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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 21, 2022) Case No.: PSH-22-0078
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Issued: September 9, 2022

Administrative Judge Decision

Matthew Rotman, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXXX (the Individual) to hold an access authorization under the United States Department of Energy's (DOE) regulations, set forth at 10 C.F.R. Part 710, "Procedures for Determining Eligibility for Access to Classified Matter and Special Nuclear Material."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 be restored.

I. BACKGROUND

The Individual is employed by a DOE contractor in a position that requires him to hold a security clearance. On September 5, 2021, the Individual was arrested and charged with Driving While Intoxicated (DWI). Exhibit (Ex.) 7. On receiving notification of this incident, the local security office (LSO) issued the Individual a letter of interrogatory (LOI) asking about the circumstances of the arrest and the Individual's use of alcohol. In his December 2, 2021, response to the LOI, the Individual gave the following account of the arrest: The arrest occurred when he was at his lake house for the weekend and drank eight Bud lights and one 32-ounce Milwaukee Ice over the course of approximately six hours. Ex. 8 at 1.² Thereafter, he received a call from his daughter that the golf cart had stopped operating, and he decided to walk up the street to see what happened. *Id.* "While pushing / driving [the golfcart] back to the house," the Individual was stopped by a state

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.

² The internal pagination of exhibits offered by the LSO and the Individual does not always correspond to the number of pages included in the individual exhibits. This Decision cites to pages in the order in which they appear in exhibits without regard for their internal pagination.

trooper. *Id.* The Individual underwent a field sobriety test but refused to take a breathalyzer test, and thereafter he was arrested. *Id.*

Subsequent to this incident, the Individual reported in response to the LOI, he was evaluated by a substance abuse counselor (Counselor) and entered into an intensive outpatient program (IOP) at the Counselor's office beginning on November 22, 2021. *Id.* at 3. The Individual stated that the IOP met four nights a week, three hours a night, over the course of eight weeks. *Id.* at 6. According to the Individual, prior to the DWI incident, he had a habit of consuming one beer a night with dinner and "occasionally" more on the weekends, but always "adher[ing] to the one beer and [sic] hour rule." *Id.* at 4. Since the September 5, 2021, arrest, he reported, he had not consumed any alcohol. *Id.* He acknowledged that he felt "embarrassed" about the incident. *Id.* "I plan to do everything necessary to make this right," he stated, "because my family and job are the most important thing [sic] in my life." *Id.*

A DOE-contracted psychologist (Psychologist) conducted a two-hour clinical interview of the Individual on January 18, 2022, and prepared a Psychological Assessment (Report) documenting his findings and conclusions.³ Ex. 9. The Report first summarized the Individual's account of the events that occurred on September 5, 2021, which was largely consistent with the account the Individual had provided in response to the LOI. *Id.* at 3-4. Similarly, the Individual's account of his drinking habits was consistent with what he stated in response to the LOI, including confirming that he had not consumed any alcohol since his arrest. *Id.* at 4-6. According to the Psychologist, however, when questioned about how much and how often he drank to intoxication in the years prior to his arrest, the Individual was "somewhat defensive" and provided "evasive answers." *Id.* at 5, 8.

The Individual produced to the Psychologist a certificate indicating he completed the eight-week IOP on January 17, 2022, and he stated that he planned to attend two aftercare meetings per week going forward. *Id.* at 6; *see also* Ex. A. The Individual also produced the results of three PEth tests⁴ he had taken in October, November, and December 2021. Ex. 9 at 8; *see also* Ex. D.7, D.8, D.9. According to the laboratory results, the blood sample he gave each month was tested twice—once for the presence of POPEth and once for the presence of PLPEth.⁵ Ex. D.7, D.8, D.9. All of the

³ In addition to the information obtained from the clinical interview, the Psychologist based his Report on his review of the Individual's Personnel Security File, a conversation with the Individual's Counselor, and the results of psychological testing—specifically the Minnesota Multiphasic Personality Inventory-Second Edition (MMPI-2), which the Psychologist administered to the Individual at the time of his interview. Ex. 8 at 3, 7-8.

⁴ A Phosphatidylethanol (PEth) Test, according to the Psychologist, is a laboratory test where a negative result indicates that the Individual's "blood alcohol, at the time of testing, fell below 20 ng/mL, and is considered to be evidence of minimal or no ethanol consumption in [the prior three] weeks." Ex. 8 at 8. According to the laboratory results produced by the Individual, PEth has "a window of detection of 2-4 weeks. However, the window of detection is longer in individuals who chronically or excessively consume alcohol." *See, e.g.*, Ex. D.7.

⁵ According to the laboratory results, POPEth and PLPEth are considered to be the predominant PEth homologues, accounting for 37-46% and 26-28% of the total PEth homologues respectively. *See, e.g.*, Ex. D.7.

results were negative, with the exception of the October PLPEth test result, which was 24 ng/mL.⁶ A PEth test administered to the Individual the same day as the clinical interview yielded a negative result. *Id.* The Psychologist concluded as follows:

[The Individual] is prone to drinking in binge fashion and is probably a rather habitual drinker as well even though there is not confirmation of that suspicion. On the positive side, he has taken considerable and appropriate action to gain information and modify his alcohol consumption but has not maintained sobriety long enough at this time to make a case for adequate rehabilitation and reformation.

Id. at 9. The Psychologist recommended that the Individual continue his commitment to aftercare, which he was then attending twice per week, continue individual counseling, continue to receive random drug tests and monthly lab work, and remain abstinent for at least one year from mid-September 2021. *Id.*

On March 21, 2022, the LSO issued the Individual a letter in which it notified him that it was suspending his security clearance because it possessed reliable information that created substantial doubt regarding his eligibility to hold a security clearance. In a Summary of Security Concerns (SSC) attached to the letter, the LSO explained that the derogatory information raised security concerns under Guideline G (Alcohol Consumption) of the Adjudicative Guidelines. Ex. 1.

The Individual exercised his right to request an administrative review hearing pursuant to 10 C.F.R. Part 710. Ex. 2. The Director of the Office of Hearings and Appeals (OHA) appointed me as the Administrative Judge in this matter, and I subsequently conducted an administrative hearing. The LSO submitted 11 exhibits (Ex. 1–11), which included the Individual’s response to the LOI and the Psychologist’s Report, as described above. Ex. 8, 9. The Individual submitted nine exhibits (Ex. A–I). These included a copy of the certificate he received upon completion of the IOP; documentation of seven negative blood alcohol tests between September 2021 and July 2022; documentation of nine PEth tests administered between October 2021 and August 2022;⁷ an Alcohol Anonymous (AA) Meeting Attendance form documenting that the Individual attended 19 sessions between April and August 2022; documentation of the Individual’s treatment appointments, including IOP and aftercare;⁸ and a letter of support from a friend of 20 years attesting to the Individual’s good character and affirming that the Individual had not consumed any alcohol since the DWI arrest. Ex. A, C, D, E, F, H, I.

⁶ According to the laboratory results, a result of 20-200 ng/mL can be interpreted to indicate “moderate alcohol consumption,” but “PEth results should be interpreted in the context of the patient’s clinical and behavioral history.” *See, e.g.*, Ex. D.7.

⁷ The PEth tests were dated October 11, 2021, November 9, 2021, December 6, 2021, February 21, 2022, March 25, 2022, April 17, 2022, May 17, 2022, June 20, 2022, and August 8, 2022. A tenth blood sample, taken January 20, 2022, was apparently not tested due to a laboratory mishap. Ex. D.1-D.9; Ex. I. The results of all nine PEth tests were negative, with the exception of the October PLPEth test result, which was 24 ng/mL, as noted above.

⁸ The documentation of aftercare attendance indicates the Individual attended 18 aftercare sessions between January 24 and August 3, 2022. Ex. F. at 1. Most of the sessions he attended were in January through April 2022. He attended only one session in May, one in June, and two in July. *Id.*

At the hearing, the Individual testified on his own behalf and offered the testimony of his wife, his supervisor, his long-time friend, and the Counselor. Hearing Transcript (Tr.) at 10, 20, 37, 63, 113. The LSO offered the testimony of the Psychologist.⁹ *Id.* at 152.

II. THE NOTIFICATION LETTER AND THE ASSOCIATED SECURITY CONCERNS

The LSO cited Guideline G as the basis for its determination that the Individual was ineligible for access authorization. Ex. 1. “Excessive alcohol consumption often leads to the exercise of questionable judgment or the failure to control impulses, and can raise questions about an individual’s reliability and trustworthiness.” Adjudicative Guidelines at ¶ 21. According to the LSO, the factors that gave rise to the Guideline G concerns were (1) the DOE Psychologist’s determination that the Individual binge consumes alcohol to the point of impaired judgement, without adequate evidence of rehabilitation or reformation, and (2) the Individual’s DWI on September 5, 2021. Ex. 1. These factors justify the LSO’s invocation of Guideline G. *See* Adjudicative Guidelines at ¶ 22(a), (c).

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 Dep’t of Navy v. Egan*, 484 U.S. 518, 531 (1988) (“clearly consistent with the national interest” standard for granting security clearances indicates “that security determinations should err, if they must, on the side of denials”); *Dorfmont v. Brown*, 913 F.2d 1399, 1403 (9th Cir. 1990), 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. *Id.* § 710.26(h). Hence, an individual is afforded the utmost latitude in the presentation of evidence to mitigate the security concerns at issue.

IV. HEARING TESTIMONY

The Individual’s supervisor testified that he has supervised the Individual for six months but has no social relationship with him outside of work. Tr. 11-12. He spoke positively about the Individual’s work ethic and leadership skills, and he confirmed he has no reason to question the

⁹ On the agreement of the parties, both the Counselor and the Psychologist remained present at the hearing to observe the testimony of all the other witnesses.

Individual's reliability, honesty, and judgment. *Id.* at 12-14. He was aware of the DWI, but has seen nothing to indicate that the Individual has a "drinking problem." *Id.* at 16-17.

The Individual's friend testified that he has known the Individual for 16-17 years and sees him 3-4 days every week, including for weeknight dinners and on weekends at the lake during the summer. *Id.* at 20-21. Prior to the DWI arrest, the friend testified, the Individual would drink "maybe 10 to 15 beers" on a typical Saturday at the lake, and sometimes one or two beers with dinner during the week. *Id.* at 30, 34. The friend spoke positively about the "changes" the Individual has made since the DWI arrest. For example, he testified, the Individual used to be "very quick to react" in situations involving conflict. *Id.* at 25-27. But more recently, he testified, the Individual has made "different decisions" and exhibited a newfound restraint. *Id.* The friend attributes this change to the Individual's counseling sessions and his abstinence from alcohol. *Id.* at 27. He stated that the Individual has a positive attitude towards counseling and AA, and he confirmed that the last time he saw the Individual drink alcohol was the night of the DWI arrest. *Id.* at 22-23. He testified that everyone in their friend group is supportive of the Individual's decision to discontinue drinking. *Id.* 24-25. He stated that the Individual's wife continues to drink wine occasionally with dinner, and his friends continue to drink as well, although many have cut down somewhat. *Id.* at 30-31. As for the Individual's future intentions, the friend testified that the Individual has told him "he really don't [sic] know whether he will go back and drink." *Id.* at 32.

The Individual's wife of 24 years testified that the DWI arrest made her husband feel "distraught and defeated." *Id.* at 38-40. He immediately inquired at work about what he needed to do to make things right. *Id.* at 40-41. When he started the IOP around Thanksgiving, she testified, he was often still angry, sad, and upset. But by January, she stated, he began to feel more encouraged and would often share with his wife what he learned in his classes. *Id.* at 41-43. She testified that since the IOP ended, he has been attending both aftercare and AA meetings, and that he has gotten a lot out of taking two different classes. *Id.* at 43-46. She believes he will continue going to AA meetings even if he gets his clearance back. *Id.* at 53. She spoke positively about the changes she has seen in her husband since his arrest, testifying that he has "more of a calm demeanor." *Id.* at 46. She confirmed that she and their friends continue to drink alcohol around her husband, but she said "it doesn't phase him," and his friends are a "hundred percent" supportive of his decision to stop drinking. *Id.* at 48-49. Before the arrest, she testified, her husband would have one or two drinks a few nights a week at dinner, and "maybe seven or eight beers" on a weekend day at the lake. *Id.* at 55. Since the arrest, she stated, she has seen no evidence of him drinking any alcohol, and if he had resumed drinking, "I'd be able to probably recognize something." *Id.* at 50-51.

The Individual testified about his experience in the IOP, stating that his attitude changed from the beginning, when he treated it as an obligation to get his job back, to the end, when he found himself learning a lot that he could apply to his daily life. *Id.* at 69-70. He spoke positively about the Wednesday night aftercare program that he currently attends, although he complained that it's become repetitive over time. He expressed more enthusiasm about the Monday night AA meetings, and he mentioned specifically a gentleman in his AA group that he is close with, although the Individual acknowledged he has not acquired a sponsor. *Id.* at 71-75, 80. When asked whether he is working on a particular one of the 12 steps, he responded, "I'm looking at all the steps, and I'm kind of working them all," but indicated that he gravitates more toward SMART Recovery than the steps associated with AA. *Id.* at 75. The Individual confirmed that he intends to continue going

to AA meetings on a long-term basis. *Id.* at 76. He also spoke about the behavioral changes he has experienced as a result of counseling, learning to take time to listen and think before reacting in difficult situations. *Id.* at 78. He testified that “it wasn’t that big of an issue” to remove alcohol from his life, and when asked about his future intentions, he stated “I do not see [alcohol] in my future right now.” *Id.* at 81-82.

On cross-examination, the Individual was asked to explain the 24 ng/mL result from the October 2021 PEth test. The Individual responded that the nurse had mistakenly used an alcohol swab when she drew his blood, which he understood had resulted in the positive result. But, he maintained, he had not consumed any alcohol in the five weeks prior to the test. *Id.* at 91-93. The Individual was also asked to confirm the amount of alcohol he used to drink on a typical day at the lake, in light of the conflicting testimony given by his wife and his friend on that question. *Id.* at 93-94. The Individual responded that six-to-eight beers was the typical amount he consumed daily. *Id.* at 94. During the week, he confirmed, he would have one or two drinks at dinner, three-to-five nights a week. *Id.* at 100. Notably, the Individual was reluctant to admit that his level of drinking on the weekends was problematic. “I mean, everybody cut loose on the weekends,” he explained. *Id.* at 101. In his opinion, he stated, he would not get intoxicated from the amount of beer he drank, although he drank more than normal on the night of the DWI arrest because he was playing a drinking game with his son and his son’s friends. *Id.* at 101-102. When pressed about whether his drinking amounted to binge drinking, the Individual finally admitted, “I probably drank – well, I know – now I know I probably should not have been drinking that much on the weekends, and that – like I said, I’m not planning on doing that anytime soon.” *Id.*

The Individual expounded further on his decision not to drink after the DWI arrest, indicating that he did it because he was told it was necessary in order to keep his job and resolve the concerns that his drinking raised. *Id.* at 103. He admitted that he thought “the program” was going to be a lot shorter at first, but “[i]t just kept [sic] longer and longer and longer.” *Id.* After he completed the IOP, he seemed surprised to hear that the Psychologist recommended further measures he would have to take. But, he testified, he was informed by his union that “[t]his is the stuff you’re going to have to do, just get with it, deal with it and go with it.” *Id.* Ultimately, he stated, he has learned a lot through the process, and acknowledges, “I was definitely consuming more than I needed to, for sure.” *Id.* at 104. The Individual was also asked to explain his statement that he doesn’t intend to drink alcohol “right now.” The Individual responded, “My intentions are not to drink, but you can never say never on anything through life.” *Id.* at 98-99. Later, he clarified, “I don’t see [drinking] as being a positive moving forward in my life. I mean, it creates more negatives than it does create positives.” *Id.* at 106.

The Counselor testified that she co-facilitated the Individual’s IOP group, leading the group approximately once each week. *Id.* at 120, 139. She recalled that the Individual felt frustrated and defeated at first, but over the course of the eight weeks he started to soften and become less defensive. *Id.* at 121-122. When he began aftercare, the Counselor testified, he expressed some frustration that the Psychologist had recommended he attend two nights per week, instead of just one. *Id.* at 126. He initially did attend twice a week, before cutting back to one night only. *Id.* at 140. His sense of defeat also returned, she testified, around the time his clearance was suspended. *Id.* at 127-128. But the way he responded to this defeat, she testified, was with more maturity than before, and he showed that he could successfully implement the tools and concepts he learned in

the IOP. *Id.* at 128-130. By the end of his first 90-day aftercare cycle, she stated, “he was a different person in the way he spoke about himself, the way he held himself, and especially the way he talked about recovery.” *Id.* at 131-132. She attributed much of this to his participation in AA, which she opined was a particularly good fit for the Individual. *Id.* at 132-133.

The Counselor stated that she met with the Individual just a week before the hearing, and he impressed her by indicating that he had used the tools he learned in recovery to mentor friends and family members. *Id.* at 134-135. According to the Counselor, the act of mentoring others is “the last step” of recovery. *Id.* at 135. When asked what the Individual’s probability of returning to drinking would be “if he continues to work his program,” the Counselor responded, “I’d say it’s very low.” *Id.* at 137. This opinion was not affected, she claimed, by the Individual’s testimony that he doesn’t intend to drink again “any time soon,” because she believes that language reflects the Individual’s understanding that “he can only focus on the present and the right now.” *Id.* at 142. She acknowledged, however, that she would have been more encouraged to hear him say something like “I’ve had my last drink, I’m never going to pick up alcohol again.” *Id.* at 143. Finally, the Counselor indicated that in addition to seeing him every week at aftercare, she is going to become the Individual’s primary counselor going forward. In that capacity, she hopes to meet with him on a weekly or biweekly basis, but she has not yet been able to fit him into her schedule. *Id.* at 134, 146.

The Psychologist testified that, although he believes the Individual has “historically” been a habitual drinker and binge consumed alcohol to the point of impaired judgment, he has proven himself to be “in a lengthy remission” over the past 10 months. *Id.* at 157. The one “missing ingredient,” he stated, was the Individual’s reluctance to state definitively that he never intends to drink again, although he noted that the Individual came closer to saying this at the hearing than he did during the interview on January 18, 2022. *Id.* at 158-159. In light of the Individual’s reluctance to state definitively that he intends to never drink again, the Psychologist opined, the Individual was probably at “low risk” of resuming drinking, but not “very low risk” as the Counselor had opined. *Id.* at 159. As for whether the Individual demonstrated rehabilitation, the Psychologist felt “comfortable” in saying that he had, even though he had not yet been abstinent for a full 12 months. “I guess there’s always an underlying, could be a little bit more,” he stated, “but I’m – I feel pretty good about what he’s accomplished and where he is.” *Id.* at 161. Specifically, the Psychologist confirmed that he felt satisfied the Individual had demonstrated the type and length of treatment that was necessary to show rehabilitation. *Id.* at 162.

With regard to the positive PEth test result in October 2021, the Psychologist indicated that he consulted with a psychiatrist, who believed that the 24 ng/mL result could have been a reflection of the Individual’s drinking on the night of the arrest, approximately five weeks prior to the blood draw. *Id.* at 167-168. Nonetheless, he stated, he believed the Individual’s claim that he had not consumed any alcohol since the DWI arrest, particularly in light of the consistently negative test results thereafter. *Id.* at 164.

V. ANALYSIS

The Individual admits to the factual allegations contained in the SSC, but he seeks to mitigate the security concerns raised by the LSO. Ex. 2 at 2. Conditions that may mitigate security concerns under Guideline G (Alcohol Consumption) include:

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

Adjudicative Guidelines at ¶ 23(a)–(d).

The Individual has demonstrated mitigation under the conditions set forth in paragraphs (c) and (d). With regard to paragraph (c), the Individual completed an eight-week IOP in January and continues to participate in aftercare. Although he no longer attends aftercare twice weekly,¹⁰ as was recommended by the Psychologist, he has replaced one of the weekly sessions with weekly AA meetings, which have benefited him greatly, as attested to by the testimony of his wife, his Counselor, and the Individual himself. Although the Individual does not currently attend individual counseling sessions, the Individual credibly asserted that he is seeking to begin weekly or biweekly sessions with the Counselor, who has not yet been able to fit him into her schedule. The Individual has no previous history of treatment and relapse, and he is making satisfactory progress in a treatment program, as confirmed by the testimony of the Counselor and the Psychologist, who lauded the way he incorporates the tools he has learned into his daily life and mentors others outside of the program.

With regard to paragraph (d), the individual has successfully completed the IOP and a 90-day aftercare program, which he continues to attend, although perhaps not as regularly as once a week. He has demonstrated a clear and established pattern of abstinence, supported not only by the testimony of himself and his witnesses, but also by the negative results of monthly PEth tests and periodic blood alcohol tests. Although there is some ambiguity as to a result from the first PEth test he underwent in October 2021, which yielded a PLPEth test result of 24 ng/mL, the possibility that the Individual may have consumed alcohol in the first few weeks of his claimed sobriety

¹⁰ There is some question as to whether the Individual still attends aftercare even on a weekly basis, as was claimed by the Individual, his Counselor, and other witnesses. *See* Ex. F at 1 (documenting that the Individual had attended just five sessions between April and early August 2022). Nonetheless, the Psychologist testified that he has undergone the treatment necessary to demonstrate rehabilitation. Tr. at 162.

period does not undermine my confidence in finding that he had been abstinent for at least 10 months at the time of the hearing. Both his wife and his friend, who see the Individual on a weekly if not daily basis, testified convincingly to the changes he has undergone since he began treatment, and the Individual credibly claimed that he has not consumed any alcohol since the night he was arrested.

With regard to paragraphs (a) and (b), some question remains as to whether the Individual acknowledges his pattern of maladaptive alcohol use, as well as the likelihood that his prior habit of binge drinking may recur. Even at the time of the hearing, after seven months of treatment and counseling, the Individual was reluctant to admit anything problematic about his prior level of drinking, and his witnesses gave conflicting testimony about just how much he drank on a typical weekend day – ranging all the way up to 15 beers. The Individual also struggled to state unequivocally that he intends to remain sober, which concerned the Psychologist to a small degree. In the face of repeated questioning about his future intentions, the Individual continued to use phrases like “right now” and “anytime soon,” which suggests that he may be inclined to drink again. However, the Counselor stated her belief that the Individual’s language merely reflects his understanding that he can only focus on the present.

In any event, it is clear that the Individual has a tight-knit support group, including his friends, his wife, his Counselor, and his AA confidant, who will support him in his continued abstinence. For that reason, despite the Individual’s reluctance to commit to lifetime sobriety, I remain persuaded that he has successfully mitigated the security concerns associated with his alcohol misuse.

VI. CONCLUSION

In the above analysis, I found that there was sufficient derogatory information in the possession of DOE to raise security concerns under Guideline G of the Adjudicative Guidelines. 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 find that the Individual has brought forth sufficient evidence to resolve the security concerns set forth in the SSC. Accordingly, I have determined that the Individual’s access authorization should be restored. This Decision may be appealed in accordance with the procedures set forth at 10 C.F.R. § 710.28.

Matthew Rotman
Administrative Judge
Office of Hearings and Appeals