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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: July 7, 2022) Case No.: PSH-22-0113
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Issued: October 5, 2022

Administrative Judge Decision

James P. Thompson III, 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 not be restored.

I. BACKGROUND

The Individual is employed by a DOE contractor in a position that requires possession of a security clearance. In 2021, the DOE Local Security Office (LSO) discovered concerning information regarding the Individual’s alcohol use. The information prompted the LSO to request that the Individual be evaluated by a DOE-consultant psychologist (“Psychologist”). After receiving the Psychologist’s report from the evaluation, the LSO informed the Individual by letter (“Notification Letter”) that it possessed reliable information that created substantial doubt regarding her eligibility to possess a security clearance. In an attachment to the Notification Letter, entitled Summary of Security Concerns (SSC), the LSO explained that the derogatory information raised security concerns under Guideline E, Guideline G, and Guideline J of the Adjudicative Guidelines.

The Individual exercised her right to request an administrative review hearing pursuant to 10 C.F.R. Part 710. The Director of the Office of Hearings and Appeals appointed me as the Administrative

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.

Judge in this matter, and I subsequently conducted an administrative review hearing. At the hearing, the Individual presented the testimony of two witnesses and testified on her own behalf. The LSO presented the testimony of the Psychologist. The Individual submitted nineteen exhibits, marked Exhibits A through J.² The LSO submitted seventeen exhibits, marked Exhibits 1 through 17.

II. THE NOTIFICATION LETTER AND THE ASSOCIATED SECURITY CONCERNS

As indicated above, the LSO cited Guideline E (Personal Conduct), Guideline G (Alcohol Consumption), and Guideline J (Criminal Conduct) of the Adjudicative Guidelines as the bases for concern regarding the Individual's eligibility to possess a security clearance. Exhibit (Ex.) 4 at 4-6.

Guideline E provides that “[c]onduct involving questionable judgment, lack of candor, dishonesty, 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.” Adjudicative Guidelines at ¶ 15. “Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes.” *Id.* Conditions that could raise a security concern include “[d]eliberately providing false or misleading information; or concealing or omitting information, concerning relevant facts to [a] . . . competent medical or mental health professional involved in making a recommendation relevant to a national security eligibility determination, or other official government representative[.]” and “[p]ersonal conduct, or concealment of information about one’s conduct, that creates a vulnerability to exploitation, manipulation, or duress by a foreign intelligence entity or other individual or group.” *Id.* at ¶ 16(b) and (e). Conduct that creates a vulnerability includes “[e]ngaging in activities which, if known, could affect the person’s personal, professional, or community standing[.]” *Id.* at ¶ 16(e)(1).

In the SSC, the LSO cited the following information as underlying the Guideline E concern:

- A. On October 25, 2021, [the Individual] was evaluated by [the Psychologist] following an alcohol-related arrest occurring [in June 2021]. Questions arose about her use of alcohol based on 2006 charges by [local police] for Underage Consumption [(UCA)] and a 2004 hospitalization and treatment for alcohol poisoning In the psychological report, [the Psychologist] indicated [the Individual] was uncooperative during the evaluation due to an effort to deny and or withhold derogatory information about alcohol misuse.
 1. [The Psychologist] reported [the Individual] was found to have indications of deceitful behavior, as she made a “deliberate and calculated” effort to withhold information of her 2004 alcohol poisoning incident during the evaluation. [The Individual] was asked repeatedly about adverse events in her past, and she denied any such events. It wasn’t until she was confronted directly about the 2004 incident of alcohol poisoning that she admitted she had undergone a medical evaluation and treatment for the alcohol poisoning. [The Individual] reported she had purposefully withheld the information in the evaluation because she thought it might make her look bad and raise greater concerns about her history of alcohol related problems.

² The Individual’s Exhibit H includes several subparts labeled as exhibits H.1 to H.9.

2. In the Letter of Interrogatory (LOI) response dated August 5, 2021, [the Individual] reported consuming 3 beers prior to her Driving Under the Influence (DUI) arrest [in June 2021]. Yet, during the psychological evaluation, she told [the Psychologist] this reporting was a mistake and she only consumed two beers. Later, during the evaluation, [the Individual] admitted to consuming three drinks before driving home.

Ex. 4 at 3-5. The above information justifies the LSO's invocation of Guideline E.

Guideline G provides that “[e]xcessive 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. Conditions that could raise a security concern include “[h]abitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed with alcohol use disorder[,]” and “[d]iagnosis by a duly qualified medical or mental health professional (e.g., physician, clinical psychologist, psychiatrist . . .) of alcohol use disorder[.]” *Id.* at ¶ 22(c) and (d). The SSC cited the following information as underlying the Guideline G concern:

- A. [In June 2021, the Individual] was arrested for [DUI].
- B. In the [LOI] response[,] . . . [the Individual] indicated she was hospitalized for alcohol poisoning in 2004.
- C. [The Psychologist] opined [the Individual] has been[] and currently is a user of alcohol to excess. Further, [the Psychologist] opined there is a likelihood of an unresolved alcohol use disorder that is currently denied by [the Individual]. There are signs of alcohol abuse and misuse and there is a lack of evidence to indicate adequate rehabilitation or reformation.
 1. [The Psychologist] reported [the Individual] has periodically consumed alcohol to excess. She reported a history of two alcohol blackouts in her lifetime, and she reportedly consumed alcohol excessively on three occasions in the past year
 2. [The Psychologist] diagnosed [the Individual] as having or had an alcohol use disorder, the severity of which is hard to determine due to her admitted deceit during portions of the evaluation. Further, [the Psychologist] opined, [the Individual] does have an illness or mental condition, which causes, or may cause, a significant defect in judgment or reliability.

Ex. 4 at 5-6. The cited information justifies the LSO's invocation of Guideline G.

Under Guideline J, “[c]riminal activity creates doubt about a person’s judgment, reliability, and trustworthiness.” Adjudicative Guidelines at ¶ 30. “By its very nature, it calls into question a person’s ability or willingness to comply with laws, rules, and regulations.” *Id.* Conditions that could raise a security concern include “[e]vidence (including . . . an admission[]) and matters of official record) of criminal conduct, regardless of whether the individual was formally charged, prosecuted, or convicted[.]” *Id.* at ¶ 31(b). The LSO cited that the Individual pled guilty after being arrested for

the 2021 DUI and that she had been charged with UCA in 2006. Ex. 4 at 6. This information justifies the LSO's invocation of Guideline J.

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) (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 or her eligibility for an access authorization. The Part 710 regulations are drafted to permit the introduction of a very broad range of evidence at personnel security hearings. Even appropriate hearsay evidence may be admitted. *Id.* at § 710.26(h). Hence, an individual is afforded the utmost latitude in the presentation of evidence to mitigate the security concerns at issue.

The discussion below reflects my application of these factors to the testimony and exhibits presented by both sides in this case.

IV. FINDINGS OF FACT

As a clearance holder, the Individual notified her employer and the DOE that she had been charged with DUI in June 2021. Ex. 11 at 1. The record includes the following information that the Individual subsequently provided in her response to the LOI regarding the DUI and her alcohol consumption. On the date of the DUI, she attended a social event where she consumed beer with her husband before she decided to drive home. Ex. 13 at 3. On her way home, she was stopped by a state trooper. *Id.* at 3. She underwent field sobriety tests, and she was subsequently arrested. *Id.* at 3-4. She recounted that she had "3 beers from 5:30 p.m. to 9:00 p.m." that evening. *Id.* at 3. She also provided information regarding her regular alcohol consumption by stating that she would "drink a beer" on the weekends when eating out." *Id.* at 4-5, 6. She disclosed that she had been hospitalized in 2004 for alcohol poisoning. *Id.* at 5.

After providing the LOI responses, the Individual was evaluated by the Psychologist who provided a report that contained the following information. Ex. 15. The Psychologist informed the Individual of the "importance of providing complete and accurate information for the security clearance involved psychological evaluation." *Id.* at 4. However, during the evaluation, the Individual reportedly engaged in a "deliberate and calculated effort to withhold information" regarding her

2004 hospitalization for alcohol poisoning. *Id.* at 3. The Individual “repeatedly denied the [hospitalization] verbally and on her written responses to alcohol questionnaires.” *Id.* at 3. When the Psychologist confronted the Individual with the record of her hospitalization, she “reported that she had purposefully withheld the information . . . because she thought it might make her look bad and raise greater concerns about her history of alcohol related problems.” *Id.* She then disclosed details of the event: she had consumed vodka with a friend, passed out, and had to be transferred to a hospital for treatment. *Id.*

The Psychologist highlighted other discrepancies in the Individual’s statements. The Individual told him that she had only consumed two drinks on the night of her DUI, which contradicted the three drinks she disclosed in the LOI response. *Id.* at 4. When confronted with the discrepancy, the Individual attributed her earlier report of three alcoholic beverages to a mistake before later admitting that she did consume three beers instead of two. *Id.* The Psychologist also reported his opinion that the Individual provided conflicting information regarding her perceived level of impairment on the date of the DUI. For example, he noted that the Individual described feeling sober at the time she decided to drive, but she also stated that she “immediately doubted” that she would be found sober when stopped by the state trooper, and she was “uncertain about whether she would [have] incur[ed] a positive reading on [an alcohol breathalyzer] test.” *Id.* Consequently, the Psychologist reported that “there is evidence to suggest that obtaining a full understanding about [the Individual’s] alcohol misuse might not be fully possible based upon the deceit revealed in the current evaluation.” *Id.* at 4, 6.

The Psychologist opined that there were indications of an unresolved moderate AUD based on the self-reported data, psychological testing, and the Individual’s admitted deceit concerning alcohol use. *Id.* at 7, 12, 16. In several places, he stated his concern that the Individual underreported or minimized her alcohol use. *E.g. id.* at 5, 7, 10. He noted her reports of consuming more alcohol than intended, including a recent weekend trip where she consumed alcohol to the point of a “blur.” *Id.* at 5, 13. The Individual reported that she would consume up to six beers a night during weekend trips with friends, and she admitted to experiencing the memory “blur” three times in the preceding year. *Id.* at 6. The Psychologist also noted that the Individual consumed alcohol in physically hazardous situations. *Id.* at 12. The Individual stated that she would drive after consuming two to three alcoholic drinks. *Id.* at 5. The Psychologist interpreted the historical information with her recent DUI, where she reportedly consumed fewer than three drinks, to conclude that she used alcohol in hazardous situations. *Id.* at 14. The Psychologist recommended that the Individual abstain from alcohol for at least six months while undergoing outpatient counseling, and he suggested that she undergo random testing for alcohol use to provide evidence of sobriety. *Id.* at 16.

The record includes the Individual’s written Request for Administrative Hearing. Ex. 6. Therein, she denied intentionally being uncooperative or misleading during the evaluation. Ex. 6 at 1. She clarified that she did not initially disclose her hospitalization during the evaluation because she “did not want to be judged over something that happened seventeen years ago.” *Id.* Regarding the discrepancy in her reported alcohol consumption on the night of her DUI, she explained that it was unintentional due to memory lapse and nervousness. *Id.* She explained that she was not impaired when she decided to drive but that she “should have known better.” *Id.* She stated that she was ashamed of her behavior and that it was a mistake. *Id.* at 1-2. As for her 2006 charge for UCA, she explained that she was young and irresponsible. *Id.* at 2.

At the hearing, the Individual's supervisor and the Individual's husband testified. The supervisor testified that the Individual is trustworthy and an excellent employee. Tr. at 57-59, 62. The Individual's husband's testimony focused on the Individual's alcohol use. The husband testified that, in the year preceding the DUI, he and the Individual would frequently spend time during weekends boating "on the lake." *Id.* at 35-36. They would go out on the lake "as much as possible." *Id.* at 36-37. He also testified that it was common for the two of them to consume alcohol on these outings, each consuming up to five or six alcoholic beverages throughout the day, not including any additional alcoholic beverages they consumed with dinner. *Id.* at 35. He acknowledged that there had been instances where they had "too much" alcohol. *Id.*

The husband recalled that, on the day of the Individual's DUI, both he and the Individual consumed alcohol at the lake prior to coming back to shore and driving to dinner, but he could not recall the amount. *Id.* at 37-38. He felt that the Individual should not have pled guilty to the DUI nor refused to take the blood alcohol test on the date of the incident because he believed that the Individual would have "passed" the blood alcohol test. *Id.* at 26, 45. He testified that she stopped consuming alcohol completely in early 2022 as soon as she learned that her clearance had been suspended. *Id.* at 28.

The Individual testified that, prior to the 2021 DUI, she usually consumed two to three beers on most weekend evenings at dinner and normally did not consume alcohol during the week. *Id.* at 65. She disclosed that she had, in the past, consumed five beers when on the lake for the entire day. *Id.* at 89. She would also sometimes consume approximately six beers on weekends if visiting with friends. *Id.* at 66. She recalled that, two months prior to the DUI, she had shared a pack of twelve beers with her husband over a celebratory weekend, drank "more than intended," and remembered having to replay events in her mind to recall what happened. *Id.* at 67.

She also testified that, on the day of the DUI, she only consumed one beer before dinner and one and a half beers with her dinner. *Id.* at 68-69. She also testified that, immediately after her DUI, she stopped consuming alcohol altogether for about two months before she gradually began consuming a beer or two with dinner at home. *Id.* at 70-71. She testified that, after she received notice from DOE in April 2022 that her clearance had been suspended, she stopped consuming alcohol completely. *Id.* at 71. She pled guilty to the DUI because she did not want to risk being found guilty and having "to do 30 days in jail" and "explain that to . . . everybody." *Id.* at 73. She testified that she began remotely attending alcohol recovery support meetings in June 2022. *Id.* at 76-77. She attended the program twice a week. *Id.* at 77. She participated by speaking to the group about her experiences. *Id.* at 95. She also testified that she had completed two separate alcohol education courses. *Id.* at 90-91. The record contains the associated certificates of completion. Ex. E; Ex. G.

The Individual denied having an "alcohol problem." Tr. at 77. However, she acknowledged that she misused alcohol around the time of the 2004 hospitalization and at the time of her DUI. *Id.* at 84. Regarding her failure to disclose the hospitalization to the Psychologist until being directly confronted with the information, the Individual testified that "she was not proud" of her conduct and that it was driven by her concern that the Psychologist was going to focus on her DUI in relation to the hospitalization. *Id.* at 80-81. She testified that, in retrospect, she should have disclosed it. *Id.*

at 80, 83, 92. She expressed regret that her conduct was counter to the expectations of her work responsibilities. *Id.* at 93.

Turning to the Psychologist's testimony, he clarified that his original opinion was that the Individual likely had AUD after considering the available information regarding her alcohol use and her "tendency to minimize or deny . . . historical use of alcohol" *Id.* at 112-13. The Psychologist stated that "there was more evidence than not to support that she had a moderate alcohol use disorder[.]" *Id.* at 121. Regarding the Individual's treatment efforts, the Psychologist testified that the Individual's participation in the alcohol recovery support meetings, while positive, is not equivalent to the counseling he recommended because counseling is more specific and provides greater potential for success. *Id.* at 124-26. The Psychologist continued to recommend that the Individual undergo professional counseling and clinical testing to demonstrate abstinence. *Id.* at 107.

V. ANALYSIS

A. Guideline E Considerations

Conditions that can mitigate security concerns based on personal conduct include the following:

...

- (c) 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;
- (d) 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;
- (e) The individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress [.]

Adjudicative Guidelines at ¶ 17.³

I conclude that the above mitigating factors do not apply to resolve the Guideline E concerns. Turning first to ¶ 17(c), I do not find that the Individual's conduct is minor. Intentionally concealing information during a security clearance investigation is a basis for significant concern. Given the critical nature of the Individual's conduct, I do not conclude from the record that the passage of time, frequency of the behavior, or the specific circumstances demonstrate that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment.

³ The omitted mitigating factors clearly do not apply to the facts of this case for the following reasons. The Individual did not make a prompt, good-faith efforts to correct her concealment before being confronted with the facts. Adjudicative Guidelines at ¶ 17(a). There is no evidence her failure to cooperate, omission, or concealment was caused or significantly contributed to by advice of legal counsel or of a person with professional responsibilities for advising or instructing the individual specifically concerning security processes. *Id.* at ¶ 17(b). There has been no claim that the information in the record regarding her conduct is unsubstantiated or unreliable. *Id.* at ¶ 17(f). Finally, the Individual's association with those involved in criminal activities is not an issue in this case. *Id.* at ¶ 17(g).

Regarding ¶ 17(d), I find that the Individual acknowledged her behavior because she admitted that she made a serious mistake and expressed regret for her conduct. However, the record demonstrates that she has not obtained counseling to change the behavior. Furthermore, I do not find that she has taken positive steps to alleviate the stressors, circumstances, or factors that contributed to her untrustworthy, unreliable, or other inappropriate behavior. She wavered between admitting and denying that she intentionally withheld information during the psychological evaluation. She admitted it during the evaluation, denied it in her Request for Administrative Hearing, and admitted again during her hearing testimony that she withheld the information to prevent the Psychologist from learning about her hospitalization.

The record also contains inconsistent evidence regarding her alcohol consumption on the day of the DUI. She testified that she only had one drink prior to dinner on the day of the DUI, yet her husband's testimony described a pattern where they would regularly consume upwards of five beers each when on the lake and that she had been consuming alcohol on the day of the DUI; there is no explanation as to why her alcohol consumption on the day of her DUI would have been any different from any other day on the lake. Furthermore, the Individual did not report her weekend alcohol consumption while boating on the lake in either her LOI responses or during the psychological evaluation even though it was a frequent occurrence according to her husband. It was not until the hearing, and after her husband's testimony, that she disclosed that she would consume approximately five beers while on the lake. I am therefore not convinced that she is likely to prioritize candidness or truthfulness over her own self-interest in the future. Given my concerns, I find that she has not alleviated the stressors, circumstances, or factors that contributed to her misleading statements and deceptive conduct. For the same reasons, I conclude that ¶ 17(e) does not apply to resolve the concerns. Accordingly, I find that the Individual has not resolved the Guideline E concerns.

B. Guideline G Considerations

Conditions that can mitigate security concerns based on alcohol consumption include the following:

- (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.

I find that none of the above factors apply to resolve the concern. As in the preceding section, my findings are influenced by my remaining concerns regarding the Individual's credibility. Because I rely upon much of the same evidence in analyzing all four of these mitigating factors, the following analysis addresses them together.

The record contains evidence of some positive actions undertaken by the Individual since the DUI. She admitted that she misused alcohol in the past, she completed alcohol education courses, she began attending alcohol recovery support meetings in the months ahead of the hearing, and she put forth testimony that she had abstained from consuming alcohol for approximately four months by the hearing date. While the preceding evidence weighs in favor of mitigation, it does not overcome the following evidence that leaves me concerned about her current reliability, trustworthiness, or judgment.

First, I do not find that she is making satisfactory progress in a counseling or treatment program. The Individual has not been treated by a counselor; and I find that the Individual's participation in the alcohol recovery support meetings is not equivalent to the outpatient counseling recommended by the Psychologist. Accordingly, the evidence demonstrates that she has not taken action in accordance with treatment recommendations. Second, the record does not demonstrate a clear and established pattern of abstinence. The Individual has been an unreliable source of information regarding her alcohol consumption, she failed to follow the Psychologist's recommendation to undertake alcohol testing to corroborate her claimed abstinence, and she only reported abstaining for four of the recommended six months. Finally, I find that the Individual did not complete a treatment program. While the Individual completed alcohol education, it is not equivalent to the type of outpatient counseling and random testing that the Psychologist recommended to address her concerning use of alcohol and what he concluded was likely an alcohol use disorder.

For all of the reasons stated above, I conclude that the Individual has not put forth sufficient evidence to resolve the Guideline G security concerns.

C. Guideline J Considerations

The Adjudicative Guidelines provide that conditions that could mitigate security concerns under Guideline J include:

- (a) 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;

...

- (d) There is 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.

Adjudicative Guidelines at ¶ 32.⁴

I find that neither of the above factors apply to resolve the Guideline J concerns. As in the preceding section, my findings under Guideline J are influenced by the Individual's failure to provide reliable information. Since I rely upon much of the same evidence in analyzing these mitigating factors, the following analysis addresses them together. I find that the Individual's DUI and charge for UCA are inextricably linked to her consumption of alcohol. Thus, based on my remaining concerns regarding her alcohol use, as described in the preceding section, I cannot find that the conduct cited under Guideline J is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment. I further find that the Individual has not demonstrated successful rehabilitation. Accordingly, I conclude that the Individual has not put forth sufficient evidence to resolve the Guideline J security concerns.

VI. CONCLUSION

In the above analysis, I found that there was sufficient derogatory information in the possession of the DOE that raised security concerns under Guideline E, Guideline G, and Guideline 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 not 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 not be restored.

This Decision may be appealed in accordance with the procedures set forth at 10 C.F.R. § 710.28.

James P. Thompson III
Administrative Judge
Office of Hearings and Appeals

⁴ The omitted mitigating factors are clearly inapplicable to the facts of this case. ¶ 32(b) is not applicable because there is no evidence in the record that the Individual was pressured or coerced into committing the cited conduct. ¶ 32(c) is not applicable because there is no dispute that the Individual committed the cited offenses.