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**United States Department of Energy
Office of Hearings and Appeals**

In the Matter of: Personnel Security Hearing)	
Filing Date: June 8, 2022)	Case No.: PSH-22-0102
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)	

Issued: November 3, 2022

Administrative Judge Decision

Brenda B. Balzon, 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

A DOE contractor employs the Individual in a position that requires him to hold a security clearance. In June 2021, the Individual reported to the local security office (LSO) that on June 20, 2021, he had been arrested and charged for driving under the influence of alcohol (DUI). Exhibit (Ex.) 7.² On September 20, 2021, the Individual reported to the LSO that he had entered into an Intensive Outpatient Recovery Program (IOP) for eight weeks. Ex. 6. The Individual completed a Letter of Interrogatory (LOI) in November 2021, in which he disclosed that he had two prior DUI

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 Numerous exhibits offered by DOE contain documents with printed page numbers that are inconsistent with the pagination of the exhibits. This Decision cites to pages in the order in which they appear in exhibits without regard for their internal pagination.

charges, one in 2004 and one in 1990.³ Ex. 8 at 4. Subsequently, he was evaluated by a DOE consultant psychologist (DOE Psychologist) in February 2022. Ex. 9. The DOE Psychologist opined that the Individual met the diagnostic criteria for Alcohol Use Disorder (AUD), Mild, in partial remission, under the *Diagnostic and Statistical Manual of Mental Disorders – Fifth Edition (DSM-5)*.

Due to unresolved security issues, the LSO informed the Individual, in a Notification Letter, that it possessed reliable information that created substantial doubt regarding the Individual's eligibility to hold a security clearance. In an attachment to the letter (SSC), the LSO explained that the derogatory information raised security concerns under Guideline G and Guideline J 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 review hearing. The LSO submitted 12 numbered exhibits (Ex. 1–12) into the record, and presented the testimony of the Psychologist at the hearing. The Individual submitted ten exhibits (Ex. A– J) into the record, and presented the testimony of six witnesses, including his own testimony.

II. Notification letter and Associated Security Concerns

The LSO cited Guideline G (Alcohol Consumption) of the Adjudicative Guidelines as the first basis for its determination that the Individual was ineligible for access authorization. Ex. 1 at 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. In citing Guideline G, the LSO relied upon the DOE Psychologist’s February 2022 determination that the Individual meets the *DSM-5* diagnostic criteria for Alcohol Use Disorder (AUD), Mild, in partial remission, without adequate evidence of rehabilitation. Ex. 1 at 1. The LSO also cited the Individual’s arrest and charge for DUI on June 20, 2021, the May 1990 DUI charge, and the September 2004 DUI charge. *See supra* note 3; Ex. 1 at 1. The above allegations justify the LSO’s invocation of Guideline G.

The LSO cited Guideline J (Criminal Conduct) as a basis for its determination that the Individual was ineligible for access authorization. “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 ¶ 30. The LSO cited the Individual’s DUI charges on June 20, 2021, May 1990, and September 2004. Ex. 1 at 2. The above criminal charges justify the LSO’s invocation of Guideline J.

³ The Summary of Security Concerns (SSC) states that one of the Individual’s prior DUIs occurred on September 18, 2002. Ex. 1–2. However, this date appears to be inaccurate. Both the LOI and the DOE Psychologist’s Report state that the DUI occurred on September 18, 2004. Ex. 8 at 4; Ex. 9 at 6. Further, the DOE submitted a copy of the Personnel Security Investigation from December 14, 2004, which reflects that the Individual underwent an investigative interview conducted by a personnel security specialist regarding his DUI which occurred in 2004. Ex. 11. At the hearing, the DOE Psychologist and the Individual, through his attorney, clarified that the correct date of the prior DUI was in 2004, not 2002, and there is not a separate 2002 DUI. Transcript at 103. Accordingly, this Decision refers to the prior DUI date as 2004.

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 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 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. 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.

IV. Findings of Fact and Hearing Testimony

In February 2022, the Individual underwent an evaluation with the DOE Psychologist. Ex. 9. The DOE Psychologist's report stated that subsequent to his 2004 DUI, the Individual underwent an evaluation with a prior DOE Psychiatrist ("Psychiatrist") in July 2005. *Id.* The DOE Psychologist's report summarized the Psychiatrist's findings, which stated that the Individual met the criteria for "Alcohol Abuse, in partial remission" and the Psychiatrist had recommended that the Individual "be in treatment for 12 months, and establish a degree of sobriety." *Id.* Following the Psychiatrist's 2005 evaluation, the DOE suspended the Individual's security clearance in August 2005. *Id.* The Psychiatrist conducted a July 2006 reevaluation which reflected that the Individual had attended 20 months of AA meetings, reported abstinence from July 2005 until July 2006, and attended 16 months of individual counseling with a therapist who had opined that the Individual was "fully rehabilitated from his proclivity to abuse alcohol." *Id.* at 7. The Psychiatrist concluded that the Individual had demonstrated through 12 months of abstinence "and now drinking responsibly in a social setting...and never to excess, that he can manage his use of alcohol responsibly." *Id.* He also concluded that the Individual was adequately reformed and rehabilitated regarding excess alcohol consumption. *Id.*

The Individual stated that he immediately began abstaining from alcohol after his June 20, 2021, DUI arrest. Ex. 9 at 4. As part of the evaluation, the Individual underwent a phosphatidylethanol (PEth) test which reflected negative results. Ex. 9 at 8. The DOE Psychologist stated that the

Individual's PEth result "is consistent with [the Individual's] account of abstinence from alcohol."
Id. .

The Individual also told the DOE Psychologist that he voluntarily initiated counseling with an Employee Assistance Program (EAP) psychologist beginning the week after his 2021 DUI arrest until he began attending an IOP. Ex. 9 at 5. He completed the IOP in September 2021. Ex. 9 at 5; Ex. C at 3. He then completed the three-month post-IOP program, and told the DOE Psychologist that he planned to begin attending the after-care program. Ex. 9 at 5; Ex. C at 7. He also met with an Addiction Medicine physician to start an initial alcohol recovery plan. Ex. 9 at 5. Moreover, he began attending AA and an abstinence-based recovery support group ("RSG group") and offered proof of attendance at these programs to the DOE Psychologist. Ex. 9 at 5; Ex. A; Ex. E.

Ultimately, the DOE Psychologist concluded that the Individual met the diagnostic criteria for Alcohol Use Disorder, Mild, in partial remission under the *DSM-5*. She concluded that the Individual had abstained from alcohol for approximately eight months. Ex. 9 at 10. She recommended that he maintain abstinence from alcohol for a total of twelve months. *Id.* She further stated, "He could support his claim of sobriety by having PEth laboratory tests every two months." *Id.* She recommended that the Individual needed to demonstrate once-a-week attendance at his after-care program for no less than four months and continue to attend weekly AA meetings or recovery support group meetings over the same period of time. *Id.*

At the hearing, the Individual testified regarding the circumstances related to and preceding his June 20, 2021, DUI. Tr. at 126–35. As his mother's caregiver, he assisted her in the hospital including during her three separate hospitalizations which occurred during the week prior to his June 2021 DUI.⁴ *Id.* at 126–27. He testified that he had been awake for multiple nights without any sleep including the night prior to his DUI because of his caregiving duties for his mother. *Id.* at 129–30, 133; Ex. 8 at 11.

The Individual testified that on the morning of his June 20, 2021, DUI he was "sleep deprived ...[and] emotionally spent." *Id.* at 133. He stated that he found out that morning that their family was able to secure a night time caregiver for his mother, and his sister would be able to start providing care for their mother during the day. *Id.* at 134. Although he was exhausted, he decided to drive to the pharmacy to pick up his mother's medication because he believed that experiencing "down time" might be good for him. *Id.* at 134. He testified that after picking up his mother's prescription medicine, he stopped to eat lunch during which time he drank two glasses of wine. *Id.* He then drove to the grocery store where he bought groceries and two bottles of wine, and proceeded to drink some of the wine when he got back in his car. *Id.* at 135. He stated that he was thinking about all the caregiving duties that he had been doing, which made him realize how physically exhausted he was, and he "just needed to... decompress" which resulted in his consumption of alcohol that led to his DUI. *Id.*

⁴ The Individual stated that after his mother was diagnosed with heart failure, she began undergoing multiple heart procedures in which she was hospitalized on different dates starting in August 2020 to repair her heart. *Id.* at 126. She was also hospitalized additional times during the week prior to the Individual's DUI due to a spinal fracture, and for a separate medical emergency. *Id.* at 126, 130.

The Individual testified that when he was arrested and transported to jail due to his June 20, 2021, DUI, he recognized that he was “out of control” and stated that he had been “out of control before [he] ever started drinking” because he put all of his mother’s needs first and did not set boundaries for himself, nor did he address the things he needed to be healthy. *Id.* at 141; *see* Ex. 9 at 4 (stating he was incarcerated until 11 p.m. on the evening of his DUI). He testified that after his sister picked him up from jail, she and their mother had a family intervention with him the next day in which they discussed their concerns about his DUI. *Id.* at 86, 142. He asserted that he was in agreement with them because he had already decided to commit to taking steps to make sure that he was not going to consume alcohol again. *Id.* at 86, 142.

At the hearing, the Individual testified that he immediately began attending AA meetings, and shortly thereafter he enrolled in an IOP program. *Id.* at 142. He also contacted his prior therapist and attended therapy sessions, which helped him cope with outside stressors including family relationships and how to set boundaries. *Id.* at 146. The Individual provided verification of his therapy sessions from June 2021 through October 2021, as well as a letter from his therapist dated January 15, 2022, stating that during this therapy sessions, the Individual identified several factors contributing to [his] high stress levels, and has learned more adaptive coping tools that allow him to handle multiple life stressors in a healthy and balanced manner. Ex. C at 1–2. Additionally, the Individual testified that he completed individual counseling components in his IOP program and the post-IOP early recovery group. Tr. at 146. He submitted written verification showing that he completed his IOP program, and a subsequent letter from his post-IOP early recovery group provider which verified his completion of the post-IOP program. Ex. C at 3, 7. He testified that he has been and continues to participate in his after-care program, which also includes attending meetings with a counselor. Tr. at 146. He explained that his after-care program is similar to his RSG group, except his after-care program is led by a professional provider who moderates the meetings, and provides him and the other participants with professional advice regarding their recovery issues. *Id.* at 154. To support his testimony, the Individual submitted a letter from his after-care counselor which verified his weekly attendance in the after-care program from April 5, 2022, through September 13, 2022, and verified that he continues to participate in the program. Ex. C at 8.

The Individual also testified regarding his participation in AA meetings and his participation in the RSG group. He asserted that he has attended AA continuously, and plans to continue attending AA in the future. Tr. at 142, 147. In support of his assertions, he submitted written verification from his AA provider reflecting that he had attended AA meetings on a weekly basis, an average of four days every week, from June 21, 2021, through September 2022. Ex. F. The Individual also asserted that within the last few months he has started simultaneously attending Narcotics Anonymous (NA) and found a sponsor through NA. Tr. at 147–48. He testified that his sponsor was someone he has known since high school, and indicated that they had recently reconnected at a mutual friend’s memorial service. *Id.* at 147. The Individual stated that his sponsor explained to the Individual that NA focuses on treating addiction and has components that are common to AA meetings. *Id.* at 147–48. This motivated the Individual to start attending NA in addition to AA, and upon the Individual’s request, the sponsor agreed to serve as the Individual’s AA/NA sponsor. *Id.* at 148. The Individual testified that he finds his relationship with his sponsor to be beneficial and a good fit for him because his sponsor knows him well enough that the Individual will not be

able to fib to him, and they are able to work the steps of AA successfully because of the history and integrity they have with each other. *Id.* at 148.

Regarding his RSG group, the Individual described it as an abstinence-based recovery group that has a weekly group leader, and each member speaks at every meeting by describing the challenges they overcame the previous week, which tools they applied to face the challenges, how well they were prepared to deal with unexpected challenges. *Id.* at 158. He stated that a specific component he especially likes is the “cross talk” where RSG group members provide him with constructive feedback including informing him if his ideas seem ineffective in coping with a particular challenge, and will offer practical suggestions to help him decrease his risk of relapse. *Id.* at 159. He provided a personal example of how his RSG group recently helped him mentally prepare for and cope with the recent death of his maternal aunt who had entered hospice care and passed away a week before the hearing. *Id.* at 153. The Individual provided proof of weekly attendance from this support group from August 10, 2021, through August 30, 2022, and asserted he plans to continue attending his RSG group. Ex. E.

The Individual asserted that he has not consumed alcohol since June 20, 2021, and has no plans to consume alcohol again in the future. Tr. at 154. He explained that his prior beliefs about alcohol use have changed in that he now realizes that even drinking some alcohol leads to a “gateway for [him] to relapse and abuse alcohol” and “therefore, [he] need[s] to just avoid alcohol altogether.” *Id.* at 149–50. To support his assertions that he has followed the DOE Psychologist’s 12-month abstinence recommendation, he submitted six EtG hair tests with negative results, from September 3, 2021, November 19, 2021, January 31, 2022, April 14, 2022, July 11, 2022, and September 12, 2022. Ex. A.⁵ The EtG test results provide evidence of whether alcohol was consumed over a period of 90 days prior to the date the hair sample was collected. *See* Ex. 9 at 5; *see Personnel Security Decision*, OHA Case No. PSH-22-0064 at 8.⁶ He asserted that he also follows an individual treatment regimen developed by his former physician which employs stress reduction components including yoga, meditation, and exercise. *Id.* at 142–144, 147. Further, the Individual provided examples of the specific coping skills and relapse prevention strategies that he learned and has employed, such as bringing his own nonalcoholic beverages if he attends a work-related after-hours event where alcohol is served, and developing pre-planned exit strategies if he encounters triggers at these events. *Id.* at 144–45. He also testified as to how he used the tools and strategies he learned from his various treatment programs to cope with the death of his mother last year, while successfully maintaining his sobriety. *Id.* at 151–52.

Regarding his June 2021 DUI, the Individual provided court documents that showed that the court accepted his plea of no contest to a lesser charge for alcohol-related reckless driving instead of a DUI conviction. Ex. I at 1–2. He also submitted proof of completion of his court-ordered DUI program. Ex. I at 3. Additionally, his driver’s license was restricted until March 2022, such that he was only allowed to operate a vehicle that had an ignition interlock device which measured his breath alcohol content (BAC). Ex. I at 5. The Individual provided verification that he complied with having an ignition interlock device installed in his vehicle for the required time period, and

⁵ Prior the hearing, the Individual updated Exhibit A to include the results of his most recent EtG test which was taken on September 12, 2022, and which reflected a negative test result. Ex. A.

⁶ Decisions issued by OHA are available on the OHA website located at <http://www.energy.gov/OHA>.

he presented all negative BAC tests from his interlock device for the specified time period from November 2021 through March 2022. Ex. I at 5–6; Ex. E.

The Individual's NA/AA sponsor testified that the Individual is very active in working the steps of NA, including his thorough completion of step-work assignments, and explained that he and the Individual have discussed the first three steps, and that the Individual is now working on the fourth step of NA. *Id.* at 109, 115-16, 117, 120. The sponsor stated that the Individual's sobriety birthdate is June 21, 2021. *Id.* at 116. He asserted that the Individual is doing an excellent job on his recovery journey including the initiative he shows by consistently participating in multiple recovery support groups, and implementing the tools he has learned from them. *Id.* at 111-13. He further provided the example of how the Individual coped with the death of his mother while not relapsing into alcohol use by seeking counsel from the sponsor and other people in the NA fellowship, and by attending NA meetings. *Id.* at 111–12.

The Individual's sister corroborated the Individual's testimony regarding the difficulties he was dealing with as their mother's primary caregiver, especially during the week before his June 2021, DUI. *Id.* at 69–74. She testified that she believes that the Individual's commitment to his sobriety and his relationship with alcohol has changed after his June 2021 DUI because he has actually made the choice not to consume alcohol. *Id.* at 77-78. She asserted that she has not seen him consume any alcohol since June 2021. *Id.* at 90. She testified that the Individual told her that he no longer can consume alcohol because it puts him at risk for making poor decisions. *Id.* at 80–81. She also asserted that she finds the Individual to be trustworthy and reliable, based on the facts that he tells her when he attends AA meetings, that he told her he has engaged in counseling, that he has a social support network in place that supports his sobriety, and that he has started prioritizing his health. *Id.* at 84–85.

The Individual's project management colleague and his coworker both testified that they were aware of the security concerns involving his alcohol use. *Id.* at 15, 33. Both witnesses testified that they were not aware that the Individual had any alcohol problems until the June 2021 DUI. *Id.* at 15, 20, 36. Both the colleague and coworker asserted that they find the Individual to be trustworthy, extremely reliable at work, and a very good performer. *Id.* at 14–15, 20, 31, and 34.

The Individual's friend testified that the Individual told him the details of the DUI incident approximately one year ago in 2021, and mentioned that he had taken a DUI-related course. *Id.* at 54, 56. He testified that approximately one month after his June 2021 DUI, the Individual had taken action to keep alcohol out of his life by attempting to get rid of his father's liquor collection, which he offered to the friend. *Id.* at 46. The friend also stated that in the last six months, he has seen the Individual on approximately six occasions and has no concerns about the Individual's use of alcohol. *Id.* at 55–56.

The DOE Psychologist testified after observing the hearing and all of the testimony offered therein. She opined that as of the hearing, the Individual's diagnosis of alcohol use disorder is in full remission. *Id.* at 167. She further opined that the Individual has complied with all of her recommendations to establish rehabilitation and reformation, and she concluded that the Individual has adequately shown sufficient evidence of rehabilitation and reformation. *Id.* at 166–67.

V. Analysis

A. Guideline G

Conditions that could mitigate security concerns under Guideline G 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 record demonstrates that the Individual recognized that his alcohol use was maladaptive immediately after his June 2021 DUI arrest, as evidenced by the fact that he began attending weekly AA meetings on the next day after his June 20, 2021 DUI. The record also contains evidence of the significant actions that he has taken to overcome his problem, including remaining abstinent in accordance with treatment recommendations. The Individual has been abstinent since June 21, 2021, for at least 12 months, which is supported by a series of six negative EtG hair tests from September 2021 to September 2022. Even though the Individual did not undergo PEth tests, as was recommended by the DOE Psychologist in her report, the Psychologist nonetheless opined in her hearing testimony that the Individual had presented sufficient evidence of rehabilitation and reformation, and she found that his Alcohol Use Disorder is in full remission.

Furthermore, the Individual has exceeded several of the DOE Psychologist's recommendations. For example, although the DOE Psychologist recommended that he attend either weekly AA meetings or a weekly meeting at another recovery support group, the Individual chose to participate in both AA meetings and his additional recovery support group. He also recently joined NA where he works on the twelve steps with his sponsor. Moreover, while he was only required to attend a meeting once a week for at least four months, the evidence reflects that he continued to attend AA meetings at least four times every week from June 2021 through September 11, 2022, for a total of 15 months. In addition, the evidence shows that he also attends weekly meetings at his recovery support group (RSG), which he has attended for more than 11 months from August

2021 through September 2022. Moreover, the Individual's September 2022 verification letter from the provider of his after-care program demonstrates that he currently continues to participate in his weekly after-care program which he began attending in April 2022, such that he has five months of attendance, exceeding the DOE Psychologist's four-month recommendation. Furthermore, the Individual was able to credibly explain how he implements specific tools he has learned from his aftercare program, his counseling sessions, and his AA and RFG support groups, to successfully cope with significant life stressors while maintaining his sobriety. Accordingly, I find that the Individual has met the mitigating conditions set forth under Guideline G at ¶ 23(b) and (d).⁷

A. Guideline J

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;
- (b) the individual was pressured or coerced into committing the act and those pressures are no longer present in the person's life;
- (c) no reliable evidence to support that the individual committed the offense; and
- (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(a)–(d).

The Individual's criminal behavior was a direct result of his maladaptive alcohol use. "Once the Individual resolves the security concerns raised by his use of alcohol, the associated [Guideline J] concerns pertaining to his alcohol-related arrests will also be mitigated." *Personnel Security Decision*, OHA Case No. PSH-22-0085 at 8 (2022); *Personnel Security Decision*, OHA Case No. PSH-13-0062 at 7 (2013). As the Individual has remained abstinent since June 21, 2021, and has diligently endeavored to obtain and continue appropriate treatment for his maladaptive alcohol use, I conclude that adequate time has passed since the criminal behavior outlined in the SSC occurred and that it happened under such circumstances that it is unlikely to recur. He further provided proof that he complied with the terms of his sentence including completion of a DUI course and providing negative BAC results from his ignition interlock device for the four months during which he had a restricted driver's license. Accordingly, I find that the Individual has mitigated the Guideline J concerns pursuant to the mitigating factors at ¶ 32(a) and ¶ 32(d).

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 Guidelines G and J of the Adjudicative Guidelines.

⁷ I have not addressed the mitigating factor at ¶ 23(a) as it does not require consideration, in light of the fact that the Individual has shown mitigation under ¶ 23(b) and ¶ 23(d). The mitigating factor at ¶ 23(c) does not apply in this case because the Individual has a previous history of treatment and relapse.

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 Summary of Security Concerns. 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.

Brenda B. Balzon
Administrative Judge
Office of Hearings and Appeals