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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: September 23, 2025) Case No.: PSH-25-0214
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Issued: January 13, 2026

Administrative Judge Decision

Erin C. Weinstock, Administrative Judge:

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

I. BACKGROUND

The Individual was granted access authorization in connection to his employment with a DOE contractor. Exhibit (Ex.) 1 at 5. In September 2024, the Individual completed a Personnel Security Information Reporting (PSIR) form disclosing that he had been arrested for driving under the influence (DUI). Ex. 10. As a result of the Individual's disclosure, the Local Security Office (LSO) issued the Individual a Letter of Interrogatory (LOI), which the Individual completed on October 2, 2024. Ex. 8. In November 2024, the Individual underwent an enhanced subject interview (ESI) as a part of a regular reinvestigation in connection with his access authorization. Ex. 7 at 46. During the ESI, the Individual told the investigator that as a result of his DUI, he had been evaluated by a substance abuse professional through his employer's employee assistance program (EAP) and told that he was not an alcoholic and his alcohol consumption was normal. *Id.* at 47. However, a letter sent by the substance abuse professional to the Individual's employer stated that the Individual "showed evidence of a clinical substance abuse disorder." Ex. 9 at 2.

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.

In May 2025, the LSO requested that the Individual undergo a psychological evaluation by a DOE-consultant Psychologist (DOE Psychologist), which resulted in a finding that the Individual met sufficient *Diagnostic and Statistical Manual of Mental Disorders – Fifth Edition (DSM-5)* criteria for a diagnosis of Alcohol Use Disorder (AUD), mild. Ex. 5 at 7. The DOE Psychologist also determined that the Individual’s DUI represented an incident of impaired judgment “directly tied to binge drinking.” *Id.* at 8. She stated that there was not adequate evidence of rehabilitation or reformation from the concerns related the Individual’s AUD diagnosis and the incident of binge drinking. *Id.* at 9. The DOE Psychologist also noted that during his evaluation, the Individual had told her that he had not consumed alcohol since his DUI in September 2024. *Id.* at 8. However, when the Individual underwent a Phosphatidylethanol (PEth) test after his evaluation, the results showed that he had consumed alcohol in the two to three weeks prior to the test. *Id.* She stated that this discrepancy called into question the credibility of the Individual’s self-reported abstinence. *Id.* at 9.

The LSO subsequently issued the Individual a Notification Letter advising him that it possessed reliable information that created substantial doubt regarding his eligibility for access authorization. Ex. 2 at 1–3. In a Summary of Security Concerns (SSC) attached to the letter, the LSO explained that the derogatory information raised security concerns under Guideline E and Guideline G of the Adjudicative Guidelines. *Id.* at 4–6.

The Individual exercised his right to request an administrative review hearing pursuant to 10 C.F.R. Part 710. Ex. 2. The Director of the Office of Hearings and Appeals (OHA) appointed me as the Administrative Judge in this matter, and I conducted an administrative hearing. The LSO submitted twelve exhibits (Ex. 1–12).² The Individual submitted nine exhibits (Ex. A–I).³ The Individual testified on his own behalf. Hearing Transcript, OHA Case No. PSH-25-0214 (Tr.). The LSO called the DOE Psychologist to testify. *Id.*

II. THE SECURITY CONCERNS

Under Guideline E, “[c]onduct 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.” Adjudicative Guidelines at ¶ 15. In citing Guideline E, the LSO relied upon the discrepancy between the Individual’s self-reported alcohol consumption and the results of the May 2024 PEth test and the discrepancy between the Individual’s account of the result of a September 2024 substance abuse assessment to an investigator and the actual results of that assessment. Ex. 2 at 6. The information cited by the LSO justifies its invocation of Guideline E. See Adjudicative Guidelines at ¶ 16(b)

² The agency submitted ten exhibits prior to the hearing. After the hearing, the agency submitted two additional exhibits, which were both responses from the DOE Psychologist to the Individual’s post-hearing exhibits. *See infra* n.3.

³ The last four of the Individual’s exhibits were submitted after the hearing. Exhibit F is the results of eleven random alcohol breath tests that the Individual completed for his employer between October 2024 and August 2025. Ex. F. Exhibit G is documentation of the Individual’s attendance at Alcoholics Anonymous meetings between November 2024 and December 2025. Ex. G. Exhibit H is an article about the accuracy of PEth testing. Ex. H. Exhibit I is a statement from the Individual explaining that large quantities of isopropyl alcohol are used in the course of his work. Ex. I.

(indicating that “deliberately providing false or misleading information . . . to an investigator . . . [or] mental health professional involved in making a recommendation relevant to a national security eligibility determination” may raise a security concern under Guideline E).

Guideline G, under which the LSO raised additional security concerns, relates to security risks arising from excessive alcohol consumption. “Excessive alcohol consumption often leads to the exercise of questionable judgment or the failure to control impulses and can raise questions about an individual’s reliability and trustworthiness.” *Id.* at ¶ 21. Conditions that could raise a security concern include: “alcohol-related incidents away from work” and “diagnosis . . . of alcohol use disorder.” *Id.* at ¶ 22(a), (d). In citing Guideline G, the LSO relied upon the Individual’s September 2024 DUI arrest, and the DOE Psychologist’s May 2025 diagnosis that the Individual suffered from an AUD.⁴ Ex. 2 at 4–5. The aforementioned allegations justify the LSO’s invocation of Guideline G.

III. REGULATORY STANDARDS

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

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

⁴ The SSC alleged that the Individual “has a history of habitual or binge consumption of alcohol to the point of impaired judgment.” Ex. 2 at 5. However, the only fact cited by the SSC in support of this allegation is that the Individual was heavily intoxicated when he was arrested for DUI on September 15, 2024. *Id.* While the Individual may have a history of habitual or binge consumption of alcohol to the point of impaired judgment, the LSO’s citation to a single instance of intoxication does not establish such a history. Thus, I do not consider the LSO’s allegation except to the extent it informed the DOE Psychologist’s diagnosis of AUD and the circumstances of the Individual’s DUI. *See* Adjudicative Guidelines at ¶ 22(c).

The SSC also stated that the Individual failed to follow the advice of the substance abuse professional by consuming alcohol against his recommendations. Ex. 2 at 5. The Adjudicative Guidelines provide that “the failure to follow treatment advice once diagnosed” may raise a security concern. Adjudicative Guidelines at ¶ 22(e). As explained below, there is no indication in the record that the Individual was aware of the substance abuse professional’s opinion as relayed to the Individual’s employer. *See infra* Section V.A. Therefore, I cannot find sufficient facts in the record to support this information as a properly raised security concern.

§ 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

Shortly after midnight on the morning of September 15, 2024, the Individual was arrested and charged with DUI. Ex. 10 at 1. The Individual underwent a chemical test of his breath after he was arrested, which had an alcohol content of 0.18. Ex. 8 at 8. On September 16, 2024, the Individual reported this arrest to DOE by completing a PSIR. Ex. 10 at 1. As a result of his arrest, the Individual was required by his employer to undergo a substance abuse evaluation on September 24, 2024. Ex. 9 (letters to the Individual's employer reporting the results of the Individual's substance abuse evaluation and follow-up evaluation). The substance abuse professional who evaluated the Individual on that date determined that the Individual "showed evidence of a clinical substance abuse disorder" based on the result of his evaluation. *Id.* at 2. The substance abuse professional provided a letter to the Individual's employer informing it of this finding and recommending that the Individual complete a sixteen-hour educational program. *Id.*

At the hearing, the Individual testified that the substance abuse professional did not tell him he could potentially have a substance use disorder. Tr. at 37. Further, the Individual provided the results of the substance abuse subtle screening inventory 3 (SASSI 3) that he completed as part of the evaluation that indicated there was "low risk of substance dependence." Ex. E at 106.

The Individual completed the sixteen-hour educational program recommended by the substance abuse professional on October 21, 2024. Ex. 9 at 3; Tr. at 17.⁵ The substance abuse professional completed a follow-up to his evaluation on October 22, 2024, and he stated that the Individual was "fit" and also recommended that the Individual remain abstinent from alcohol consumption, attend weekly support meetings for three years, and be tested "for alcohol" twelve times a year for the first three years following his return to work. Ex. 9 at 3 (letter from substance abuse professional to the Individual's employer).

In November 2024, the Individual underwent an ESI as a part of the regular process of reinvestigation concerning his access authorization. Ex. 7 at 46. During this interview, the Individual told the investigator that as a result of his DUI, he was suspended from work for one month and required to engage with his employer's EAP. *Id.* EAP required the Individual to attend weekly Alcoholics Anonymous (AA) meetings for a period of three years, and the Individual began this requirement in the middle of October 2024. *Id.* at 46–47. EAP also required the Individual to submit to random breathalyzer and urinalysis tests on a monthly basis for three years. *Id.* at 47. The Individual reported that he had complied with these requirements up to the date of the hearing. Tr. at 38; *see* Ex. F (negative results of eleven random breathalyzer tests completed by the Individual between October 2024 and August 2025 when his employer stopped testing him after

⁵ The Individual testified that he completed "an additional twenty hours of [Department of Transportation] training for substance abuse education" and another alcohol education program focused on laws of his state of residence. Tr. at 17. He did not indicate when he took these courses. *Id.* The Individual did not submit any supporting documentation to show that he had completed these courses or provide any witnesses to corroborate his own testimony. As such, there is insufficient evidence for me to make a finding that the Individual completed these additional educational courses.

his access authorization was suspended); *see also* Ex. G (records indicating that the Individual had attended approximately 59 AA meetings between November 2024 and December 2025).

In February 2025, the Individual was also evaluated for substance abuse in relation to his DUI arrest. Ex. E at 101 (letter from licensed professional counselor who completed the evaluation). The Individual was not given a diagnosis or further treatment recommendations as a result of that evaluation. *Id.*

As a result of his self-report to DOE, the Individual underwent a psychological evaluation with the DOE Psychologist on May 2, 2025. Ex. 5. During this evaluation, the Individual reported to the DOE Psychologist that he had not consumed any alcohol since his DUI in September 2024. *Id.* at 2; Tr. at 80. As part of his evaluation, the Individual also underwent a PEth test on May 23, 2025. Ex. 5 at 13. The PEth test came back positive at 147 ng/mL.⁶ *Id.* This result was inconsistent with his self-report that he had not consumed any alcohol between his arrest in September 2024 and the evaluation on May 2, 2025. *Id.* At the hearing, the Individual acknowledged that he had provided inaccurate information to the DOE Psychologist and that he had consumed alcohol within the month prior to the May 23, 2025, PEth test. Tr. at 61, 67–68.

After the Individual completed the evaluation, the DOE Psychologist issued a report in which she concluded that the Individual met sufficient criteria for a diagnosis of AUD, mild. Ex. 5 at 8. At the hearing, the DOE Psychologist acknowledged that prior to receiving the Individual's positive PEth test, she likely would not have diagnosed him with an AUD because she "would have assumed that the reporting was accurate." Tr. at 93. However, the positive PEth test called into question the Individual's insight into his alcohol consumption and accuracy of his self-reported answers to the DOE Psychologist's questions. *Id.* Accordingly, she inferred that he met sufficient criteria for a diagnosis of AUD, mild. Ex. 5 at 8. In order for the Individual to show rehabilitation and reformation, the DOE Psychologist stated that the Individual should: (1) abstain from consuming alcohol; (2) comply with his employer's schedule of random alcohol testing ("12 tests/year for 3 years followed by 6 tests/year for 2 additional years"); and (3) participate in recovery support meetings like AA. *Id.* at 9–10. The DOE Psychologist noted that a "period of 12 months of verified abstinence, consistent participation in recommended activities, and demonstrated reliability in self-reporting" would provide "stronger" evidence of rehabilitation. *Id.* at 10.

At the hearing, the Individual testified that he had not consumed any alcohol since May 2025. Tr. at 19. He stated that, in May, he attended a college graduation that was an "all-day event," and he consumed four or five gin and tonics "throughout the evening." *Id.* at 25. He testified that this event was the only time he had consumed alcohol in the weeks before his May PEth tests and the only time he had consumed any alcohol at all since he got his DUI. *Id.* at 61–62, 70. However, the

⁶ "PEth levels in excess of 20 ng/mL are considered evidence of moderate to heavy ethanol consumption." Ex. 5 at 13. The Individual underwent two additional PEth tests on May 5, 2025, and May 23, 2025, respectively. Ex. E at 103–04. The May 5 test came back positive at 204 ng/mL. *Id.* at 103. The additional May 23 test came back positive at 220 ng/mL. *Id.* at 104. The Individual took the test on May 5 as the result of a misunderstanding about where the Individual could get a test that satisfied DOE chain of custody requirements. Tr. at 58, 78. The Individual underwent the additional PEth test on May 23 on his own initiative to compare the results of that test to the results of the one officially ordered by DOE. *Id.* at 59.

Individual admitted at the hearing that consuming alcohol at this time violated the requirement to remain abstinent that was a condition of his return to work. *Id.* at 54. The Individual said that since that event, he has decided not to consume any alcohol because of the issues with his security clearance and because not consuming alcohol makes him feel better. *Id.* at 26. However, the Individual also testified that he would consider drinking in the future on “special occasions.” *Id.* at 55.

The Individual stated that he felt the recommendations of the DOE Psychologist and his employer’s conditions on his return to work were “a little harsh” considering the nature of his DUI. *Id.* at 53. The Individual said that he has attended weekly AA meetings for approximately one year. *Id.* at 18; Ex. G (showing sign in sheets from weekly AA meetings). The Individual also stated that he is “required” to attend the AA meetings. Tr. at 64–65. At the time of the hearing, he did not have a sponsor because he has not met the “right person” in his groups. *Id.* at 18–19. While the Individual attends AA meetings, he does not consider himself to be an alcoholic and does not introduce himself as one at the meetings. *Id.* at 31, 71. He further testified that he did not agree with the DOE Psychologist’s finding that he has an AUD because he does not think he has “a problem with alcohol.”⁷ *Id.* at 40.

The DOE Psychologist testified that the Individual had taken some positive steps towards rehabilitation and his prognosis would be favorable “if he follow[s] the [treatment] recommendations.” *Id.* at 95, 99. However, she stated that she found it concerning that the Individual testified that he would consider consuming alcohol on special occasions, which was counter to the recommendations that she made and those of the substance abuse professional. *Id.* at 98. The DOE Psychologist also said that she felt the Individual lacked insight into his issues with alcohol. *Id.* at 100. Because the Individual admitted that he consumed alcohol in May, she stated that he could have only completed six of the twelve months of abstinence that she believed were necessary for the Individual to demonstrate strong evidence of rehabilitation. *Id.* at 99. Therefore, she testified that she did not believe that the Individual had demonstrated adequate evidence of rehabilitation. *Id.*

After the hearing, the Individual submitted a written statement in which he asserted that in the course of his employment, he uses “Isopropanol Alcohol (isopropyl)” on a daily basis and that that could explain his PEth test results. Ex. I.⁸ The DOE Psychologist then submitted a written statement in which she responded to this claim by stating: “Workplace exposure to isopropyl alcohol cannot produce a positive PEth result because PEth forms only when ethanol is present in the bloodstream. Isopropanol is a different chemical and cannot be converted into PEth, regardless of the amount of exposure.” Ex. 12; *see also* William Ulwelling & Kim Smith, *The PEth Blood Test in the Security Environment: What it is; Why it is Important; and Interpretative Guidelines*, J. OF FORENSIC SCI., July 2018 at 1635 (“The direct biomarker PEth is formed on the surface of

⁷ To the extent the Individual disputes this diagnosis of the DOE Psychologist, he did not provide any expert testimony or evaluation to dispute the DOE Psychologist’s findings. The diagnosis is supported by the similar finding from the substance abuse professional, as well as the Individual’s documented falsehoods about his alcohol consumption. As such, I accept the diagnosis made by the DOE Psychologist.

⁸ As noted above, the Individual submitted this written statement through his attorney after the hearing. As the Individual did not provide this information when he was under oath and subject to cross examination, I give it minimal weight.

the red blood cell, when *ethyl alcohol* reacts with phosphatidylcholine, in a reaction catalyzed by the enzyme phospholipase D (PLD).") (emphasis added); *Personnel Security Hearing*, OHA Case No. PSH-22-0114 at 8 (2022) (recounting testimony from a DOE-contracted psychiatrist in response to testimony that an individual was exposed to isopropyl alcohol fumes on a daily basis that "the inhalation of isopropyl alcohol could not produce a positive PEth test because isopropyl alcohol does not contain any ethanol and therefore could not produce the PEth biomarker").

V. ANALYSIS

A. Guideline E

Conditions that can mitigate security concerns based on personal conduct include the following:

- (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.

There are two alleged falsifications that give rise to the security concerns in this case: (1) that the Individual falsely told the DOE Psychologist that he had not consumed any alcohol between his September 2024 DUI and his May 2025 psychological evaluation; and (2) that the Individual falsely told an investigator that his September 2024 substance abuse assessment resulted in a finding that he did not have any substance abuse disorder. Ex. 2 at 6.

Mitigating factor (a) does not apply here because the Individual has not alleged that he made any effort to correct his falsifications before he was confronted with the facts.

The Individual did not allege that his falsifications were the result of the advice of legal counsel or another person with professional responsibilities for advising him regarding the security process. Therefore, mitigating factor (b) does not apply.

As to mitigating factor (c), I cannot find providing false information to people involved in the security process to be minor. This behavior was also recent, having occurred within one year of the hearing. Further, I cannot say the behavior was infrequent or is unlikely to recur such that it does not cast doubt on the Individual's reliability, trustworthiness, and good judgment because access authorization holders are expected to regularly provide truthful information throughout the security process. Therefore, mitigating factor (c) does not apply.

The Individual acknowledged that he provided false information regarding his alcohol consumption, but he did not complete any counseling to change the behavior and he was unable to describe any steps that he took to alleviate concerns that similar falsifications may occur in the future. As such, mitigating factor (d) does not apply.

With respect to the Guideline E security concerns, the LSO does not allege that the Individual has behaved in a way that makes him vulnerable to exploitation, manipulation, or duress. Rather, the security concern is that the Individual failed to provide pertinent information to people involved in the security process. As such, mitigating factor (e) is not applicable here.

The Individual admitted that he falsely told the DOE Psychologist that he had not consumed alcohol since his DUI. Therefore, that security concern is not resolved pursuant to mitigating factor (f). The SSC also alleged that during his ESI, the Individual stated that the substance abuse professional who evaluated him in September 2024 determined that the Individual was not an alcoholic and his alcohol use was normal. However, the letter that the substance abuse professional sent to the Individual's employer said that the Individual "showed evidence of a clinical substance abuse disorder." The Individual testified that the substance abuse professional did not tell him this information, and he was provided a copy of the SASSI-3 results, which stated that he was not at risk for an AUD. It is unclear from the evidence in the record that the Individual was aware of the substance abuse professional's opinion at the time of the ESI, and, therefore, it is not sufficiently substantiated that the Individual knowingly provided false information to security officials. As such, I find that the security concern related to his alleged falsification during the ESI is resolved pursuant to mitigating factor (f).

The SSC does not allege that there is a concern related to the Individual's involvement with persons involved in criminal activities. Therefore, mitigating factor (g) does not apply here.

In light of the foregoing, I find that the Individual has not resolved all of the security concerns asserted by the LSO under Guideline E.

B. Guideline G

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

- (a) So much time has passed, or the behavior was so infrequent, or it happened under such unusual circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or judgment;
- (b) The individual acknowledges his maladaptive alcohol use, provides evidence of actions taken to overcome this problem, and has demonstrated a clear and established pattern of modified alcohol consumption or abstinence in accordance with treatment recommendations;
- (c) The individual is participating in counseling or a treatment program, has no previous history of treatment and relapse, and is making satisfactory progress in a treatment program; and
- (d) The individual has successfully completed a treatment program along with any required aftercare, and has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations.

Adjudicative Guidelines at ¶ 23.

As an initial matter, the Individual stated in an unsworn post-hearing submission that in the course of his job, he comes into contact with "large quantities" of isopropyl alcohol, an ingredient in hand sanitizer, and, therefore, he implies that that contact with isopropyl alcohol may have impacted his PEth results. OHA precedent, based on the opinion of a qualified expert, directly contradicts the implication of his submission. *See supra* Section IV. Further, regardless of the accuracy of the PEth results, the Individual admitted at the hearing that he consumed alcohol in May 2025 in spite of a requirement that he remain abstinent when he returned to work and subsequently lied about his consumption to the DOE Psychologist.

The Individual additionally disputes the DOE Psychologist's diagnosis of AUD and insists that he does not have "a problem with alcohol."

The Individual's DUI, where he consumed sufficient alcohol to register a blood alcohol content of 0.18, occurred approximately fifteen months prior to the hearing, and the Individual consumed alcohol as recently as six months prior to the hearing. Because these events were recent, I cannot say that so much time has passed that they do not cast doubt on the Individual's reliability, trustworthiness, and judgment. Further, at the time of the hearing, the Individual had not provided

sufficient evidence to show that he had stopped consuming alcohol, so I cannot say that the behavior is infrequent or happened under unusual circumstances such that it is unlikely to recur. As such, the security concerns are not resolved pursuant to mitigating factor (a).

The Individual repeatedly stated that he did not believe he has ever had a problem with alcohol and that he disagreed with the diagnosis of the DOE Psychologist. Further, I cannot say that the Individual has demonstrated a clear and established pattern of modified alcohol consumption or abstinence based on his testimony alone, particularly in light of his past lack of candor on the matter. Therefore, the Individual has not resolved the security concerns pursuant to mitigating factor (b).

The Individual provided documentary evidence that he is currently participating in AA support group meetings. To the extent that those AA meetings could be considered treatment, I do not find that he has provided evidence that he is making satisfactory progress in that program. He testified that he does not have a sponsor, and while he testified that he was learning about the steps, the Individual did not testify as to how he has applied what he has learned in AA to his own life. Further, while the DOE Psychologist gave the Individual a favorable prognosis if he continues to comply with her recommendations, she stated it was a “red flag” that the Individual would consider consuming alcohol in the future in spite of recommendations that he remain abstinent. Without some kind of showing that the Individual is making progress in his AA meetings or an unqualified positive prognosis from a qualified professional, I cannot say that the Individual is making satisfactory progress in a treatment program. Therefore, I cannot find that he has resolved the security concerns pursuant to mitigating factor (c).

As explained above, the Individual did not provide any evidence that he participated in, let alone completed, any treatment or counseling program. Further, he has not provided evidence that shows a clear and established pattern of abstinence from alcohol consumption for any period of time since his DUI arrest. Therefore, I cannot find that the security concerns are resolved pursuant to mitigating factor (d).

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

VI. CONCLUSION

In the above analysis, I found that there was sufficient derogatory information in the possession of DOE to raise security concerns under Guideline E and Guideline G of the Adjudicative Guidelines. After considering all the relevant information, favorable and unfavorable, in a comprehensive, common-sense manner, including weighing all the testimony and other evidence presented at the hearing, I find that the Individual has not brought forth sufficient evidence to fully resolve the security concerns set forth in the Summary of Security Concerns. Accordingly, I have determined that the Individual’s access authorization should not be restored. This Decision may be appealed in accordance with the procedures set forth at 10 C.F.R. § 710.28.

Erin C. Weinstock
Administrative Judge
Office of Hearings and Appeals