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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: March 18, 2020 ) Case No.: PSH-20-0053  
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Issued: August 4, 2020

**Administrative Judge Decision**

Steven L. Fine, Administrative Judge:

This Decision concerns the eligibility of XXXXX (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.”<sup>1</sup> 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 should not be granted access authorization.

**I. BACKGROUND**

On June 7, 2016, the Individual signed and submitted a Questionnaire for National Security Positions (QNSP) certifying that all of the information he provided therein was true, complete, and correct to the best of his knowledge and belief. Exhibit (Ex.) 9 at 1. Under the section of the QNSP concerning psychological and emotional health, the Individual disclosed that he had consulted with a psychiatrist since 2012 but denied that he had ever received inpatient treatment or been hospitalized for an emotional or psychological condition. *Id.* at 17–18. Regarding his police record, the Individual disclosed that he pleaded guilty to Driving Under the Influence of Alcohol (DUI) in 2011 and 2014, yet denied that he had been arrested for any other offenses. *Id.* at 18–20. In response to questions on the QNSP concerning his financial history, the Individual denied that he had ever been delinquent on a routine financial account. *Id.* at 23.

The Office of Personnel Management (OPM) conducted a background investigation of the Individual. During an interview with an OPM investigator (the Investigator), the Individual admitted that he had been hospitalized for treatment of Schizophrenia in 2011, failed to disclose on the QNSP two citations for Minor in Possession of Alcohol (MIP), and had three delinquent

<sup>1</sup> 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.

financial accounts. Ex. 10 at 71–79.<sup>2</sup> The Individual was subsequently evaluated by a DOE-contracted psychologist (Psychologist). During his clinical interview with the Psychologist, the Individual admitted intentionally omitting information from the QNSP that would reflect poorly on him. Ex. 11 at 6.

The LSO informed the Individual, in a notification letter dated February 25, 2020, that it possessed reliable information that created substantial doubt regarding his eligibility to hold a security clearance. Ex. 3 at 1. In a summary of security concerns (SSC) attached to the notification letter, the LSO explained that the derogatory information raised security concerns under “Guideline E, Personal Conduct” and “Guideline J, Criminal Conduct” of the Adjudicative Guidelines. *Id.* at 4–9.

The Individual requested a hearing and the LSO forwarded the Individual’s request to the Office of Hearings and Appeals (OHA). Ex. 4. The Director of OHA appointed me as the Administrative Judge in this matter. At the hearing that I convened pursuant to 10 C.F.R. § 710.25(d), (e), and (g), I took testimony from six witnesses: the Psychologist, the Individual’s mother, two of the Individual’s supervisors, a friend the Individual met through the Alcoholics Anonymous (AA) program, and the Individual. *See* Transcript of Hearing, Case No. PSH-20-0053 (hereinafter cited as “Tr.”).<sup>3</sup> The LSO submitted eleven exhibits, marked as Exhibits 1 through 11. The Individual submitted twenty-three exhibits marked as Exhibits A through W.

## **II. THE NOTIFICATION LETTER AND THE ASSOCIATED SECURITY CONCERNS**

The LSO cited Guideline E (Personal Conduct) as the first basis for denying the Individual a security clearance. Ex. 3 at 4–8.

“Conduct involving questionable judgement, lack of candor, or unwillingness to comply with rules and regulations can raise questions about an individual’s reliability, trustworthiness, and ability to protect classified or sensitive information. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes.” Adjudicative Guidelines at ¶ 15. The SSC cited the Individual’s failure to disclose his two citations for MIP, hospitalization and treatment for schizophrenia, and financial delinquencies on the QNSP, as well as his contradictory explanations for the discrepancies in his interviews with the Investigator and Psychologist. Ex. 3 at 4–8. The LSO’s allegations that the Individual deliberately omitted relevant facts from the QNSP and provided false or misleading information in the interview with the Investigator justify the LSO’s invocation of Guideline E. Adjudicative Guidelines at ¶ 16(a)–(b).

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<sup>2</sup> The LSO stipulated that the Individual’s financial delinquencies, Alcohol Use Disorder, and psychological conditions did not raise security concerns under the Adjudicative Guidelines. Transcript at 7–8. Therefore, I will not address these issues in my Decision.

<sup>3</sup> Each page of the transcript includes a page number in the upper right corner. However, due to the inclusion of an unnumbered cover page, the page numbered “1” is the second page of the transcript. This decision refers to the page number indicated on the upper right corner of the cited pages when citing to the transcript.

The LSO cited Guideline J (Criminal Conduct) as the other basis for denying the Individual a security clearance. Ex. 3 at 9.

“Criminal activity creates doubt about a person’s judgment, 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 ¶ 18. The SSC cited as relevant facts the Individual’s two DUI arrests and his two citations for MIP. Ex. 3 at 9. The Individual’s history of four arrests justifies the LSO’s invocation of Guideline J in the SSC. 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 June 7, 2016, the Individual signed and submitted the QNSP to the LSO, certifying that all of the information he provided therein was true, complete, and correct to the best of his knowledge and belief. Ex. 9 at 1. In response to a question on the QNSP concerning whether he had received treatment for a mental health condition in the prior seven years, the Individual responded “yes” and identified two medical professionals who had provided him with counseling services. *Id.* at 17–18. In response to a question concerning whether he had ever received inpatient treatment for a mental health condition, the Individual answered “no.” *Id.* at 18. Regarding his criminal history, the Individual disclosed that he had been arrested and charged with DUI in 2011 and 2014. *Id.* at 18–20. In response to a question on the QNSP concerning whether he had ever become delinquent on routine financial accounts, the Individual responded “no.” *Id.* at 22–23.

OPM obtained a credit report for the Individual dated June 23, 2016. Ex. 10 at 154. The credit report showed that the Individual was meeting his financial obligations, and was not delinquent on any routine accounts. *Id.* at 153–66. On July 22, 2016, OPM also conducted a search of court records which revealed that the Individual had been arrested for MIP. *Id.* at 137–38.

On January 23, 2017, the Investigator conducted an interview of the Individual under oath. *Id.* at 67. During the interview, the Individual volunteered that he was hospitalized for treatment of schizophrenia in 2011. *Id.* at 71. When the Investigator asked why he had omitted this information from the QNSP, the Individual responded that the omission was unintentional and that he “must have spaced on it.” *Id.* at 71–72. The Individual further claimed that his omissions of his two MIP citations from the QNSP were oversights. *Id.* at 75–76. The Individual also disclosed that he forgot to pay his water bill in 2015 or 2016, and had omitted this delinquency from his QNSP because he had paid the bill and did not consider it a financial delinquency. *Id.* at 79.

The Investigator conducted a follow-up interview with the Individual under oath on February 6, 2018. *Id.* During the follow-up interview, the Individual disclosed that he had become delinquent on three medical bills, and that collection agencies had contacted him regarding the delinquent debts approximately three months prior to the follow-up interview. *Id.* at 80–81. The Individual also disclosed that one of his creditors had closed a credit card account of his in January 2018, after he failed to make the minimum payment. *Id.* at 81. The Individual expressed his intention to pay all of these outstanding debts. *Id.*

In light of the Individual’s mental health treatment history, the LSO requested that the Individual be evaluated by the Psychologist. The Psychologist conducted a clinical interview of the Individual on January 28, 2019. Ex. 11 at 2. During the clinical interview, the Individual admitted that he feared that fully disclosing his mental health treatment history and alcohol-related offenses in his QNSP would “reflect poorly on him, jeopardize his chances for getting a clearance, and could result in [him] losing his job.” *Id.* at 6. The Individual further admitted that he looked for “technicalities in the wording of the questions” to justify the omissions from his QNSP. *Id.* The Individual explained to the Psychologist that he was partially motivated to omit this derogatory information because he was struggling to accept his mental health issues and alcoholism. *Id.* He further claimed that he had later come to understand through participating in AA that he was deceiving himself. *Id.*

In addition to the clinical interview, the Psychologist administered three psychological tests to the Individual: the Minnesota Multiphasic Personality Inventory-2 (MMPI-2), Substance Abuse Subtle Screening Inventory-4 (SASSI-4), and Paulhus Deception Scale (PDS). *Id.* at 10–11. The Psychologist inferred from the results of the psychological tests that the Individual answered questions in a “straightforward and non-defensive” manner. *Id.* at 11. The Psychologist opined that she found the Individual credible and devoid of “abiding traits or personality disorder[s] that would impugn judgment, reliability[,] or credibility.” *Id.* at 14.

Following the clinical interview, the Psychologist issued a report in which she concluded that, although the Individual met the diagnostic criteria for Schizophrenia, Alcohol Use Disorder, Moderate (AUD), and Unspecified Anxiety Disorder under the *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5)*, the Individual was properly managing the conditions with a combination of medication, behavioral changes, and treatment. *Id.* at 15–16. Therefore, the Psychologist concluded that the conditions did not adversely affect his judgment or reliability. *Id.*

## The Hearing

The Psychologist testified that her opinion as to the credibility of the Individual was unchanged after reviewing the exhibits offered by the Individual. Tr. at 14–15. The Psychologist testified that she believed that the Individual was “naïve” as to the importance of honesty in the security investigative process when he completed the QNSP, but that he had demonstrated openness and honesty in his clinical interview with her. *Id.* at 15–16. The Psychologist also testified that she believed that the Individual had come to accept his mental health conditions. *Id.* at 16.

The Psychologist noted that she had administered the MMPI-2, SASSI-4, and PDS to the Individual, and that he had produced valid test results which tended to show that he was forthcoming and non-defensive in response to questions posed. *Id.* at 18–19, 21–25, 47–48. The Individual’s results on the psychological tests, in conjunction with the Psychologist’s subjective clinical judgment, led the Psychologist to conclude that the Individual would fully disclose derogatory information in the future. *Id.* at 29–30, 53. The Psychologist explained that she believed that the Individual “had learned about himself” since he omitted derogatory information from the QNSP, and that his openness and admissions of wrongdoing in the clinical interview led her to conclude that the Individual had shown “sign[s] of growth . . . [and] capacity to change.” *Id.* at 31. Thus, the Psychologist expressed the opinion that the Individual demonstrated “honesty and stable judgment and reliability.” *Id.* at 32. The Psychologist also opined that the Individual was in sustained remission from AUD, and that he was unlikely to engage in criminal conduct related to alcohol consumption in the future in light of his successful abstinence from alcohol and his success in treatment over a period of several years. *Id.* at 37.

The Individual’s mother testified to the Individual’s character. *Id.* at 59; *see also* Ex. V (stating that the Individual acts ethically and with integrity). She also testified that the Individual’s schizophrenia had responded well to treatment and that he had not experienced any schizophrenic episodes since 2011. Tr. at 67. The Individual’s mother further testified that the severity of the Individual’s schizophrenic episode in 2011 had led him to immediately understand that he needed to take action to control the disorder, whereas the Individual’s acceptance of his AUD was more gradual. *Id.* at 71.

A former supervisor of the Individual testified that he was a proactive, reliable, and truthful employee. *Id.* at 81–83, 88–89; *see also* Ex. K (stating that the Individual demonstrates professionalism and excellent work ethic). The Individual’s current supervisor testified that the Individual’s quality of work was exceptionally high, and that he was very reliable. Tr. at 94–95. The Individual’s supervisor testified that he was aware of the Individual’s participation in AA, but was not aware whether or not the Individual had been diagnosed with a psychological condition. *Id.* at 96. Both supervisors testified that the Individual took direction well, and that they believed that the Individual would change any adverse behavior if instructed to do so. *Id.* at 87, 97.

A friend of the Individual who met him through the AA program testified that honesty with oneself and others is a critical part of the AA recovery program. *Id.* at 102, 104–05; *see also* Ex. F (describing the Individual’s commitment to the AA program and the friend’s observations of the Individual’s reliability and good judgment). The friend reported that he and the Individual speak almost daily, and that the Individual had told him that the hearing concerned his omissions on the QNSP. Tr. at 106. The friend described how, in 2015, the Individual had relapsed and consumed

alcohol. *Id.* at 111, 115. According to the friend, the Individual demonstrated honesty by admitting his relapse to his AA group and acknowledging that he had made a mistake. *Id.* at 111.

The Individual initially testified that the omission of his citations for MIP from the QNSP “may have been [because of] some confusion[] on the headings as you go down through the QNSP as to whether it was seven years or forever, but I should have erred on the side of [] conservatively disclosing everything,” but then testified that he had not erred on the side of full disclosure because of “fear” and confirmed that he had looked for “technicalities” to avoid fully disclosing derogatory information. *Id.* at 119–21. The Individual indicated that he was not experiencing any symptoms of Schizophrenia or AUD at the time that he completed the QNSP. *Id.* at 151–52.

The Individual testified that he did not recall receiving inpatient treatment at the time that he completed the QNSP. *Id.* at 136. However, the Individual further testified that he was “not in a good head space” at the time that he completed the QNSP, and had not fully accepted his mental health diagnosis. *Id.* at 122. The Individual also testified that “my acceptance of my schizophrenia actually let me accept my alcoholism quicker because I’d already been through that whole process.” *Id.* at 124. Later, the Individual testified that he had not approached the QNSP with the appropriate level of seriousness and that he “should have been much more – very much more diligent.” *Id.* at 125. Going forward, the Individual expressed the intention “to be thorough and . . . fact-check [him]self” before submitting any governmental forms. *Id.* at 126.

The Individual testified that he had volunteered information concerning his citations for MIP to the Investigator, but could not remember whether it was before or after being confronted with the information by the Investigator. *Id.* at 131. The Individual noted that he had volunteered derogatory information concerning his financial position to the Investigator. *Id.* at 154. The Individual testified that he spoke with his AA sponsor after the interview with the Investigator, that his sponsor advised him to be honest during the security investigative process, and that this advice helped him to be forthcoming during the clinical interview with the Psychologist. *Id.* at 129–30.

The Individual testified that he last consumed alcohol when he relapsed on July 4, 2015, and that he had admitted his relapse to his AA group and remained sober since that date. *Id.* at 121. The Individual testified that he had developed positive personal relationships through the AA program, and that the AA program helped to hold him accountable to sobriety and honesty. *Id.* at 142; *see also* Exs. G–I (indicating that the Individual was a leader in the AA program, and that he demonstrated reliability and good judgment through his participation). The Individual also testified that he had completed extensive job training and had complied with all the requirements of his probation in connection with his criminal offenses. *Id.* at 147; *see also* Ex. T (reflecting the Individual’s job training).

## V. ANALYSIS

### A. Guideline E (Personal Conduct)

Three mitigating conditions under Guideline E are potentially applicable in the present case.<sup>4</sup> First, an individual may mitigate security concerns under Guideline E if “the individual made prompt,

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<sup>4</sup> A mitigating condition concerning omission or concealment on the advice of counsel is inapplicable because the Individual did not allege that his counsel advised him how to respond to any inquiries during the security investigative

good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts.” Adjudicative Guidelines at ¶ 17(a). An individual may also mitigate security concerns under Guideline E if “the offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual’s reliability, trustworthiness, or good judgment.” *Id.* at ¶ 17(c). In addition, an individual may mitigate security concerns under Guideline E if “the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that contributed to untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur.” *Id.* at ¶ 17(d).

I find that the Individual has mitigated the security concerns related to his alleged failure to disclose financial delinquencies. The credit report for the Individual obtained by OPM did not reveal any financial delinquencies. *Supra* p. 4. But for the Individual volunteering the delinquencies to the Investigator, it is unlikely that OPM or the LSO would have discovered them. Moreover, the Individual incurred his medical debts and had his credit card cancelled by the issuer over one year after he completed the QNSP, and had disclosed these delinquencies within three months of being contacted by his creditors. *Id.* I find the Individual’s disclosure of his financial delinquencies to have been prompt and in good faith, and therefore conclude that the Individual has mitigated the security concerns related to disclosure of his financial delinquencies asserted by the LSO in section I.C of the SSC. Adjudicative Guidelines at ¶ 17(a).

However, the Individual has not mitigated the security concerns related to his omission of his inpatient treatment for schizophrenia or citations for MIP from the QNSP, or the false justifications for these omissions that he provided to the Investigator. While the Individual volunteered some information to the Investigator, the Individual initially stated that his omissions were oversights; however, he later admitted to the Psychologist that he had intentionally omitted derogatory information because of his concern that disclosure of this information would prevent him from obtaining a security clearance. *Supra* p. 4. To the extent that the Individual came forward with information to the Investigator before being confronted with the evidence of his omissions, I find that the disclosures were not made in good faith, since the Individual provided false justifications for these omissions to the Investigator. The Individual did not acknowledge that he intentionally omitted derogatory information from the QNSP until his meeting with the Psychologist in 2018; over 18 months after he submitted the QNSP, even though he had the opportunity to fully disclose this information during two interviews with the Investigator. *Id.* Therefore, I find that the first mitigating condition under Guideline E is inapplicable. Adjudicative Guidelines at ¶ 17(a).

During the hearing, the Individual contended that his omissions were partly attributable to his lack of acceptance of his mental health diagnoses, and that his participation in counseling and AA had stimulated personal growth which would cause him to act truthfully in the future. However, during his hearing testimony, the Individual attributed his omissions on the QNSP to a variety of causes, including confusion over the instructions, fear of disclosing the truth, a lack of acceptance of his

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process. Adjudicative Guidelines at ¶ 17(b). Another mitigating condition concerning allegations based on unsubstantiated information is not applicable as the Individual has acknowledged the omissions alleged by the LSO. *Id.* at ¶ 17(f). The other two mitigating conditions under Guideline E, concerning reducing vulnerability to exploitation, manipulation, or duress, and disassociating from persons engaged in criminal activity, are not applicable to the facts of this case. *Id.* at ¶ 17(e), (g).

mental health diagnoses, forgetfulness, and a lack of diligence. *Supra* p. 6. At one point, the Individual testified with respect to his omission of his inpatient mental health treatment from the QNSP, that “[w]hen I initially filled out the QNSP, I don’t think I recalled that I was [an] inpatient.” Tr. at 136. This testimony stands in stark contrast to the Individual’s admissions to the Psychologist that he intentionally omitted the information to better his chances of obtaining a security clearance. Ex. 11 at 13. The Individual’s equivocating testimony significantly undercuts his assertions that he will not omit or misrepresent information to present himself in the best light.

The Record indicates that the Individual’s treatment and life experiences, which he claims produced a change in his acceptance of his psychological conditions and commitment to honesty, actually occurred prior to his omissions from the QNSP and his contradictory explanations for these discrepancies in his interviews with the Investigator and Psychologist. The Individual’s friend testified that the AA program helped the Individual to honestly admit to relapsing in 2015. *Supra* p. 6. The Individual and his mother testified that acknowledging his schizophrenia had helped the Individual to later come to terms with his alcoholism. *Id.* The Individual’s treatment providers indicated that his AUD and schizophrenia have been under control since 2015 and that they perceived no defects in the Individual’s judgment or reliability. Ex. C; Ex. 11 at 14 (noting that the Individual’s treatment providers found no defects in the Individual’s judgment or reliability in 2017). This evidence suggests that the Individual’s treatment and support system were having a positive effect on him prior to his omissions on the QNSP in 2016 and misleading statements to the Investigator in 2017, and that he nevertheless engaged in deceptive conduct because he perceived that it was to his advantage.

More importantly, while the Individual was forthcoming to the Psychologist during the clinical interview, he returned to equivocating about the reasons for his deceptions during his hearing testimony. In light of the Individual’s inconsistent hearing testimony, I am not convinced that whatever counseling or personal growth the Individual has experienced since 2017 has made the recurrence of deceptive behavior sufficiently less likely than before the Individual’s counseling and AA participation. Therefore, I find the other two potentially mitigating conditions under Guideline E to be inapplicable. Adjudicative Guidelines at ¶ 17(b), (d).

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

### **B. Guideline J (Criminal Conduct)**

Two mitigating conditions for the security concerns raised under Guideline J are potentially applicable in this case. First, an individual may mitigate security concerns related to criminal conduct if “so much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual’s reliability, trustworthiness, or good judgment.” *Id.* at ¶ 32(a). Additionally, an individual may show “evidence of successful rehabilitation; including, but not limited to, the passage of time without recurrence of criminal activity, restitution, compliance with the terms of parole or probation, job training or higher education, good employment record, or constructive community involvement.” *Id.* at ¶ 32(d).



The Psychologist found that the Individual's AUD was in sustained remission, and that he had been "credibly sober" for three and a half years.<sup>5</sup> Ex. 11 at 12–13. Since each of the Individual's four arrests are clearly symptomatic of his AUD, I find that the Psychologist's conclusions are "evidence of successful rehabilitation," and therefore provide mitigation of the security concerns raised under Guideline J. I further find that, because the root cause of the Individual's criminal conduct has been successfully addressed, his criminal activity is "unlikely to recur and does not cast doubt on [his] reliability, trustworthiness, or good judgment." Adjudicative Guidelines at ¶ 32(a). Moreover, approximately six years have passed without the Individual committing an alcohol-related offense, and during that time the Individual has demonstrated a "good employment record." *Id.* at ¶ 32(d).

Therefore, I find that the Individual has resolved the security concerns asserted by the LSO under Guideline J.

## VI. CONCLUSION

In the above analysis, I found that there was sufficient derogatory information in the possession of DOE to raise significant security concerns under Guidelines E and J of the Adjudicative 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 resolved the security concerns asserted by the LSO under Guideline J but has not resolved the security concerns asserted by the LSO under Guideline E. Accordingly, I have determined that the Individual should not be granted access authorization. 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

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<sup>5</sup> Accordingly, the LSO stipulated that his AUD did not presently raise security concerns. *Supra* n. 2.