authorization.

I. BACKGROUND

The Individual completed and signed a Questionnaire for National Security Positions (QNSP) in June 2025 in connection with seeking access authorization. Exhibit (Ex.) 13 at 213.[2] In the QNSP, as further developed by a background investigation and the Individual's response to a letter of interrogatory (LOI) issued to him by the local security office (LSO), the Individual disclosed numerous alcohol-related offenses. In 2013, he was cited for Open Container and also arrested and charged with Aggravated Driving While Intoxicated (DWI). *Id.* at 244. In 2014, the Individual was arrested and charged with Contributing to the Delinquency of a Minor and Criminal Sexual Penetration of a Minor after the Individual provided alcohol to and had sexual intercourse with a sixteen-year-old girl. *Id.* at 243; Ex. 8 at 48. In 2019, the Individual was arrested and charged with

[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 local security office (LSO) submitted its exhibits in a single PDF. This Decision cites to exhibits by reference to the exhibit number and the pages in the order in which they appear in the PDF without regard to their internal pagination.

Battery Upon a Household Member after he allegedly struck his girlfriend while under the influence of alcohol. Ex. 12 at 247. Finally, in 2022, the Individual was again arrested and charged with Battery Upon a Household Member after an altercation with his girlfriend after consuming alcohol. *Id.* at 242–43.

The LSO referred the Individual for a psychological evaluation with a DOE-contracted psychologist (DOE Psychologist) which was conducted in March 2026. Ex. 9 at 85. The DOE Psychologist subsequently issued a report of the evaluation (Report) in which she opined that the Individual met sufficient diagnostic criteria under the *Diagnostic and Statistical Manual of Mental Disorders, 5th Edition – Text Revision* (*DSM-5-TR*) for a diagnosis of Alcohol Use Disorder (AUD), Moderate. *Id.* at 90.

The LSO 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.* at 5.

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, and I conducted an administrative hearing in October 2026. The LSO submitted thirteen exhibits (Ex. 1–13). The Individual did not submit any exhibits. The Individual testified on his own behalf. Transcript of Hearing, OHA Case No. PSH-26-0149 (Tr.) at 3, 10. The LSO offered the testimony of the DOE Psychologist. *Id.* at 3, 32.

II. THE NOTIFICATION LETTER AND THE ASSOCIATED SECURITY CONCERNS

The LSO cited Guideline G (Alcohol Consumption) of the Adjudicative Guidelines as the basis for its substantial doubt regarding the Individual's eligibility for access authorization. Ex. 1 at 5. "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 ¶ 21. The SSC cited the Individual's having been cited or charged with open container, Aggravated DWI, Contributing to the Delinquency of a Minor, Criminal Sexual Penetration of a Minor, and Battery Upon a Household Member, as well as the opinion of the DOE Psychologist that the Individual met sufficient diagnostic criteria for a diagnosis of AUD, Moderate, under the *DSM-5-TR*. Ex. 1 at 5. The LSO's allegations that the Individual engaged in alcohol-related incidents away from work and was diagnosed with AUD by a duly qualified mental health professional justify its invocation of Guideline G. Adjudicative Guidelines ¶ 22(a), (d).

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 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 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.

IV. FINDINGS OF FACT

A. Open Container & Aggravated DWI Offenses

On March 18, 2013, the Individual was cited for Open Container when an officer observed an alcoholic beverage in the Individual's vehicle during a traffic stop. Ex. 12 at 245; Ex. 8 at 44. The Individual pleaded no contest and was ordered to pay fees. Ex. 12 at 245.

On July 2, 2013, the Individual was arrested and charged with Aggravated DWI and cited for Open Container. *Id.* By his own admission, the Individual consumed "5 to 6 beers" and "12 to 15 shots" of liquor before his arrest. Ex. 8 at 46. The charges against the Individual were "Aggravated" because of his extreme intoxication at the time of his arrest – his blood alcohol content was measured at .27. Ex. 12 at 223–24. The Individual avoided any consequences for his actions in connection with this offense because the charges were dismissed with prejudice when the prosecuting agency failed to provide discovery. *Id.* at 245.

B. Criminal Sexual Conduct & Battery On a Household Member Offenses

In 2014, the Individual was arrested and charged with numerous offenses related to providing alcohol to and having sexual intercourse with a sixteen-year-old girl. *Id.* at 243–44. The Individual met the girl in a bar where he had been consuming alcohol, left the bar with her to purchase alcohol at a retail store, and drove to a remote area where he and the girl consumed the alcohol and engaged in sexual intercourse. Ex. 8 at 48. The Individual did not inquire as to the girl's age prior to engaging in the aforementioned conduct. Ex. 12 at 225; *id.* at 253 (reflecting information from the prosecuting agency that "the victim did not 'clearly' tell the [Individual] her age"); Tr. at 25 (testifying that he "assumed she was at least 21, being in the bar").

The Individual pleaded guilty to reduced charges associated with his sexual intercourse with the minor and was ordered to serve an eighteen month-term of probation. Ex. 12 at 225, 243–44. As part of his probation, the Individual was required to abstain from alcohol and to undergo periodic alcohol testing. *Id.* at 244–45. According to the Individual, this experience, which included

spending one month in jail before he made bail, led him to conclude that he was an alcoholic and that he "never wanted this to happen again." *Id.* at 225. However, as described below, the Individual continued to consume alcohol and ultimately went on to be arrested on multiple occasions for conduct he engaged in after consuming alcohol.

In 2019, the Individual was charged with Battery Upon a Household Member after an altercation between himself and his girlfriend at a casino. *Id.* at 247. According to a law enforcement officer who responded to the scene of the May 25, 2019, altercation, video surveillance showed that the Individual struck the girlfriend after an argument about the girlfriend's interaction with another man. *Id.* The officer perceived that both the Individual and his girlfriend were intoxicated. *Id.* at 247–48. However, the agency responsible for prosecuting the offense ultimately decided not to proceed after concluding that the Individual and his girlfriend engaged in "mutual combat." *Id.* at 241; *see also id.* at 247–48 (reflecting that the Individual told the arresting officer that the girlfriend had thrown beer on him and stumbled into him).

Also in May 2019, the Individual was required to undergo an alcohol evaluation after the mother of one of his children reported to authorities that the Individual had consumed alcohol while having custody over his daughter. *Id.* at 226, 239. The evaluation led to the Individual being diagnosed with AUD, Moderate, and being ordered to attend alcohol treatment by a family court. *Id.* at 239–40. The Individual completed an intensive outpatient program (IOP) for alcohol treatment, but did not agree that he had an alcohol problem and, after a brief period of abstinence, resumed consuming alcohol while still enrolled in the IOP. *Id.* at 226.

In the early morning hours of August 7, 2022, law enforcement responded to a campsite where the Individual had been camping with his girlfriend and members of her family. *Id.* at 277. After consuming alcohol, which the Individual estimated at four to five shots of liquor and an unquantified number of beers, the Individual and the girlfriend argued in their tent and she "pinched" and "pestered" him and he struck her face with his hand or elbow. *Id.* at 221, 251, 278; Ex. 8 at 54–55. The girlfriend's family members responded to the commotion, observed the girlfriend bleeding profusely, and fought with the Individual who ran away. Ex. 12 at 251–52. The Individual was charged with Battery Upon a Household Member. *Id.* at 242. However, the charges stemming from this incident were dismissed, *nolle prosequi*, after the girlfriend refused to cooperate with the prosecuting agency. *Id.*

C. Evaluation by the DOE Psychologist

The Individual met with the DOE Psychologist for a clinical interview on March 20, 2026. Ex. 9 at 85. The Individual reported to the DOE Psychologist that he had consumed alcohol on only a few occasions since the death of his father in March 2025, and that in the month prior to the clinical interview he had consumed eight drinks – four shots of liquor at a celebration approximately one month prior to the clinical interview and two shots of liquor and two beers at a birthday party two weeks prior to the clinical interview. *Id.* at 90. However, the results of a Phosphatidylethanol (PEth)[3] test conducted on the date of the clinical interview, which was positive at 111 ng/mL, contradicted the Individual's claimed alcohol consumption. *Id.* at 94–96. According to a medical

[3] PEth is a biomarker for alcohol consumption that can be detected in blood for approximately one month following moderate or greater episodes of alcohol consumption. Ex. 9 at 94–96.

doctor who reviewed the results of the PEth test, the test showed that the Individual consumed substantially more alcohol in the month prior to the clinical interview than he had admitted to the DOE Psychologist. *Id.* at 94–95.

The DOE Psychologist issued her Report on March 30, 2026. *Id*. at 91. Considering the results of the PEth test, which showed that the Individual was not a reliable source of information concerning his alcohol consumption, and in light of the Individual's previous AUD diagnosis during the IOP, the DOE Psychologist concluded that the Individual met sufficient diagnostic criteria under the *DSM-5-TR* for a diagnosis of AUD, Moderate. *Id.* at 90.

The DOE Psychologist recommended that the Individual could demonstrate rehabilitation from his AUD by attending at least one individual counseling session and two group meetings weekly for at least three months and abstaining from alcohol, substantiated by negative PEth tests, for six months. *Id.* at 90–91. Alternatively, she recommended that the Individual could demonstrate reformation by abstaining from alcohol, demonstrated through monthly PEth testing, for twelve months. *Id.* at 91.

D. Individual's Recent Efforts to Address His AUD

The Individual testified at the hearing that he had abstained from alcohol since April 6, 2026, when he claimed to have "stopped cold turkey" after an argument with his mother about his alcohol consumption. Tr. at 10–12. He did not undergo any alcohol testing to substantiate his claimed abstinence from alcohol, testifying that he had difficulties scheduling an appointment with his doctor to arrange for testing. *Id.* at 10–11. Considering the Individual's unreliability in reporting his alcohol consumption to the DOE Psychologist, and lack of corroboration of the Individual's abstinence from alcohol, I do not credit him with his claimed period of abstinence.

The Individual has not pursued counseling as recommended, testifying that he had "been trying to make up [sic] some money" before enrolling in counseling and citing conflicting work and familial obligations. *Id.* at 11, 17. He claimed that he has exercised, engaged in household chores, or gone for a drive when he has experienced urges to consume alcohol. *Id.* at 19. According to the Individual, he is more clearheaded and energetic since discontinuing alcohol use. *Id.* He further represented that he is able to participate in social events where alcohol is served without feeling urges to drink and has no difficulty refusing alcohol when it is offered to him. *Id.* at 20, 28. In terms of his future plans regarding alcohol, the Individual testified that he intends to take abstinence "one day at a time." *Id.* at 22.

The DOE Psychologist opined at the hearing that, considering his lack of treatment or demonstrated abstinence from alcohol, the Individual had not demonstrated rehabilitation or reformation from his AUD. *Id.* at 33–35. She further testified that, although the Individual's testimony suggested some positive developments, she still had concerns with regard to his candor in reporting his alcohol consumption and that she could not offer a more positive opinion without negative alcohol testing or other evidence to establish changed behavior. *Id.* at 35, 37–38.

V. ANALYSIS

Guideline G

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; or,

(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 ¶ 23.

The Individual engaged in numerous problematic behaviors over the course of approximately a decade as a result of his maladaptive alcohol use. While over four years have passed since his last alcohol-related charge, he has previously gone years without alcohol-related criminal conduct only to reoffend. Moreover, absent corroborating evidence, I cannot conclude when, if ever, the Individual stopped consuming alcohol maladaptively. Considering that he may still be misusing alcohol, I cannot conclude that any time has passed. Furthermore, considering his pattern of behavior, his concerning alcohol consumption and alcohol-related behavior were neither infrequent nor occurred under unusual circumstances. The first mitigating condition is inapplicable. *Id.* ¶ 23(a).

The remaining mitigating conditions are inapplicable because the Individual has not engaged in alcohol-related treatment or other interventions, previously relapsed during the course of an IOP, and has not demonstrated any period of abstinence from alcohol. *Id.* ¶ 23(b)–(d).

Considering the absence of action on the Individual's part, none of the mitigating conditions are applicable. Accordingly, 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 Guideline G of the Adjudicative Guidelines. After considering all relevant information, favorable and unfavorable, in a comprehensive, common-

sense manner, including weighing all testimony and other evidence presented at the hearing, I find that the Individual has not brought forth sufficient evidence to resolve the security concerns asserted by the LSO. Accordingly, I have determined that the Individual should not be granted access authorization. This Decision may be appealed in accordance with the procedures set forth at 10 C.F.R. § 710.28.

Phillip Harmonick
Administrative Judge
Office of Hearings and Appeals