

2013 Personnel Security Interview (PSI) with the Individual, the purpose of which was to discuss, *inter alia*, the circumstances resulting in his removal from the HRP. DOE Ex. 11. After the PSI, the LSO referred the Individual to a DOE consultant-psychologist ("the DOE psychologist") for an evaluation. The DOE psychologist evaluated the Individual in March 2013 and issued a report. DOE Ex. 6. In April 2013, the LSO informed the Individual that there existed derogatory information that raised security concerns under 10 C.F.R. §§ 710.8 (h), (j) and (1) (Criteria H, J and L, respectively).⁴ See DOE Ex. 1 (Notification Letter, April 22, 2013). The Notification Letter also informed the Individual that he was entitled to a hearing before a Hearing Officer in order to resolve the security concerns. *Id.*

The Individual requested a hearing on this matter. DOE Ex. 2. The LSO forwarded his request to the Office of Hearings and Appeals, and I was appointed the Hearing Officer. At the hearing, the DOE counsel introduced twelve exhibits into the record (DOE Exs. 1-12) and presented the testimony of one witness, the DOE psychologist. The Individual, represented by counsel, submitted seven exhibits and presented his own testimony, as well as the testimony of the following nine witnesses: his wife; his father-in-law; his Alcoholics Anonymous (AA) sponsor; a long-time AA member, who has become a mentor to the Individual in the AA program; the Individual's treating counselor; and four work witnesses, including a current senior manager, a former supervisor, and two coworkers. See *Indiv. Exs. A-G; Transcript of Hearing, Case No. PSH-13-0065* (hereinafter cited as "Tr.").

II. REGULATORY STANDARD

The regulations governing the Individual's eligibility for access authorization are set forth at 10 C.F.R. Part 710, "Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material." The regulations identify certain types of derogatory information that may raise a question concerning an individual's access authorization eligibility. 10 C.F.R. § 710.10(a). Once the DOE has made a showing of derogatory information raising a security concern, the individual has the burden of bringing forward sufficient evidence to fully resolve the concern.

In determining whether an individual has resolved a security concern, the Hearing Officer considers relevant factors, including "the nature, extent, and seriousness of the conduct; the circumstances surrounding the conduct, to include knowledgeable participation; the frequency and recency of the conduct; the age and maturity of the individual at the time of the conduct; the voluntariness of participation; the absence or presence of rehabilitation or reformation and other pertinent behavioral changes; the motivation for the conduct; the potential for pressure, coercion, exploitation, or duress; the likelihood of continuation or recurrence; and other relevant and

⁴ Criterion H concerns information that a person has "an illness or mental condition of a nature which, in the opinion of a board-certified psychiatrist, other licensed physician or a licensed clinical psychologist causes, or may cause, a significant defect in judgment or reliability." 10 C.F.R. §710.8(h). Criterion J relates to conduct indicating that the Individual has "been, or is, a user of alcohol habitually to excess, or has been diagnosed by a psychiatrist or a licensed clinical psychologist as alcohol dependent or as suffering from alcohol abuse." 10 C.F.R. § 710.8(j). Criterion L pertains to circumstances tending to show that the Individual is "not honest, reliable, or trustworthy, or which furnishes reason to believe that the individual may be subject to pressure, coercion, exploitation, or duress which may cause the individual to act contrary to the best interests of the national security." 10 C.F.R. § 710.8(1).

material factors," and the impact of the foregoing on the relevant security concerns. 10 C.F.R. § 710.7(c). When weighing these factors, the Hearing Officer also consults adjudicative guidelines that set forth a more comprehensive listing of relevant factors and considerations. *See Revised Adjudicative Guidelines for Determining Eligibility for Access to Classified Information* (issued on December 29, 2005 by the Assistant to the President for National Security Affairs, The White House) (Adjudicative Guidelines).

Ultimately, the decision concerning eligibility is "a comprehensive, common-sense judgment made after consideration of all relevant information, favorable and unfavorable" 10 C.F.R. § 710.7(a). In order to reach a decision favorable to the Individual, the Hearing Officer must find that "the grant or restoration of access authorization to the individual will not endanger the common defense and security and is clearly consistent with the national interest." 10 C.F.R. § 710.27(a). The regulations require that "any doubt as to an individual's access authorization eligibility shall be resolved in favor of the national security." *Id. See generally Dep't of the Navy v. Egan*, 484 U.S. 518, 531 (1988) (the "clearly consistent with the interests of national security" test indicates that "security clearance determinations should err, if they must, on the side of denials").

III. FINDINGS OF FACT

A. The Individual's Alcohol Use

The Individual began consuming alcohol at age sixteen. DOE Ex. 7 at 10. During his teenage years, the Individual drank several times a year, and estimates that he drank to intoxication on those occasions. *Id.*; DOE Ex. 11 at 36. As an adult, with the exception of a two-year overseas military deployment to a country where alcohol was unavailable and an eighteen-month period of overseas employment with a civilian contractor, the Individual consumed alcohol on a relatively consistent basis, drinking several times per year from 1995 or 1996 until 2012. DOE Exs. 6, 7, 11. While there is some dispute in the record regarding the amount of alcohol that the Individual consumed throughout the years, it is well-established that he often drank to intoxication. However, during the PSI, he denied ever "blacking out" due to excessive alcohol consumption.⁵ DOE Ex. 11 at 62. From 2012 until January 2013, the Individual consumed alcohol to intoxication approximately two weekends per month. DOE Ex. 6 at 9; DOE Ex. 7 at 16.

In March 2013, the DOE psychologist diagnosed the Individual with Alcohol-Related Disorder Not Otherwise Specified (NOS), and determined that he used alcohol habitually to excess. DOE Ex. 6 at 9. She noted that his decision to abstain from alcohol in January 2013 was "a good start to demonstrating control over his alcohol consumption, but too recent to determine if it will be lasting." *Id.* In that regard, the DOE psychologist recommended that, in order to demonstrate evidence of rehabilitation or reformation from his alcohol-related condition, the Individual should maintain abstinence from alcohol for a minimum of one year. *Id.* at 11. She further

⁵ During a September 2012 Special Psychological Evaluation conducted in connection with the Individual's participation in the HRP, the Individual allegedly admitted that he had blacked out on one occasion – the night before an overseas military deployment in 1995 after consuming "an unknown amount of hard liquor." DOE Ex. 7 at 11.

recommended that the Individual's abstinence be confirmed by random alcohol screenings, and be supported by either individual counseling sessions with a therapist specializing in substance abuse disorders or documented participation in the AA program with the support of a sponsor. *Id.*

B. The Individual's Workplace Incidents

The Individual has been a DOE employee since 2003. DOE Ex. 6 at 1. During his ten-year career with the DOE, he has had several incidents involving a violation of a workplace rule, regulation or procedure. In 2007, the Individual did not report certain medical information to his site's health unit, as required by regulation. DOE Ex. 11 at 14. In 2009, the Individual received a Letter of Reprimand after he purportedly misplaced classified information on the seat of a van. DOE Ex. 10. In 2010, the Individual failed to ensure that he had a required standard operating procedure (SOP) book in his possession when leading a team that was moving a piece of equipment from one location to another, in violation of workplace procedures. This incident also resulted in a Letter of Reprimand. In 2011, the Individual received a Letter of Reprimand for failing to notify a supervisor that he had not completed a required physical qualification exercise prior to accepting an assignment. DOE Ex. 11 at 26-28. More recently, during a June 2012 work-related trip, the Individual failed to appear for a required breakfast meeting at the appointed time, and then allegedly lied to his supervisor when asked to explain his behavior. DOE Ex. 1 at 2.

C. The Individual's Discrepant, Misleading, or Untrue Statements

During the June 2012 incident in which the Individual did not report for a mandatory breakfast meeting during a work trip, the Individual was not forthcoming with his supervisor when questioned regarding the circumstances that led to his absence. DOE Ex. 1 at 2. Specifically, when initially questioned by his supervisor, the Individual stated that, after their group arrived at their hotel the previous day, he and a colleague went to dinner and a movie, after which he returned to his room and stayed up late reading a book. DOE Ex. 7. at 28. The Individual stated that he had returned to his room at approximately midnight, and initially attributed his absence from the breakfast to oversleeping. *Id.* In fact, after the Individual and his colleague returned to the hotel, the Individual stayed out gambling for the evening and did not return to his room until approximately 4:45 a.m. *Id.*; DOE Ex. 1 at 2.

In addition to his untrue statement to his supervisor in June 2012, the Individual has since provided discrepant information during psychological evaluations. In September 2012, the Individual participated in a Special Psychological Evaluation (SPE) in connection with his participation in the HRP. During the SPE, his reports regarding the amounts and frequency of his past alcohol consumption were often inconsistent. *See, e.g.*, DOE Ex. 7 at 12-13, 15. The Individual also provided discrepant information concerning the frequency with which he took certain medications. *Id.* at 5. During his March 2013 evaluation with the DOE psychologist, the Individual also gave discrepant information regarding his history of alcohol use, with respect to the frequency and quantity of his past consumption. DOE Ex. 6 at 2, 12-14. In addition, he made a misleading statement regarding how many AA meetings he had attended to date. *Id.* at 6.

In her March 2013 evaluation report, the DOE psychologist opined that the Individual's "need to maintain an inflated self-image and [his] willingness to protect himself through dishonesty" was a condition which causes, or may cause, a defect in his judgment or reliability. DOE Ex. 1 at 1. Relying heavily on the SPE report, as well as her own observations, the DOE psychologist based her diagnosis of a mental condition on her opinion that the Individual "repeatedly did not admit to something until caught and confronted," "lied by omission and commission," was "untruthful in efforts to keep himself out of trouble, explain and rationalize his behavior, or otherwise evade negative consequences," and, generally, "demonstrated a . . . pattern to misrepresent the truth . . . a number of times, in various circumstances, over the last several years." DOE Ex. 6 at 9. According to the DOE psychologist, these tendencies are "an amalgam which has resulted in serious errors in judgment and failure to perform reliably." *Id.* at 10.

IV. THE NOTIFICATION LETTER AND ASSOCIATED SECURITY CONCERNS

As stated above, the LSO cited security concerns under Criteria H, J and L of the Part 710 regulations. *See* DOE Ex 1.

In support of its Criteria H and J concerns, the LSO cited the DOE psychologist's opinion that the Individual met the diagnostic criteria set for Alcohol-Related Disorder Not Otherwise Specified (NOS) and was a user of alcohol habitually to excess, as well as the Individual's reports regarding the frequency of the occasions on which he drank to intoxication. *Id.* at 1-2. It is well-settled that excessive use of alcohol raises security concerns because "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, Guideline G, ¶ 21. In this case, given the DOE psychologist's diagnosis, together with the Individual's own statements regarding the frequency and amounts of his alcohol consumption, LSO had ample grounds for invoking Criteria H and J.

The LSO also cited as the basis for security concerns under Criterion H the DOE psychologist's opinion that the Individual's "need to maintain an inflated self-image and [his] willingness to protect himself through dishonesty is a mental condition which has caused, or may continue to cause significant defects in his judgment and reliability." DOE Ex. 1 at 1. It is well-established that certain psychological conditions may raise security concerns. The Part 710 regulations identify as potentially disqualifying information establishing that an individual has "an illness or mental condition of a nature which, in the opinion of a board-certified psychiatrist, other licensed physician or a licensed clinical psychologist causes, or may cause, a significant defect in judgment or reliability." *See* 10 C.F.R. § 710.8(h). The Adjudicative Guidelines specify that certain psychological conditions may raise concerns even in the absence of a formal diagnosis. *See* Adjudicative Guidelines, Guideline I, ¶ 27. Given the DOE psychologist's diagnosis, the LSO properly invoked Criterion H.

Finally, as the basis for invoking Criterion L, the LSO cited: (1) the Individual's 2007, 2009, 2010, and 2011 incidents of involving violations of workplace rules or regulations; (2) the Individual's June 2012 failure to report to the work-related breakfast meeting, and his subsequent alleged lie to his supervisor; and (3) the Individual's purportedly discrepant statements regarding whether he had ever "blacked out" after consuming alcohol to excess. DOE Ex. 2-3. According

to the Adjudicative Guidelines, “conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual’s ability to protect classified information.” *Id.*, Guideline E, ¶ 15. Among the conditions regarding an individual’s conduct that may raise security concerns is the existence of “credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the person may not properly safeguard protected information[,]” including evidence of “a pattern of dishonesty or rule violations.” *Id.*, Guideline E, ¶ 16(d). In this case, I find that the information listed in the Notification Letter under Criterion L has raised valid security concerns regarding his honesty, trustworthiness, and reliability. Therefore, the LSO properly invoked Criterion L.

V. ANALYSIS

In making a determination regarding the Individual's eligibility for DOE access authorization, I have thoroughly considered the record in this proceeding, including the hearing testimony and the documentary evidence. For the reasons set forth below, I am unable to find that restoring the Individual's suspended DOE 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).

A. The Individual’s Excessive Consumption of Alcohol

The Individual did not dispute the facts regarding his alcohol use or the related security concerns. He acknowledged that he is “an alcoholic” and cannot drink alcohol in the future, even in moderation. Tr. at 214. He intends to abstain permanently from alcohol, and has made several lifestyle changes to help him attain that goal. Tr. at 214-15. According to the Individual, his involvement in the AA program, and his relationships with his AA sponsor and his mentor, have been extremely beneficial to him. Tr. at 215. He attends several AA meetings weekly, and has a regular meeting with which he is involved that he finds very valuable due to its structure. He explained, “in this group, they are really involved with getting into the problems, finding solutions, which I really, really wanted to do.” Tr. at 218. The Individual is actively working the AA program’s twelve steps with his sponsor. Tr. at 219, 283-84. He has also developed relationships with other members of the program and they have become part of his support system. Tr. at 222. In addition to his involvement in AA, the Individual continues to attend therapy sessions with the treating counselor, and finds those sessions useful to reinforce his work in AA. Tr. at 280. Finally, the Individual stated that his wife is supportive of his abstinence and has agreed to attend a number of AA meetings with him. Tr. at 223. She also reinforces the positive changes he has made by praising his efforts and encouraging him. Tr. at 223-34.

The Individual’s wife, father-in-law, and AA witnesses corroborated the Individual’s testimony regarding his abstinence from alcohol, his participation in AA, and his intention to remain abstinent from alcohol in the future. Tr. at 14, 30, 36

The Individual's wife testified that the Individual's attitude toward his abstinence and the AA program has been "very, very positive . . . he knows and feels that he needs it, and . . . he looks forward to going to meetings and being able to talk." Tr. at 23-24. She has noticed positive changes in the Individual since he stopped consuming alcohol. She testified that, although their relationship has always been good, he has become more "present" and involved as a husband and father since he stopped drinking. Tr. at 16, 22. The Individual's sponsor testified that the Individual has "done all the work," and is actively working the program's twelve steps. Tr. at 56-57. The AA sponsor believes that the Individual "has grasped the seriousness" of his problem and has "embraced the program thoroughly." Tr. at 58.

After listening to the testimony of the other witnesses at the hearing, the DOE psychologist opined that the Individual's participation in AA "has helped him enormously" but she did not change the conclusions or recommendations that she made in her March 2013 evaluation report. Tr. at 310. She noted as a positive factor the Individual's acceptance of his alcohol problem and his recognition that he cannot drink safely in moderation. *Id.* However, the DOE psychologist noted that it was too early in the Individual's recovery process to conclude that he was rehabilitated from the diagnosis of Alcohol-Related Disorder NOS. Tr. at 361. In that respect, she concluded that, at the time of the hearing, the Individual continued to demonstrate a "moderate" risk of relapse.

Among the factors that may serve to mitigate security concerns raised by an individual's alcohol use are that "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 good judgment," that "the individual acknowledges his or her alcoholism or issues of alcohol abuse, provides evidence of actions taken to overcome this problem, and has established a pattern of abstinence (if alcohol dependent) or responsible use (if an alcohol abuser)," and that "the individual has successfully completed inpatient or outpatient counseling or rehabilitation along with any required aftercare, has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations such as participation in meetings of [AA] or a similar organization and has received a favorable prognosis by a duly qualified medical professional or a licensed clinical social worker who is a staff member of a recognized alcohol treatment program." Adjudicative Guidelines, Guideline G, ¶ 23.

The Individual presented some mitigating evidence which demonstrates the steps he has taken to address his alcohol problem. He has acknowledged his condition, regularly attends and actively participates in AA meetings, and has developed close relationships with his AA sponsor, mentor, and other AA members. However, while the Individual has remained abstinent for approximately six months as of the hearing and has expressed his intention to maintain his abstinence in the future, he remains in the early stages of his recovery. In this regard, I am persuaded by the testimony of the DOE psychologist that the Individual's period of abstinence is not yet sufficient to establish adequate evidence of rehabilitation and reformation. Given these facts, I cannot conclude at this time that the Individual has adequately mitigated the Criteria H and J concerns raised by his past alcohol use.

B. The Individual's Pattern of Dishonesty

At the hearing, the Individual acknowledged that he has made questionable choices, but did not believe that he has a propensity to lie to protect himself or to avoid negative consequences. Tr. at 229. Rather, he testified that he believed that it was necessary to exude an exaggerated sense of confidence at work in order to lead the team assigned to him. Tr. at 230. The Individual also testified that he did not intend to be “deceitful” and was “not trying to lie, trying to get out of trouble.” He stated that, partly through therapy and his involvement in the AA program, he has since learned that he “acted out of arrogance, doing what [he] thought was best, without notifying supervisors or getting some other review . . . looking back at my character defects and honestly talking to myself, that’s exactly what it was” Tr. at 262. However, his participation in counseling and his daily contact with his AA sponsor, mentor, and others in the program, have shown him where he needs “improvements” and taught him the skills necessary to make those improvements. *Id.*

The Individual’s counselor testified that the Individual voluntarily sought out treatment, at significant personal expense, and appears to be very sincere in working on “self-improvement.” Tr. at 77-78, 93, 101. The Individual’s wife testified that she and the Individual have a stable relationship, and the Individual has always been honest with her. Tr. at 15-16, 20. The Individual’s father-in-law added that the Individual was somewhat arrogant in the past, particularly before attending AA and counseling, but has always been very careful not to disclose any prohibited information regard his work, and has not tried to avoid responsibility for his behavior. Tr. at 37-38, 41-42. Finally, during their testimony, the Individual’s work witnesses testified that the Individual generally was honest, reliable and trustworthy, exercised good judgment, and followed rules and regulations, notwithstanding the disciplinary incidents cited in this case. *See, e.g.*, Tr. at 119, 156-57, 159-60, 165, 168, 173, 180, 183, 198, 212.

After listening to the testimony of the other witnesses at the hearing, the DOE psychologist opined that the Individual had made “significant” progress with respect to this condition, noting that there was “still room for some improvement.” Tr. at 312, 358. However, she stated that the condition was “very attenuated,” and she opined that “the risk for significant defects” in the Individual’s judgment and reliability as a result of this condition “is low.” Tr. at 358. Given the foregoing, I find that the Criterion H concerns regarding the Individual’s pattern of dishonesty as “a mental condition which causes, or may cause, a significant defect in judgment or reliability” have been sufficiently mitigated. *See* Adjudicative Guidelines, Guideline I, ¶ 29 (identifying as possible mitigating factors for security concerns raised by psychological conditions a “recent opinion by a duly qualified mental health professional employed by . . . the U.S. Government that an individual’s previous condition is under control or in remission, and has a low probability of recurrence or exacerbation” and that “there is no indication of a current problem”).

C. The Individual's Workplace Incidents

As an initial matter, regarding his purportedly discrepant statements about whether he had “blacked out” after consuming alcohol, the Individual was adamant that he did not tell the site psychologist during the SPE that he had blacked out. He explained that he could not have made the statement because he did not understand at the time that the term applied to the incident that

he described and, he only learned that he had, in fact, experienced a “black out,” after became active in AA and began discussions with his sponsor. Tr. at 238-239. Both the Individual’s AA sponsor and his AA mentor testified regarding the time they have spent working with the Individual. Tr. at 58, 146. A review of the SPE report shows that the site psychologist repeatedly used quotation marks when attributing a statement directly to the Individual. DOE Ex. 7. However, he did not use quotation marks in the paragraph in which he discussed the incident where the Individual blacked out. *Id.* at 11. Given the abundance of quotes in the remainder of the report, I have no reason to doubt that if the Individual had used that phrase, the site psychologist would have quoted it in the report. While the site psychologist did not testify at the hearing, and therefore could not be questioned regarding his recollection of the Individual’s statements during the SPE, based on the record before me, I find the Individual’s testimony on this issue to be credible. However, the other incidents cited under Criterion L remain unresolved.

With respect to the June 2012 incident, the Individual readily acknowledged that he initially lied to his supervisor regarding the circumstances that led to his failure to appear at the appointed time. Tr. at 234. The Individual explained the incident at the hearing. According to the Individual, the day before the June 2012 incident, after their arrival at their hotel, he and a colleague went to dinner and a movie. After they returned to the hotel, the Individual and the colleague parted ways, and the Individual stayed out until the early morning hours. At the time, the Individual did not know when he returned to the hotel, but he knew that it was very late, well past midnight. He overslept and missed the mandatory breakfast. Later that morning, the Individual’s supervisor asked him what time he returned to the hotel and the Individual realized, “I didn’t have an answer for him. I didn’t know what time I had gotten in.” Tr. at 232-34. The Individual told his supervisor he did not know. The supervisor repeated the question, and the Individual again responded that he did not know. When pressed a third time for an answer, the Individual replied, “I don’t know. About midnight.” Tr. at 234. At the hearing, the Individual stated, “that was a fabrication on my part . . . did I know it was 4:00 or after 4:00 in the morning? I did not. However, that does not take away from the fact that I knew it was later than midnight.” *Id.* Then when confronted with the correct time by his supervisor, who had already confirmed it with the hotel, the Individual admitted that his response was untrue, although he had not realized that he had been out that late.⁶ Tr. at 235. The Individual acknowledged that his conduct was “definitely poor judgment,” and he expressed remorse for his conduct. *Id.* at 234.

The Individual also testified in detail regarding the other incidents cited under Criterion L. Tr. at 240-48. For each incident, he provided additional information regarding the circumstances which ultimately led to each rule violation. Nonetheless, he did not deny that each incident was, in fact, a violation of a rule or regulation for which he was responsible. 241, 243, 248, 274-75.

Among the factors which may serve to mitigate concerns raised by an individual’s pattern of dishonesty or rule violations are that “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

⁶ While the Individual testified in detail regarding the sequence of events that resulted in his absence from the mandatory breakfast meeting, his testimony did not address the issue of the initial discrepancy in his statement to his supervisor that he had simply overslept due to staying up late reading in bed when he, in fact, had been out gambling until the early morning hours.

recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment," and "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 caused untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur." Adjudicative Guidelines, Guideline E, ¶ 17.

In this case, the Individual has fully accepted responsibility for his past conduct. However, his pattern of unreliable or untrustworthy conduct is relatively recent, with a serious incident occurring slightly one year prior to the hearing. It is well-established in previous decisions of this office that where there exist security concerns attributable to a pattern of irresponsible behavior, such as forms of dishonesty or other untrustworthy or unreliable conduct, a subsequent pattern of responsible behavior is of critical importance in mitigating those concerns. *See, e.g., Personnel Security Hearing, Case No. PSH-11-0017 (2012); Personnel Security Hearing, Case No. TSO-0568 (2008)*. In this case, insufficient time has passed to allow me to conclude that future incidents of irresponsible conduct are unlikely to recur. Accordingly, I must conclude that the Individual has not adequately mitigated the security concerns set forth in the Notification Letter under Criterion L.

VI. CONCLUSION

Upon consideration of the entire record in this case, I find that there was evidence that raised doubts regarding the Individual's eligibility for a security clearance under Criteria H, J and L of the Part 710 regulations. I also find that the Individual has not presented sufficient information to fully resolve those concerns. Therefore, I cannot conclude that restoring the Individual's suspended DOE 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). Accordingly, I find that the DOE should not restore the Individual's access authorization at this time.

The parties may seek review of this Decision by an Appeal Panel, under the regulation set forth at 10 C.F.R. § 710.28.

Diane DeMoura
Hearing Officer
Office of Hearings and Appeals

Date: September 18, 2013