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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 8, 2019) Case No.: PSH-19-0018
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Issued: July 9, 2019

Administrative Judge Decision

Steven L. Fine, Administrative Judge:

This Decision concerns the eligibility of XXXXXX (hereinafter referred to as “the Individual”) for access authorization 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 and Special Nuclear Material.”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

On March 11, 2017, the Individual, a DOE security clearance holder, was arrested and charged with Driving Under the Influence (DUI). On May 7, 2017, the Individual completed a Questionnaire for National Security Positions (QNSP), on which he reported that he was previously charged with domestic battery. The Local Security Office (LSO) conducted a Personnel Security Interview (PSI) of the Individual on July 11, 2018. During this PSI, the Individual admitted that: during the four-year period preceding his DUI arrest, he had consumed alcohol to the point of intoxication approximately twice a month; he was currently consuming alcohol to the point of intoxication on a monthly basis; he had operated a motor vehicle while under the influence of alcohol on approximately six occasions in the year prior to his arrest for DUI; and he had engaged in a physical altercation with his spouse after consuming alcohol in 2011.

Because this derogatory information raised concerns about the Individual’s alcohol use and psychological state, the LSO asked the Individual to undergo a forensic psychological evaluation by a DOE Psychologist (the DOE Psychologist). On September 18, 2018, the Psychologist conducted a clinical interview of the Individual. Following the clinical interview, the DOE

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.

Psychologist issued a psychological assessment (Report) in which she concluded that the Individual met the diagnostic criteria for Alcohol Use Disorder, Mild, under the *Diagnostic and Statistical Manual of Mental Disorders – Fifth Edition (DSM-V)* and that the Individual habitually consumed alcohol to the point of impaired judgement.

The PSI, the Report, and the Individual's criminal arrest record raised substantial security concerns about the Individual. Accordingly, the LSO informed the Individual, in a notification letter dated March 20, 2019 (Notification Letter), that it possessed reliable information that created substantial doubt regarding the Individual's eligibility to hold a security clearance under "Guideline G, Alcohol Consumption" and "Guideline J, Criminal Conduct."

The Individual requested a hearing and the LSO forwarded the Individual's request to the Office of Hearings and Appeals (OHA). The Director of OHA appointed me as the Administrative Judge in this matter on April 9, 2019. At the hearing I convened pursuant to 10 C.F.R. § 710.25(d), (e) and (g), I took testimony from the Individual, his spouse, the Individual's expert witness (the Individual's Psychologist), and the DOE Psychologist. *See* Transcript of Hearing, Case No. PSH-19-0018 (hereinafter cited as "Tr."). The LSO submitted 11 exhibits, marked as Exhibits 1 through 11 (hereinafter cited as "Ex."). The Individual submitted 11 exhibits, identified as Exhibits A through K.

II. THE NOTIFICATION LETTER AND THE ASSOCIATED SECURITY CONCERNS

The LSO cited Guideline G (Alcohol Consumption) as one of the bases for denying the Individual a security clearance. Ex. 2.

Excessive alcohol consumption often leads to the exercise of questionable judgement or the failure to control impulses, and can raise questions about an individual's reliability and trustworthiness. Adjudicative Guidelines at ¶ 21. The Notification Letter listed as relevant facts: the DOE Psychologist determined that the Individual met the diagnostic criteria for Alcohol Use Disorder, Mild, under the *DSM-V* and that the Individual habitually consumed alcohol to the point of impaired judgement, the Individual was arrested and charged with DUI, the Individual admitted to operating a vehicle while intoxicated approximately six times in the year prior to his arrest for DUI, and the Individual admitted to drinking to intoxication at least once per month from 2008 to 2017. The Individual's alcohol-related incidents away from work, habitual consumption to the point of impaired judgement, and diagnosis of Alcohol Use Disorder, Mild, justify the LSO's invocation of Guideline G. Adjudicative Guidelines at ¶ 22(a), (c)–(d).

The LSO also cited Guideline J (Criminal Conduct) in denying the Individual a security clearance. DOE Ex. 2.

Criminal activity creates doubt about a person's judgement, reliability, and trustworthiness. By its very nature, it calls into question a person's ability or willingness to comply with laws, rules, and regulations. Adjudicative Guidelines at ¶ 30. The Notification Letter listed as relevant facts: the Individual admitted that he physically assaulted his spouse and was charged with domestic battery in 2011, the Individual was arrested and charged with DUI in 2017, and the Individual admitted to operating a vehicle while intoxicated approximately six times in the year prior to his arrest for DUI.

The official records of the Individual's arrests and the Individual's admission to having engaged in criminal conduct justify the LSO's invocation of Guideline J. Adjudicative Guidelines at ¶ 31(b).

III. REGULATORY STANDARDS

A DOE administrative review proceeding under Part 710 requires me, as the Administrative Judge, to issue a Decision that reflects my comprehensive, common-sense judgment, made after consideration of all of the relevant evidence, favorable and unfavorable, as to whether the granting or continuation of a person's access authorization will not endanger the common defense and security and is clearly consistent with the national interest. 10 C.F.R. § 710.7(a). The regulatory standard implies that there is a presumption against granting or restoring a security clearance. *See Department of Navy v. Egan*, 484 U.S. 518, 531 (1988) ("clearly consistent with the national interest" standard for granting security clearances indicates "that security determinations should err, if they must, on the side of denials"); *Dorfmont v. Brown*, 913 F.2d 1399, 1403 (9th Cir. 1990), cert. denied, 499 U.S. 905 (1991) (strong presumption against the issuance of a security clearance).

The individual must come forward at the hearing with evidence to convince the DOE that granting or restoring access authorization "will not endanger the common defense and security and will be clearly consistent with the national interest." 10 C.F.R. § 710.27(d). The individual is afforded a full opportunity to present evidence supporting his eligibility for an access authorization. The Part 710 regulations are drafted so as to permit the introduction of a very broad range of evidence at personnel security hearings. Even appropriate hearsay evidence may be admitted. 10 C.F.R. § 710.26(h). Hence, an individual is afforded the utmost latitude in the presentation of evidence to mitigate the security concerns at issue. Adjudicative Guidelines at ¶ 22(a), (c)–(d).

IV. FINDINGS OF FACT

On July 7, 2011, police arrested the Individual for domestic battery after an altercation with his wife. *See* Ex. 8 at 30 (disclosing the arrest on the QNSP and indicating that the charge for domestic battery was reduced to disturbing the peace pursuant to a plea agreement under which the Individual attended weekly counseling and served probation). During the PSI, the Individual reported that he pushed his spouse off of him after she climbed on top of him and started yelling at him. Ex. 6 at 21. He further claimed that her mouth was cut when his hand slipped into her mouth while he was pushing her away. Ex. 6 at 21. The Individual initially contended that there was no other physical contact during this altercation. Ex. 6 at 21. However, when the interviewer confronted the Individual with the Office of Personnel Management (OPM) investigation report, the Individual admitted that he had also held her down. Ex. 6 at 22-23. The Individual admitted that he had consumed a small amount of alcohol prior to this altercation. Ex. 6 at 16-17. The Individual successfully completed the domestic violence counseling required under his plea agreement, and his counselor described him as "an exemplary participant . . . [at] less risk of such behavior again [than] the average citizen" Ex. F.

On March 11, 2017, a police officer arrested the Individual for DUI after the Individual failed a field sobriety test during a traffic stop. Ex. 9 at 11. The Individual's blood alcohol content (BAC) tested at .124% and .111%. *Id.* According to the Individual, he had consumed "easily a six-pack of beer" over a three-hour period prior to this arrest. Ex. 6 at 47–52. The Individual asserted during the PSI that he "didn't feel like [he] was under the influence where [he] would be over the limit []" when he began operating his motor vehicle. *Id.* at 55.

During the PSI, the Individual estimated that he had driven while intoxicated on six occasions during the year before his DUI arrest. Ex. 6 at 100–01. The Individual reported that, in 2013, he started to reduce the volume and frequency of his drinking to two to six beers approximately four times each month, reaching intoxication approximately twice a month. *Id.* at 89–91. Since 2017, the Individual reported that he had further reduced the volume of alcohol that he consumed, and that he became intoxicated approximately once a month on average. *Id.* at 94.

On September 22, 2018, the DOE Psychologist issued the Report in which she concluded that the Individual met the diagnostic criteria for Alcohol Use Disorder, Mild, under the *DSM-V* and habitually consumed alcohol to the point of impaired judgement. Ex. 5 at 6. The DOE Psychologist’s Report indicated that the Individual reported no changes to his drinking habits since the date of the PSI, and cited the Individual’s admission to having frequently driven a vehicle after drinking and to having previously engaged in domestic violence as problematic behavior supporting her conclusions. *Id.* at 5. The DOE Psychologist recommended that the Individual demonstrate rehabilitation or reformation by participating in an out-patient alcohol treatment program, documenting attendance at a twelve-step or similar alcohol abuse recovery program, and that he “limit his episodes of intoxication to less than 4 times per year[] and demonstrate evidence of a commitment to completely refrain from driving after ANY [sic] alcohol consumption.” *Id.* at 6.

On April 3, 2019, the Individual met with a psychologist (Individual’s Psychologist) for a psychological evaluation. Ex. E at 1. The Individual’s Psychologist reviewed the summary of security concerns issued to the Individual by the LSO and records related to the Individual’s completion of court-ordered requirements related to his DUI,² administered the Minnesota Multiphasic Personality Inventory, Second Revision, Restructured Format (MMPI), and conducted a clinical interview of the Individual. *Id.* at 2–8. Based on the aforementioned sources of information, the Individual’s Psychologist concluded that the Individual did not suffer from Alcohol Use Disorder under the *DSM-V*. *Id.* at 8.

V. ANALYSIS

At the hearing, the DOE Psychologist testified that she found the Individual to be forthcoming during the psychological evaluation, but perceived that he was minimizing the consequences of his drinking. Tr. at 23. According to the DOE Psychologist, the Individual demonstrated this minimization by not acknowledging the impact his drinking and driving could have on others, not acknowledging that he had engaged in problematic alcohol consumption, and not accepting that he needed to change his drinking behavior. *Id.* at 61–64.

The DOE Psychologist testified that she determined that the Individual consumed alcohol habitually to the point of impaired judgement based on the frequency of his drinking, the quantity of alcohol that he consumed when he drank, and the frequency of his intoxication. *Id.* at 28. The DOE Psychologist testified that, based on her training by the contractor with which she was affiliated, she understood intoxication on a monthly basis to constitute habitual intoxication under Guideline G of the Adjudicative Guidelines. *Id.* at 55–57. The DOE Psychologist acknowledged that this definition was not a generally-accepted definition in the psychological community, and

² The Individual’s Psychologist did not review the transcript of the PSI.

that the standard for habitual intoxication was not enumerated in the Adjudicative Guidelines. *Id.* at 57–58.

With respect to her determination that the Individual met the diagnostic criteria for Alcohol Use Disorder, Mild, under the *DSM-V*, the DOE Psychologist explained that she had reached this diagnosis based on a subjective, whole-person approach, and that she placed considerable weight on the Individual’s admission to drinking and driving on numerous occasions. *Id.* at 71–72. The DOE Psychologist expressed her opinion that the Individual was not in remission because, under the *DSM-V*, a person must demonstrate the absence of any of the diagnostic criteria for at least three months and the Individual had experienced continuous social and occupational impairment as a result of his drinking since his DUI because of the loss of his clearance. *Id.* at 77–78.

The DOE Psychologist explained that she had recommended that the Individual pursue counseling with a substance abuse specialist because the Individual’s court-ordered counseling after his DUI was oriented towards providing him with emotional relief rather than treatment for substance abuse. *Id.* at 34.

The DOE Psychologist also expressed her disagreement with the report prepared by the Individual’s Psychologist. The DOE Psychologist testified that the report prepared by the Individual’s Psychologist indicated that the Individual had not made a habit of driving while intoxicated, did not mention the Individual’s counseling after the domestic battery, and reflected significantly lower levels of reported alcohol consumption by the Individual. *Id.* at 43–48; *Compare* Ex. 5 at 5 (reciting the Individual’s admission to driving under the influence during the PSI, indicating that the Individual reported no changes to his drinking since July 2018, and noting that the Individual had consumed alcohol on a weekday prior to the psychological evaluation with the DOE Psychologist) *with* Ex. E at 5 (noting that the Individual “has never been in the habit of driving while intoxicated,” that the Individual abstained from alcohol for two months after his DUI, and that “since he met his wife in 2001, he no longer drank on week nights and rarely consumed alcohol on weekends.”). Therefore, the DOE Psychologist reasoned that the Individual’s Psychologist had formed his opinion based on different information. Tr. at 48. The DOE Psychologist also disagreed with the assertion by the Individual’s Psychologist that the Individual’s MMPI score and professional characteristics as an engineer made him likely to over-report adverse use of alcohol, opining instead that individuals rarely over-report their alcohol use under these circumstances and that the sworn PSI is the best indicator of the Individual’s use of alcohol. *Id.* at 49–50.

The Individual’s Psychologist opined that the Individual had never met the criteria for Alcohol Use Disorder under the *DSM-V*, but that, if he had, the condition was in sustained remission because the Individual did not meet any of the diagnostic criteria in the prior twelve months. *Id.* at 115–17. The Individual’s Psychologist testified that drinking to intoxication, in of itself, is not a criterion for diagnosing Alcohol Use Disorder and that the Individual’s drinking must adversely affect his life for it to contribute to a diagnosis of Alcohol Use Disorder. *Id.* at 122, 129. The Individual’s Psychologist testified that, based on the Individual’s normal MMPI scores and his clinical experience that engineers tend to over-report problematic drinking behaviors to solve perceived problems, he believed the Individual’s statements to him during his clinical interview that the Individual had not consumed alcohol before operating a vehicle since the Individual’s DUI. *Id.* at 111–15, 136–37.

The Individual's Psychologist expressed that the DOE Psychologist's determination that monthly intoxication constituted habitual consumption of alcohol to the point of impaired judgement was not a definition with which he was familiar or that the psychological community generally accepted. *Id.* at 129. The Individual's Psychologist testified that he believed that the Individual's alcohol use was stable, and that the Individual had probably overestimated the frequency of his intoxication and the number of times that he operated a vehicle while intoxicated in the past based upon his MMPI score and the fact that he was an engineer. *Id.* at 128, 142–44. However, the Individual's Psychologist acknowledged that the Individual had reported lower levels of alcohol consumption to him and to the counselor he was ordered to see as a consequence of his DUI than he had reported during the PSI, but attributed the differences to "human nature" and opined that self-reporting of drinking was not "terribly reliable" as a general matter. *Id.* at 152–53, 161–62, 172. The Individual's Psychologist also agreed that the Individual's only recorded criminal conduct occurred after consuming alcohol and attributed this fact to alcohol's lowering of inhibitions. *Id.* at 166–67.

The Individual testified that his relationship with his wife has changed significantly since 2011, and that the domestic violence counseling helped him to resolve differences with his wife constructively without arguing or using force. *Id.* at 184, 201–02. The Individual asserted that alcohol may have had an impact on his wife's behavior on the night which led to the domestic battery charges, but that he had consumed less than one beer that evening. *Id.* at 239–40.

The Individual testified that he has not operated a motor vehicle after drinking alcohol since the day he was arrested for DUI in 2017. *Id.* at 256. The Individual also testified that he does not believe that he had a problem with alcohol, and therefore did not stop using alcohol after he was arrested for DUI. *Id.* at 224, 265. The Individual explained that he did not comply with the recommendations in the DOE Psychologist's Report because he did not receive the Report until approximately six months after the DOE Psychologist prepared it and he thought that if he started at that point that it would appear as if he was only following the recommendations to try to save his job. *Id.* at 220, 267.

The Individual did not dispute the information set forth in the Notification Letter with respect to the events leading up to his arrest for DUI, and testified that he tended to endorse the quantification of his alcohol consumption that he provided during the PSI but thought that the language he used concerning the frequency of his intoxication was misleading. *Id.* at 249, 260–61. According to the Individual, his consumption of alcohol has declined since the PSI and is driven by the activities in which the Individual is engaged. *Id.* at 246, 262. As an example, the Individual opined that he might drink six twelve-ounce craft beers in a day when he is camping and not intending to drive, but that he would usually only have one beer per occasion when at home. *Id.* at 266.

The Individual's wife testified that the domestic violence counseling was of significant benefit to the Individual and that their marriage has substantially improved since 2011. *Id.* at 281–83. The Individual's wife testified that the Individual is a social drinker who she only observes consume alcohol on weekends. *Id.* at 284. She also testified that she has not observed the Individual operate a vehicle after consuming alcohol since the day he was arrested for DUI. *Id.* at 285–86.

After observing the entire hearing, the DOE Psychologist was recalled to provide additional testimony. She testified that her diagnosis of the Individual was unchanged, and that the only change she would make to her recommendations would be to reduce the period for which the

Individual should obtain counseling for substance abuse from twelve months to six months. *Id.* at 291–92. The DOE Psychologist explained that the Individual had apparently met her recommendations with respect to reducing the frequency of his intoxication and not driving while intoxicated, but has not pursued treatment for substance abuse. *Id.* at 294. The DOE Psychologist opined that, without treatment, the Individual has a moderate risk of returning to problematic drinking. *Id.* at 294–95.

The Individual did not contest the allegations concerning his alcohol-related incidents away from work, but argued through his counsel that he was misdiagnosed with Alcohol Use Disorder, Mild, by the DOE Psychologist and that he does not habitually consume alcohol to the point of impaired judgement. I found the testimony of the Individual’s Psychologist that the Individual either never met the diagnostic criteria for Alcohol Use Disorder, or was in full remission, more compelling than the DOE Psychologist’s testimony that the Individual was not in full remission based on her belief that the suspension of the Individual’s clearance constituted an ongoing occupational impairment related to alcohol consumption. The Individual’s Psychologist’s testimony better comported with the plain language of the *DSM-V* diagnostic criteria, which concern an individual’s “problematic pattern of alcohol use . . . within a 12-month period,” than the DOE Psychologist’s interpretation which looks for the effects of alcohol use regardless of when the problematic alcohol consumption actually occurred. *See* Ex. 5 at 8 (reciting the diagnostic criteria for Alcohol Use Disorder). Moreover, the DOE Psychologist’s interpretation would lead to untenable results; no person whose clearance was suspended could ever enter full remission, no matter what steps they had taken, until after the conclusion of the adjudicative process if the status of the person’s clearance alone constituted an occupational impairment. Therefore, I conclude that the security concerns related to the DOE Psychologist’s diagnosis of the Individual with Alcohol Use Disorder are resolved.

However, I do not accept the Individual’s argument that the LSO improperly asserted that he habitually consumed alcohol to the point of impaired judgement. The Individual’s arguments to the effect that there is no generally-accepted medical definition of consuming alcohol habitually to the point of impaired judgement are irrelevant,³ because the standard is a legal one that an Administrative Judge is to apply “regardless of whether the individual is diagnosed with alcohol use disorder.” Adjudicative Guidelines at ¶ 22(b). OHA Administrative Judges have held on numerous occasions that monthly consumption of alcohol to the point of intoxication constitutes habitual consumption of alcohol to the point of impaired judgement. *See Personnel Security Hearing*, PSH-19-0009 (2019); *see also Personnel Security Hearing*, PSH-17-0041 (2017); *Personnel Security Hearing*, PSH-13-0112 (2014).

Having determined that security concerns under Guideline G related to the Individual’s habitual consumption of alcohol to the point of impaired judgement and alcohol-related incidents away from work persist, I turn to the four conditions that can mitigate security concerns associated with alcohol consumption under Guideline G. Adjudicative Guidelines at ¶ 23(a)–(d). Three of these conditions

³ While the medical profession has not adopted the phrase “habitually consumed alcohol to the point of impaired judgement,” there is support in the medical and scientific community for the proposition that monthly intoxication is evidence of problematic drinking. The Substance Abuse and Mental Health Services Administration (SAMHSA), a branch of the U.S. Department of Health and Human Services, defines a binge drinker as someone who has consumed 5 or more alcoholic drinks (for males) or 4 or more alcoholic drinks (for females) on the same occasion on at least 1 day in the past month. <https://www.niaaa.nih.gov/alcohol-health/overview-alcohol-consumption/moderate-binge-drinking>.

are obviously inapplicable in this case, because they are contingent upon an individual pursuing treatment for problematic alcohol consumption. *Id.* at ¶ 23(b)–(d). The Individual clearly testified during the hearing that he does not believe that he has an alcohol problem and that he consciously chose not to follow the treatment recommendations of the DOE Psychologist. Accordingly, the Individual has not met these three mitigating conditions.

An individual may also mitigate security concerns under Guideline G by showing 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 judgment.” Adjudicative Guidelines at ¶ 23(a). In this case, I cannot find this mitigating factor applicable because I do not know how much time has passed since the Individual ceased engaging in the problematic behavior, if at all. The Individual reported lower levels of alcohol consumption and fewer instances of driving a vehicle while intoxicated to his court-ordered counselor and to the Individual’s Psychologist than he did during the PSI and to the DOE Psychologist. The only other information concerning the Individual’s current drinking habits came from his wife, who has an obvious financial interest in the Individual’s ability to restore his security clearance and maintain his job. By way of example of the unreliability of this testimony, the Individual’s wife initially reported that the Individual consumes “a beer or two occasionally” until prompted by the Individual’s counsel to recall the Individual’s higher levels of alcohol consumption while camping. Tr. at 287–88. In the absence of medical test results concerning the Individual’s alcohol consumption, or the testimony of witnesses who do not have a direct pecuniary interest in the Individual retaining his clearance, I cannot confidently conclude that the Individual no longer habitually consumes alcohol to the point of impaired judgement or engages in risky behavior after consuming alcohol. Therefore, I must resolve my doubts in favor of national security, and conclude that the Individual has not met his heavy burden under the Part 710 regulations.⁴

I also find that the Individual has not fully mitigated the security concerns related to his criminal conduct under Guideline J. The Individual asserted during the hearing that his DUI was the product of a one-time mistake, and that he has not engaged in drinking and driving since his arrest. The Individual also partially mitigated the security concerns related to his criminal conduct by satisfying the terms of his probation and demonstrating a good employment record. Adjudicative Guidelines at ¶ 32(d). However, until the Individual demonstrates that he has resolved his problematic alcohol consumption, I am not convinced that his driving while intoxicated will not recur. *See id.* at ¶ 32(a).⁵ The Individual failed to recognize his intoxication on the day of his DUI, and, although he asserted during the hearing that he may have over-reported the instances in which he operated a vehicle while intoxicated, the Individual’s inability to recognize his intoxication on the date of the DUI and admission to routinely operating a vehicle after consuming at least some alcohol prior to his DUI suggest that he may have operated a vehicle while intoxicated on several occasions. As described above, I do not find the Individual’s self-reporting of his behavior reliable, and until the Individual demonstrates objectively that he has ceased habitually consuming alcohol

⁴ In a post-hearing submission, the Individual offered to participate in counseling if DOE were to grant him conditional eligibility for a security clearance under Appendix C of the Adjudicative Guidelines. Ex. K. Because of my doubts concerning the Individual’s current levels of drinking, I do not believe that this step alone would adequately mitigate the security concerns.

⁵ The other two mitigating conditions under Guideline J, relating to coercion of a person into committing crime and absence of evidence that the individual committed the alleged crime, are not applicable in this case. Adjudicative Guidelines at ¶ 32(b)–(c).

to the point of impaired judgement or developed greater insight into the riskiness of his prior behavior, I am not convinced that he will not engage in criminal behavior while intoxicated in the future.

VI. CONCLUSION

In the above analysis, I found that there was sufficient derogatory information in the possession of DOE that raised security concerns under Guidelines G and J of the Adjudicatory Guidelines. After considering all of the relevant information, favorable and unfavorable, in a comprehensive, common-sense manner, including weighing all of the testimony and other evidence presented at the hearing, I find that the Individual has not brought forth sufficient evidence to resolve the security concerns set forth in the Notification Letter. Accordingly, I have determined that the Individual's access authorization should not be restored. Either party may seek review of this Decision by an Appeal Panel pursuant to 10 C.F.R. § 710.28.

Steven L. Fine
Administrative Judge
Office of Hearings and Appeals