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United States Department of Energy
Office of Hearings and Appeals

In the Matter of: Personnel Security Hearing	)		
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Filing Date: July 31, 2026	)	Case No.:	PSH-26-0158
	)		
	)		

Issued: October 30, 2026

Administrative Judge Decision

Noorassa A. Rahimzadeh, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXXXX (the Individual) to hold an access authorization under the United States Department of Energy's (DOE) regulations, set forth at 10 C.F.R. Part 710, "Procedures for Determining Eligibility for Access to Classified Matter and Special Nuclear Material or Eligibility to Hold a Sensitive Position."[1] As discussed below, after carefully considering the record before me in light of the relevant regulations and the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (June 8, 2017) (Adjudicative Guidelines), I conclude that the Individual's access authorization should be restored.

I. Background

An early February 2026 incident report filed with the local security office (LSO) indicated that the Individual was "cited for" Driving While Intoxicated (DWI) after getting into a single car accident following the consumption of several alcoholic beverages. Exhibit (Ex.) 9 at 48.[2] Law enforcement personnel responded when passersby discovered the Individual in his vehicle and called emergency services. *Id.* The Individual was transported to a hospital, where his blood was drawn for alcohol testing, which registered a blood alcohol level of 0.14%. *Id.*; Ex. 8 at 44–45; Ex. 12 at 80.

As a result of the incident, the LSO asked the Individual to complete a letter of interrogatory (LOI), which the Individual submitted in March 2026. Ex. 10. In the LOI, the Individual indicated that he met with some friends at a restaurant for dinner in early February 2026, where he consumed two to three mixed drinks and one to two shots. *Id.* at 61–62. They decided to go to a bar soon thereafter, where the Individual consumed two to three mixed drinks and eight to nine shots. *Id.* The

[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] This Decision will refer to the PDF page number when citing to exhibits submitted by the LSO.

Individual left the bar around 1:30 am and got into his vehicle to drive home. *Id.* at 61. As he was driving home, he swerved his car to avoid hitting something he saw on the road, hit the curb several times, and came to a stop in a parking lot. *Id.* The force of coming to a stop caused him to come off of his seat and become wedged in the pedal well in front of the driver's seat. *Id.* He could not lift himself out of the pedal well and back into the driver's seat. *Id.* He was stuck in the pedal well for over two hours when he heard some passersby and called out to them to call emergency services. *Id.* Emergency personnel extracted him from his vehicle and took him to a hospital for examination, where law enforcement personnel asked him to submit to an alcohol blood test. *Id.* He was cited for DWI but not arrested at the hospital. *Id.* The Individual reported the matter to his supervisor as soon as he was able. *Id.*

In the LOI, the Individual stated that his most recent pattern of alcohol consumption consisted of three to four drinks once or twice every weekend. *Id.* at 66. He stated that he had been abstinent from alcohol since the day of the February 2026 incident. *Id.* at 65.

The Individual underwent a psychological evaluation conducted by a DOE-consultant psychologist (DOE Psychologist) in May 2026. Ex. 13. In conjunction with the evaluation, the Individual submitted to Phosphatidylethanol (PEth) test, which was negative.[3] *Id.* at 88. The DOE Psychologist diagnosed the Individual with Alcohol Use Disorder (AUD), Mild, without adequate evidence of rehabilitation or reformation. *Id.* at 91.

The LSO began the present administrative review proceeding by issuing a letter (Notification Letter) to the Individual in which it notified him that it possessed reliable information that created a substantial doubt regarding his eligibility for access authorization. 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. Ex. 1. The Notification Letter informed the Individual that he was entitled to a hearing before an Administrative Judge to resolve the substantial doubt regarding his eligibility to hold a security clearance. *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). The Director of OHA appointed me as Administrative Judge in this matter. At the hearing I convened pursuant to 10 C.F.R. § 710.25(d), (e), and (g), the Individual testified on his own behalf and presented the testimony of two of his coworkers and a substance abuse counselor. *See* Transcript of Hearing, OHA Case No. PSH-26-0158 (hereinafter cited as "Tr.") The Individual also submitted fourteen exhibits, marked Exhibits A through N. The DOE Counsel submitted sixteen exhibits marked as Exhibits 1 through 16 and presented the testimony of the DOE Psychologist.

II. Notification Letter

[3] "PEth builds up in the [red blood cell] with repeated drinking episodes, and a parallel process slowly eliminates the accumulated PEth." Ex. 13 at 88. "PEth can still be detected in the blood for about 28 days after alcohol consumption has ceased." *Id.*

Under Guideline G, "[e]xcessive alcohol consumption often leads to the exercise of questionable judgment or the failure to control impulses, and can raise questions about an individual's reliability and trustworthiness." Adjudicative Guidelines at ¶ 21. Among those conditions set forth in the Adjudicative Guidelines that could raise a disqualifying security concern are "alcohol-related incidents away from work . . . regardless of the frequency of the individual's alcohol use or whether the individual has been diagnosed with alcohol use disorder," and "diagnosis by a duly qualified medical or mental health professional . . . of alcohol use disorder." *Id.* at ¶ 22(a), (d). Under Guideline G, the LSO alleged that:

1. The DOE Psychologist diagnosed the Individual with AUD, Mild, and concluded that the Individual had not shown adequate evidence of rehabilitation or reformation. Ex. 1 at 6.

2. The Individual was cited for DWI in February 2026, "after he was involved in a collision in his personal vehicle" around 1:30 am. *Id.* At around 5:30 am, the Individual's "blood alcohol content registered at 0.14%." *Id.*

The LSO's invocation of Guideline G is justified.

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 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.* § 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 and Hearing Testimony

Prior to the early February 2026 incident, the Individual did not experience any negative fallout from his alcohol consumption. Tr. at 44, 73. When asked how he felt when emergency services responded to the scene, the Individual indicated that he "was still tipsy" but that he understood the

fact that he "needed to get out" of the pedal well. *Id.* at 51–52. When he was extracted from the well, he felt that his leg may have been broken.[4] *Id.* at 53. He was cited for DWI at the hospital, but he was charged for DWI approximately two months later. *Id.* at 55. The Individual ad retained an attorney for the matter, and his attorney advised him to present himself to authorities for processing.[5] *Id.* at 55–56. The Individual testified that the last time he consumed alcohol was the day of the incident, and that he never wants to feel the way he did when he was being processed by law enforcement. *Id.* at 58, 67–69. When asked whether he intends to consume alcohol in the future, the Individual stated that he "[a]bsolutely [did] not." *Id.* at 69.

After reporting the matter and at the urging of his employer's occupational medicine department, the Individual underwent an evaluation by a substance abuse counselor who administered an intensive outpatient program (IOP) for alcohol treatment. Ex. 13 at 89; Tr. at 59. The Individual began attending the IOP administered by the substance abuse counselor in April 2026 and completed the IOP in June 2026. Ex. A; Ex. C; Ex. L. He immediately began attending aftercare following the completion of the IOP, and at the time of the hearing in October 2026, the Individual continued to attend aftercare meetings.[6] Ex. C; Tr. at 64; Ex. N. The Individual also began attending Alcoholics Anonymous (AA) meetings in June 2026, and from June 2026 to the time of the hearing in October 2026, the Individual attended 22 meetings.[7] Ex. B. He submitted to two PEth tests in June 2026, one in July 2026, one in August 2026, one in September 2026, and one in October 2026, all of which were negative. Ex. D; Ex. E; Ex. F; Ex. G; Ex. H; Ex. M. The Individual testified that he has people he knows from the IOP and AA who he can call in the event he experiences a craving. Tr. at 80–81. Since attending the IOP, he has learned to identify the "people, places, and things" that resulted in his alcohol consumption, and he actively avoids certain friends and engages in constructive activities that take up his time, like earning various certifications. *Id.* at 65–66, 73. He also frequents outdoor parks to ground himself and constructively expresses his emotions by talking them out with trusted friends. *Id.* at 73–74.

The DOE Psychologist consulted with the substance abuse counselor for the purposes of the psychological evaluation, and the substance abuse counselor indicated that the Individual "projected an image of being 'okay' to 'fit in' with others." Ex. 13 at 89. The substance abuse counselor told the DOE Psychologist that the Individual's alcohol consumption was primarily to relieve anxiety, relax, and help relieve chronic pain. *Id.*

The DOE Psychologist concluded in his report of the psychological evaluation that the Individual's alcohol consumption on the day of the incident in February 2026 was "an atypical occurrence inconsistent with and unrepresentative of the behavioral pattern established by [the Individual] for approximately 20 years." *Id.* at 90. In concluding that the Individual's behavior on the night of the

[4] The Individual's physical state did not allow for field sobriety tests at the scene. Tr. at 53.

[5] The criminal matter is still pending. Tr. at 56.

[6] The Individual intends to attend aftercare meetings "indefinitely." Tr. at 78.

[7] The Individual testified that he describes himself as an alcoholic when he introduces himself during meetings. Tr. at 77, 79.

February 2026 incident was atypical, the DOE Psychologist noted that the Individual's self-described pattern of consumption over the past twenty years "ha[d] not reached a level of concern." *Id.* The Individual told the DOE Psychologist that he made a promise to himself and a higher power that he will remain abstinent from alcohol, which the DOE Psychologist said was an assertion supported by the negative PEth test result. *Id.* Despite the fact that the DOE Psychologist felt that the February 2026 incident was an anomaly, he still felt that the Individual met the diagnostic criteria for AUD, as the Individual reported craving alcohol or exhibiting a strong desire to use alcohol, and there was "[r]ecurrent alcohol use in situations in which it is physically hazardous."[8] *Id.* In particularly, the DOE Psychologist Accordingly, the Individual's AUD diagnosis was Mild. *Id.* at 91. The DOE Psychologist recommended that the Individual "complete 60 days of IOP and 60 days of aftercare" and submit six months of negative PEth tests to evidence ongoing abstinence. *Id.*

The substance abuse counselor testified that he performed the initial intake of the Individual, and he saw someone "that did not have an overt history of severe substance or alcohol use." Tr. at 87. He indicated that his diagnostic impression of the Individual was similar to the DOE Psychologist's and that he agreed with the diagnosis of AUD, Mild. *Id.* at 87–88. More specifically, the substance abuse counselor felt that "there was some evidence to indicate [that alcohol] tolerance was a factor." *Id.* at 88. He felt that the DOE Psychologist's recommendation was "well calibrated" and that he may have "recommended a little more aftercare[.]" *Id.* at 89. He found it significant that at the end of the IOP, the Individual could discuss the changes in his everyday habits. *Id.* at 91. He ended his testimony by opining that if the Individual "continues to put an emphasis on building a sober support network," his prognosis is "really good." *Id.* at 96.

The DOE Psychologist testified that the Individual had "gone beyond" the recommendations that he had made to evidence rehabilitation and reformation. *Id.* at 99. Specifically, he continued to attend aftercare beyond the recommended 60 days. *Id.* at 99. The DOE Psychologist noted that the Individual's desire to remain abstinent was admirable, and he stated his belief that the February 2026 incident was "an anomaly." *Id.* at 99–100. He testified that the Individual had shown adequate evidence of rehabilitation. *Id.* at 100.

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

[8] Although the Individual had only one documented DWI incident, the DOE Psychologist concluded that his physical state was such that consuming even two to three beers could place him in greater physical danger. Ex. at 90.

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.

The record before me indicates that the Individual consumed a concerning amount of alcohol on the night of the February 2026 incident. Although there is evidence in the record that the Individual drank alcohol excessively before the February 2026 incident, the record does not contain information indicating that the Individual had a pattern of consuming alcohol to such a concerning degree. In fact, the DOE Psychologist opined that the occurrence was atypical. The record is also bereft of any evidence that the Individual had previously experienced employment difficulties or entanglement with law enforcement due to alcohol. The Individual's desire to avoid another situation similar to the February 2026 incident was made apparent at the hearing, as was his remorse over the matter. It was also apparent in his decision to seek treatment via an IOP that was compliant with the DOE Psychologist's recommendation. He also complied with the aftercare recommendations and provided evidence supporting his testimony that he continued to attend aftercare at the time of the hearing. The Individual provided negative PEth tests to corroborate his claims of ongoing abstinence. Accordingly, I find that the Individual was abstinent for the six months recommended by the DOE Psychologist. Importantly, the substance abuse counselor testified that the Individual's prognosis was "really good," and the DOE Psychologist determined that the Individual had shown adequate evidence of rehabilitation. Accordingly, the Individual has mitigated the stated concerns pursuant to mitigating factors (a), (b), (c), and (d).

VI. Conclusion

For the reasons set forth above, I conclude that the LSO properly invoked Guidelines 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 brought forth sufficient evidence to resolve the Guidelines G concerns set forth in the SSC. Accordingly, the Individual has demonstrated that restoring his security clearance would not endanger the common defense and security and would be clearly consistent with the national interest. Therefore, I find that the Individual's access authorization should be restored. This Decision may be appealed in accordance with the procedures set forth at 10 C.F.R. § 710.28.

Noorassa A. Rahimzadeh
Administrative Judge
Office of Hearings and Appeals