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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:	April 20, 2017)	Case No.: PSH-17-0028
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Issued: August 23, 2017

Administrative Judge Decision

Wade M. Boswell, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXXXXXXX (hereinafter referred to as “the individual”) to hold an access authorization¹ under the Department of Energy’s (DOE) regulations set forth at 10 C.F.R. Part 710, entitled, “Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material.” As fully discussed below, after carefully considering the record before me in light of the relevant regulations and the *Revised Adjudicative Guidelines for Determining Eligibility for Access to Classified Information*, The White House (Adjudicative Guidelines) (December 29, 2005), I have determined that the individual’s access authorization should be restored.

I. Background

The individual is employed by a DOE contractor in a position that requires him to hold DOE access authorization. One morning in July 2016, the individual called his supervisor from home to report that he had been using cocaine and abusing alcohol and that he did not believe he would be able to stop without assistance. The supervisor advised the individual to come into work and he would accompany him to the on-site medical facility. That afternoon the individual reported to the on-site medical facility and received recommendations for treatment. A urine specimen collected from the individual that day at the medical facility tested positive for cocaine metabolite, consistent with the individual’s self-disclosure of cocaine use. *See* Exhibit 6. The day following his self-report,

¹ Access authorization is defined 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). Such authorization will be referred to variously in this Decision as access authorization or security clearance.

the individual enrolled in an intensive outpatient program for the alcohol and drug treatment (IOP). *See* Exhibit 7.

As a result of this information, the local security office (LSO) conducted a personnel security interview (PSI) with the individual in August 2016. *See* Exhibit 13. The PSI did not resolve the security concerns arising from the individual's alcohol consumption and drug use and, subsequently, the LSO referred the individual to a DOE consultant psychiatrist (DOE psychiatrist) for an evaluation.

In November 2016, the individual was evaluated by the DOE psychiatrist. *See* Exhibit 4. Since neither the PSI nor the psychiatric evaluation resolved the security concerns arising with respect to the individual's alcohol consumption and drug use, the LSO informed the individual in a letter dated March 15, 2017 (Notification Letter), that it possessed reliable information that created substantial doubt regarding his eligibility to hold a security clearance. In the Notification Letter, the LSO explained that the derogatory information fell within the purview of 50 U.S.C. § 435c (hereinafter referred to as the Bond Amendment) and raised one or more security concerns under Guideline E (Personal Conduct), Guideline G (Alcohol Consumption), Guideline H (Drug Involvement) and Guideline J (Criminal Conduct) of the Adjudicative Guidelines.² *See* Exhibit 1.

Upon his receipt of the Notification Letter, the individual exercised his right under the Part 710 regulations by requesting an administrative review hearing. *See* Exhibit 2. The Director of the Office of Hearings and Appeals (OHA) appointed me the Administrative Judge in the case and, subsequently, I conducted an administrative hearing in the matter. At the hearing, the LSO introduced 15 numbered exhibits into the record and presented the testimony of one witness, the DOE psychiatrist. The individual introduced 14 lettered exhibits (Exhibits A – N) into the record and presented the testimony of six witnesses, including that of himself and his treatment counselor. The exhibits will be cited in this Decision as “Ex.” followed by the appropriate numeric or alphabetic designation. The hearing transcript in the case will be cited as “Tr.” followed by the relevant page number.³

II. Regulatory Standard

A. Individual's Burden

A DOE administrative review proceeding under Part 710 is not a criminal matter, where the government has the burden of proving the defendant guilty beyond a reasonable doubt. Rather, the standard in this proceeding places the burden on the individual because it is designed to protect national security interests. This is not an easy burden for the individual to sustain. 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

² See Section III below.

³ OHA decisions are available on the OHA website at www.energy.gov/oha. A decision may be accessed by entering the case number in the search engine at www.energy.gov/oha.

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), *cert. denied*, 499 U.S. 905 (1991) (strong presumption against the issuance of a security clearance).

An individual must come forward with evidence to convince the DOE that granting or restoring his or her 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 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. 10 C.F.R. § 710.26(h). Thus, an individual is afforded the utmost latitude in the presentation of evidence to mitigate the security concerns at issue.

B. Basis for the Administrative Judge’s Decision

In personnel security cases arising under Part 710, it is my role 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). I am instructed by the regulations to resolve any doubt as to a person’s access authorization eligibility in favor of the national security. *Id.*

III. The Notification Letter and the Security Concerns at Issue

As previously noted, the LSO cited the Bond Amendment and Guidelines E, G, H and J as the bases for suspending the individual’s security clearance.

The Bond Amendment states that a security clearance may not be granted or renewed for a “person who is an unlawful user of a controlled substance or an addict . . .” 50 U.S.C. § 435c(b). Within the DOE, cleared incumbents determined to have used a controlled substance within 12 months of the DOE becoming aware of such usage are considered subject to the Bond Amendment and all such cases are immediately processed for administrative review. *See* DOE Order 472.2, Appendix E at E-1. With respect to the Bond Amendment, the LSO cited the individual having tested positive for cocaine metabolite on the day that he self-reported his cocaine use to his supervisor and the individual’s disclosures during the PSI of his cocaine use between 2014 and 2016. Ex. 1 at 3.

Guideline E relates to conduct involving questionable judgment, lack of candor, or unwillingness to comply with rules and regulations, which raises questions about an individual’s reliability, trustworthiness and ability to protect classified information. Any failure to provide truthful and candid answers during the security clearance process is of particular concern. *See* Adjudicative Guidelines at Guideline E ¶ 15. With respect to Guideline E, the LSO cited, *inter alia*, the individual’s acknowledgment during the PSI that he had used cocaine from the mid-1990’s through July 2016, which contradicted his

denials of illegal drug use on Questionnaires for National Security Positions (QNSPs) that the individual certified as accurate in 2001, 2007, and 2012. Ex. 1 at 3-4.

Guideline G relates to security risks arising from 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. *See* Adjudicative Guidelines at Guideline G ¶ 21. With respect to Guideline G, the LSO cited the November 2016 written evaluation by the DOE psychiatrist which concluded that the individual met the diagnostic criteria set forth in the *Diagnostic Statistical Manual of the American Psychiatric Association, IV Edition, Text Revision (DSM-IV-TR)*, for Alcohol Dependence, without adequate evidence of rehabilitation or reformation, and that such disorder is an illness or mental condition which causes, or may cause, a significant defect in his judgment or reliability. Ex. 1 at 5; Ex. 4 at 7-8. Additionally, the LSO cited, *inter alia*, the individual's arrest in 1988 for Driving Under the Influence of alcohol (DUI) and his statements during the PSI with respect to his pattern of alcohol consumption and the contributing role of alcohol consumption in his cocaine use. Ex. 1 at 5-6.

Guideline H relates to security risks arising as a result of an individual's use of illegal drugs. Illegal drug use raises concerns about an individual's reliability and trustworthiness because such drug use may impair a person's judgment and because using drugs illegally raises questions about a person's ability or willingness to comply with laws, rules, and regulations. *See* Adjudicative Guidelines at Guideline H ¶ 24. With respect to Guideline H, the LSO cited, *inter alia*, the individual having tested positive for cocaine metabolite in July 2016 on the day that he self-reported his cocaine use to his supervisor, as well as his disclosures during the PSI of his cocaine use between the mid-1990's and July 2016. Ex. 1 at 6.

Guideline J relates to security risks associated with criminal conduct. Criminal activity creates doubt about a person's judgment, reliability and trustworthiness because, by its very nature, such conduct calls into question a person's ability or willing to comply with laws, rules, and regulations. *See* Adjudicative Guidelines at Guideline J ¶ 30. With respect to Guideline J, the LSO cited the individual's illegal purchase and use of cocaine between the mid-1990's and July 2016, as well as his having been arrested in 1988 for DUI and in 1984 for Evading an Officer. Ex. 1 at 6-7.

In light of the information available to the LSO, the LSO properly invoked the Bond Amendment and Guidelines E, G, H and J.

IV. Findings of Fact and Analysis

I have thoroughly considered the record of this proceeding, including the submissions tendered in this case and the testimony of the witnesses presented at the hearing. In resolving the question of the individual's eligibility for access authorization, I have been guided by the applicable factors prescribed in 10 C.F.R. § 710.7(c)⁴ and the Adjudicative

⁴ Those factors include the following: the nature, extent, and seriousness of the conduct, the circumstances surrounding the conduct, to include knowledgeable participation, the frequency and recency of the conduct,

Guidelines. After due deliberation, I have determined that the individual's access authorization should be restored. I find that restoring the individual's DOE security clearance will not endanger the common defense and security and is clearly consistent with the national interest. 10 C.F.R. § 710.27(a). The specific findings that I make in support of this decision are discussed below.

A. Mitigating Evidence

The individual disputes neither the facts alleged by the LSO in the Notification nor the diagnosis by the DOE psychiatrist. Tr. at 138. Instead, he argues that he has sufficiently mitigated the security concerns set forth in the Notification Letter. With respect to the security concerns arising from his alcohol consumption and drug involvement, the individual argues that he has mitigated such concerns based upon his completion of an IOP for both alcohol and drug use, his continuing participation in a 12-step program, and his abstinence from alcohol and drugs for eleven and one-half months as of the date of the hearing. Ex. 2. With respect to the security concerns arising from his misrepresentations or omissions during the access authorization process, the individual argues that those concerns are mitigated by his having self-disclosed those misrepresentations and omissions and by his having completed treatment addressing the underlying circumstances of those misrepresentations and omissions. *Id.*

B. Administrative Judge Evaluation of Evidence and Findings of Facts: Guideline G (Alcohol Consumption), Guideline H (Drug Involvement) and Bond Amendment

The LSO became aware of the individual's excessive consumption of alcohol and his drug use as a result of the individual self-reporting these matters to his supervisor in July 2016. Tr. at 50. He acknowledges that in the preceding two years he consumed alcohol to the point of intoxication at least once monthly and as frequently as twice weekly. His use of cocaine began as occasional use at social gatherings in 1998 and occurred infrequently (once every three to six years) until 2014. In 2014, his use of cocaine increased and he used cocaine on six or seven occasions in the period from 2014 to August 2015. From August 2015 until July 2016, when he self-reported his drug use and commenced treatment, the individual used cocaine once or twice per month. In all instances, his use of cocaine was preceded by excessive consumption of alcohol. Ex. 1; Tr. at 138.

On the day that the individual self-reported to his supervisor, his supervisor accompanied him to the on-site medical facility where the individual tested positive for cocaine metabolite. Ex. 6. The individual also received referrals that day for treatment programs and, the next day, he commenced treatment in an IOP. Ex. 7.

the age and maturity at the time of the conduct, the voluntariness of his 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 material factors.

The individual has been abstinent from both alcohol and cocaine since the evening prior to his self-reporting to his supervisor. Tr. at 139. The individual's testimony with respect to his abstinence is corroborated by the testimony of a former girlfriend, as well as negative laboratory results from frequent drug and alcohol tests conducted by his employer. Ex. J; Tr. at 25.

The IOP, which the individual attended, requires participation in 36 sessions over a 12-week period. After completing the initial 36 sessions, the individual requested to continue treatment and voluntarily completed an additional 26 sessions. *Id.* at 76. His treatment counselor testified that the individual was highly open to the treatment process and engaged in the treatment program. *Id.* at 84-89. The IOP addressed both alcohol and drug use. *Id.* at 96-97. Although the IOP has no aftercare program or requirements, his treatment counselor suggested that the individual participate in a 12-step recovery program (which uses a different treatment model than that which is used by this particular IOP) to supplement his treatment following completion of the IOP. *Id.* at 92, 98. The individual has been attending a 12-step program meetings once or twice per week since completion of the IOP; he is engaged with a sponsor at the 12-step program, who testified at the hearing as to the individual's involvement and earnestness. Ex. 2; Tr. at 34-47. The individual is also working with a counselor at his employer's employee assistance program (EAP) and continues to have occasional individual sessions with the treatment counselor from his IOP. *Id.* at 57-60, 96.

The LSO referred the individual to a DOE psychiatrist for a psychiatric evaluation, which was conducted in November 2016. *See* Ex. 4. At that time the individual was completing his IOP and had been abstinent from alcohol and drugs for over three months. The DOE psychiatrist concluded that the individual met the *DSM-IV-TR* criteria for Alcohol Dependence, without adequate evidence of rehabilitation or reformation, and that this is a condition that causes, or may cause, a significant defect in the individual's judgment or reliability. He opined that the individual would need to maintain his abstinence from alcohol for a total of nine months to adequately evidence rehabilitation and reformation. The DOE psychiatrist stated in his written evaluation that the individual *did not* meet the diagnostic criteria for substance abuse or dependence; he made no other substance diagnosis.⁵ Ex. 4 at 8.

At the hearing, expert testimony was received from the individual's treatment counselor, his EAP counselor and the DOE psychiatrist. The EAP counselor and the treatment counselor testified that a source of the individual's misuse of alcohol and drugs was the traumatic death of his sibling, which occurred in 1988 under horrific circumstances. Tr. at 60, 62, 79. The DOE psychiatrist opined that the individual exhibited symptoms of Post-

⁵ At the hearing, the DOE psychiatrist testified that the LSO's referral for the psychiatric evaluation only used terminology from the *DSM-IV-TR*. However, had the LSO's referral included terminology from the *Diagnostic Statistical Manual of the American Psychiatric Association, 5th Edition (DSM-5)*, the DOE psychiatrist testified that he would have concluded that the individual met the *DSM-5* criteria for Substance Use Disorder, Mild to Moderate, without adequate evidence of rehabilitation or reformation. Tr. at 156. While such diagnosis was not set forth in the Notification Letter and, therefore, is not an issue before me, I note that the DOE psychiatrist opined at the hearing that, as of the date of the hearing, the individual had evidenced adequate rehabilitation and reformation of such Substance Use Disorder and had a good prognosis. *Id.* at 157.

Traumatic Stress Disorder, which likely originated with his sibling's death. Ex. 4 at 7; Tr. at 153-154. The individual's treatment counselor identified that event, with no subsequent treatment to address it, as the largest factor of the individual's alcohol and drug misuse. *Id.* at 78-79. During his IOP and subsequent treatment, the individual addressed the unresolved psychological issues related to his sibling's death. *Id.* at 76-91.

The individual's treatment counselor and the DOE psychiatrist both testified at the hearing that, as of the date of the hearing, the individual had adequately evidenced rehabilitation and reformation with respect to his alcohol dependence and drug use, had a good prognosis and low probability of relapse. *Id.* at 84, 89, 91, 97, 99, 152, 155-157. The DOE psychiatrist further opined that as of the date of the hearing the individual had no other mental conditions or illnesses that cause, or may cause, a significant defect in his judgment or reliability. *Id.* at 158.

The record establishes the individual has acknowledged his alcohol and drug issues, has taken actions to address these problems, has established a pattern of abstinence with respect to both alcohol and drugs, and has no history of previous treatment and relapse. *Cf.* Adjudicative Guidelines at Guideline G ¶ 23 (b) and (c), and Guideline H ¶ 26 (b)(3) and (d). Further, he has successfully completed an IOP, complied with aftercare recommendations and received favorable prognoses from three duly qualified mental health professionals. *Cf.* Adjudicative Guidelines at Guideline G ¶ 23 (d), and Guideline H ¶ 26 (d). For the reasons set forth above, I find that the individual has resolved the security concerns associated with Guideline G arising from his alcohol consumption and with Guideline H arising from his drug involvement.

As noted above, the Bond Amendment precludes a security clearance for a "person who is an unlawful user of the controlled substance or an addict..." Under the Bond Amendment, an "addict" is understood to be a person who habitually uses any narcotic drug so as to endanger the public morals, health, safety, or welfare, or is so far addicted to the use of narcotic drugs as to have lost the power of self-control with reference to his or her addiction. While it is unclear if the individual has ever been diagnosed as having a "substance dependence" (which is the clinical term closest to the concept of "addiction"), both the individual's treatment counselor and the DOE psychiatrist opined at the hearing that the individual had evidenced adequate reformation and rehabilitation with respect to his prior cocaine use and had a good prognosis. Tr. at 84, 89, 91, 97, 99, 152, 155-157. The Bond Amendment does not define "an unlawful user of a controlled substance." While the individual's use of cocaine was clearly an unlawful use of a controlled substance, that use has now ceased and the record reflects that the individual has not illegally used any drugs since prior to commencing his IOP in July 2016. As discussed above, I have concluded that such use is unlikely to recur. In the past, where administrative judges have found mitigation of drug involvement under Guideline H, they have concluded that the related security issues under the Bond Amendment are resolved. *See Personnel Security Hearing*, Case No. PSH-17-0018 (2017); *Personnel Security Hearing*, Case No. PSH-13-0036 (2013); *Personnel Security Hearing*, Case No. PSH-12-0031 (2012); *Personnel Security Hearing*, Case No. TSO-1059 (2011); *Personnel Security Hearing*, Case No. TSO-0926

(2010). For these reasons, I find that the individual has resolved the security concerns associated with the Bond Amendment.

**C. Administrative Judge Evaluation of Evidence and Findings of Facts:
Guideline E (Personal Conduct)**

The individual first used cocaine at a social gathering in 1998 and continued to periodically use cocaine until July 2016, as noted above. Ex. 1 at 3; Tr. at 138. Notwithstanding such use, on each of the QNSPs that the individual certified in 2001, 2007 and 2012, he denied illegal use of any drugs during the seven years prior to such certification or during any period while he possessed a security clearance. *See* Ex. 9, Ex. 10, Ex. 11. He also denied use of cocaine during a PSI conducted in 2002. *See* Ex. 14. The individual acknowledges that these denials were false. Tr. at 138.

Deliberating providing false information during the access authorization process raises legitimate and significant security concerns under Guideline E. Adjudicative Guidelines at Guideline E ¶ 15, 16 (a) and (b). However, even with respect to security concerns arising under Guideline E, the Adjudicative Guidelines recognize the appropriateness of considering mitigating conditions in assessing the likelihood of a recurrence of the disqualifying behavior and in determining whether a person is presently an acceptable security risk. *See* Adjudicative Guidelines at ¶ 2 (a).

In this situation, the individual managed to avoid detection of his illegal drug use for nearly 20 years. His former girlfriend, who is a long term participant in a 12-step program, testified that, while she was aware the individual was consuming alcohol, she was unaware he was using cocaine until he self-reported his use to his employer. Tr. at 18.

The LSO only became aware of the individual's drug usage (and prior falsifications) as a result of the individual's disclosures to his supervisor and request for assistance in receiving treatment. The individual's self-report was not motivated by fear or concern that his prior denials of drug use had been discovered or were about to be disclosed, but reflected his decision to "finally [get] honest with somebody." *Id.* 113. This is not a situation of an employee suddenly becoming forthright after failing a random drug test or otherwise being confronting with adverse information. Voluntarily correcting one's omissions, concealments or falsifications supports mitigation of security concerns under Guideline E. *See* Adjudicative Guidelines at ¶ 2 (e)(2) and at Guideline E ¶ 17 (a).

All of the individual's concealments were related to his illegal use of cocaine. He has acknowledged the underlying drug use, as well as his falsifications. The EAP counselor and the DOE psychiatrist both opined that such denials (as well as rationalizations, as discussed in the following paragraph) are all part of the substance use disorder for which the individual has received treatment and now evidences adequate reformation and rehabilitation. Tr. at 60, 61, 64, 101-102, 153, 154.

During a PSI which was conducted one month after the individual had commenced treatment, the personnel security specialist asked the individual about his denials of illegal

drug use on his QNSPs. The individual responded that he believed he misunderstood the questions and thought that the questions were about whether he was an “active user” and that he had answered “no” because he did not believe his episodic use constituted being a “user.” Ex. 13 at 139-141. During the hearing, I specifically asked the individual if his PSI responses accurately explained his QNSP responses. To the individual’s credit, he immediately disavowed the explanation he had provided during the PSI. He explained that the PSI and the DOE psychiatric evaluation both occurred early in his treatment and, at those times, he was just beginning to understand his drug addiction and was experiencing denial around his substance use. He now views his QNSP answers and PSI explanation as part of the dishonesty associated with his substance use. Tr. at 144-147. The DOE psychiatrist commented during his testimony that the explanation the individual gave during the PSI is an example of the rationalization that is common in substance use disorders and that the individual’s present disavowal of that explanation reflects the progress he has made during his treatment. *Id.* at 155.

The three mental health experts also testified that underlying the individual’s alcohol and cocaine misuse was untreated trauma and grief related to his sibling’s death, for which the individual has now received treatment. *Id.* at 60, 62, 79, 153-154. Therefore, the individual has taken positive steps to alleviate the stressors, conditions and factors causing his dishonest behavior and, in light of his alcohol and drug treatment and the favorable prognoses from the mental health professionals, such dishonest behavior is unlikely to recur. *Cf.* Adjudicative Guidelines at Guideline E ¶ 17 (d). The individual also introduced into the record a copy of his most recent QNSP, which he completed following completion of his IOP, on which he “honestly and candidly” answered the questions about his drug use and treatment. See. Ex. K; Ex. 2.

For the reasons set forth above, I find that the individual has resolved the security concerns associated with Guideline E.

**D. Administrative Judge Evaluation of Evidence and Findings of Facts:
Guideline J (Criminal Conduct)**

The LSO noted in the Notification Letter that the individual had purchased and used cocaine, aware that it was illegal, from the mid-1990’s until July 2016 and that the individual had been arrested and charges for vehicular offenses in 1984 and 1988. Ex. 1 at 6-7. The individual acknowledges this illegal conduct. Tr. at 138.

With respect to the individual’s drug activities, he has evidenced adequate rehabilitation and reformation of his substance use disorder. Further, he has discontinued all contact with the person from whom he had purchased cocaine during the last several years of his use. Ex. 2 at 4. In light of the individual’s drug treatment and abstinence, as well as his counseling for trauma and grief, his criminal activity with respect to drug involvement is unlikely to recur. *Cf.* Adjudicative Guidelines at Guideline J ¶ 32 (a) and (d).

The individual’s two arrests occurred approximately 30 years ago. These are the only two times that the individual has been charged or arrested. Ex. 2 at 4; Tr. at Tr. at 139. These

were both vehicular charges – one for evading the police while driving with a broken muffler (1984) and one for DUI (1988). In light of the time that has elapsed since these offenses occurred and the fact that the most recent offense (1988) involved misuse of alcohol, for which the individual has evidenced adequate rehabilitation and reformation, such behavior is unlikely to recur and does not cast doubt on the individual's present reliability, trustworthiness or good judgment. *Cf.* Adjudicative Guidelines at Guideline J ¶ 32 (a) and (d).

For the reasons set forth above, I find that the individual has resolved the security concerns associated with Guideline J.

V. Conclusion

In the above analysis, I have found that there was sufficient derogatory information in the possession of the DOE that raises serious security concerns under the Bond Amendment and Guidelines E, G, H and J. After considering all of 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 have found that the individual has brought forth sufficient evidence to resolve the security concerns associated with the Bond Amendment and Guidelines E, G, H and J. Accordingly, I have determined that the individual's access authorization should be restored. The parties may seek review of this Decision by an Appeal Panel under the regulations set forth at 10 C.F.R. § 710.28.

Wade M. Boswell
Administrative Judge
Office of Hearings and Appeals

Date: August 23, 2017