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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: August 8, 2024) Case No.: PSH-24-0172
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Issued: January 16, 2025

Administrative Judge Decision

Kristin L. Martin, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXXXXXXX (hereinafter referred to as “the Individual”) for access authorization under the Department of Energy’s (DOE) regulations set forth at 10 C.F.R. Part 710, entitled, “Procedures for Determining Eligibility for Access to Classified Matter and Special Nuclear Material.”¹ For the reasons set forth below, I conclude that the Individual’s access authorization should not be restored.

I. BACKGROUND

The Individual is employed with a DOE Contractor, in a position which requires that he hold a security clearance. Derogatory information was discovered regarding the Individual’s illegal use of controlled substances. The Local Security Office (LSO) began the present administrative review proceeding by issuing a Notification Letter to the Individual informing him that he was entitled to a hearing before an Administrative Judge in order to resolve the substantial doubt regarding his eligibility to hold a security clearance. *See* 10 C.F.R. § 710.21.

The Individual requested a hearing, and the LSO forwarded the Individual’s request to the Office of Hearings and Appeals (OHA). The OHA Director appointed me as the Administrative Judge in this matter. At the hearing I convened pursuant to 10 C.F.R. § 710.25(d), (e) and (g), the Individual presented testimony of one witness and testified on his own behalf. The LSO did not present any witnesses. *See* Transcript of Hearing, OHA Case No. PSH-24-0172 (hereinafter cited as “Tr.”). The LSO submitted seven exhibits, marked as Exhibits 1 through 7 (hereinafter cited as “Ex.”).² The Individual submitted one exhibit, marked as Exhibit A.

II. THE NOTIFICATION LETTER AND THE ASSOCIATED SECURITY CONCERNS

¹ Under the regulations, “[a]ccess authorization’ means 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). Such authorization will also be referred to in this Decision as a security clearance.

² The exhibits submitted by the DOE were Bates numbered in the upper right corner of each page. This Decision will refer to the Bates numbering when citing to exhibits submitted by the DOE.

The Notification Letter informed the Individual that information in the possession of the DOE created a substantial doubt concerning his eligibility for a security clearance. That information pertains to Guideline H (Drug Involvement and Substance Misuse) and Guideline E (Personal Conduct) of the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position*, effective June 8, 2017 (Adjudicative Guidelines). These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, these guidelines are applied in conjunction with the factors listed in the adjudicative process. 10 C.F.R. § 710.7.

A. Guideline H (Drug Involvement and Substance Misuse)

Guideline H states that the illegal use of controlled substances “can raise questions about an individual’s reliability and trustworthiness, both because such behavior may lead to physical or psychological impairment and because it raises questions about a person’s ability or willingness to comply with laws, rules, and regulations.” Adjudicative Guidelines ¶ 24. Conditions that could raise a security concern under this guideline include:

- (a) Any substance misuse;
- (b) Testing positive for an illegal drug;
- (c) Illegal possession of a controlled substance, including cultivation, processing, manufacture, purchase, sale, or distribution; or possession of drug paraphernalia;
- (d) Diagnosis by a duly qualified medical or mental health professional (e.g. physician, clinical psychologist, psychiatrist, or licensed clinical social worker) of substance use disorder;
- (e) Failure to successfully complete a drug treatment program prescribed by a duly qualified medical or mental health professional;
- (f) Any illegal drug use while granted access to classified information or holding a sensitive position; and
- (g) Expressed intent to continue drug involvement and substance misuse, or failure to clearly and convincingly commit to discontinue such misuse.

Id. at ¶ 25.

In its Summary of Security Concerns that accompanied the Notification Letter, the LSO cited the following information:

- A. From December 2019 to January 2020, the Individual illegally used Testosterone, a Schedule III controlled substance, on two occasions, while holding an active DOE Q clearance;
- B. From December 2019 to January 2020, the Individual illegally used Trenbolone, a Schedule III controlled substance, on two occasions, while holding an active DOE Q clearance; and

- C. From March 2019 to September 2019, the Individual illegally used Human Growth Hormone (HGH) on six occasions, while holding an active DOE Q clearance.

Ex. 1 at 5–6. Accordingly, the LSO’s security concerns under Guideline H are justified. Adjudicative Guidelines at ¶ 25(a), (c), (f).

B. Guideline E (Personal Conduct)

Guideline E states that “[c]onduct involving questionable judgment, lack of candor, dishonesty, or [an] 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. Conditions that could raise a security concern under this guideline include:

- (a) Deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualification, award benefit or status, determine national security eligibility or trustworthiness, or award fiduciary responsibilities;
- (b) Deliberately providing false or misleading information; or concealing or omitting information, concerning relevant facts to an employer, investigator, security official, competent medical or mental health professional involved in making a recommendation relevant to a national security eligibility determination, or other official government representative;
- (c) Credible adverse information in several adjudicative issue areas that is not sufficient for an adverse determination under any other single guidelines, but which, when considered as a whole, supports a whole-personal assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information;
- (d) Credible adverse information that is not explicitly covered under any other guidelines and may not be sufficient by itself for an adverse determination, but which, when combined with all available information, supports a whole-personal assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information . . . ;
- (e) Personal 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 . . . ;
- (f) Violation of a written or recorded commitment made by the individual to the employer as a condition of employment; and

- (g) Association with persons involved in criminal activity.

Id. at ¶ 16.

In its Summary of Security Concerns, the LSO cited the Individual’s failure to report his illegal use of Testosterone, Trenbolone, and HGH to the DOE, in accordance with DOE Order 472.2A.³ Ex. 1 at 5. The LSO also cited the Individual’s admission that he “failed to report his illegal use of Testosterone, Trenbolone and HGH to DOE, as required, due to fear that he would lose his job.” *Id.* Accordingly, the LSO’s security concerns under Guideline E are justified. Adjudicative Guidelines at ¶ 16(b).

III. REGULATORY STANDARDS

A DOE administrative review proceeding under Part 710 requires me, as the Administrative Judge, to issue a Decision that reflects my comprehensive, common-sense judgment, made after consideration of all 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 entire process is a conscientious scrutiny of a number of variables known as the “whole person concept.” Adjudicative Guidelines ¶ 2(a). The protection of national security is the paramount consideration. 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 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.

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

In 2015, the DOE granted the Individual a security clearance in connection with his employment with a DOE contractor. Ex. 6 at 28. In 2018, the Individual was involved in a car accident that left him with severe injuries and unable to work for two years. Ex. 7 at 104. In March 2021, the Individual completed a Questionnaire for National Security Positions (QNSP), in which he reported that he had not “illegally used any drugs or controlled substances” within the last seven years. *Id.*

³ DOE Order 472.2A requires that individuals holding a DOE access authorization must report within three working days “[t]he use of any Federally illegal drug (to include the abuse or misuse of any legal drug), and any drug-or alcohol-related treatment.” DOE Order 472.2A at Attachment 5, ¶ 6(e).

at 48, 86–87. The Individual also reported in his QNSP that he had never “used or otherwise been illegally involved with a drug or controlled substance while in possession of a security clearance.” *Id.* at 87.

On February 21, 2024, the DOE received an anonymous letter, which alleged that the Individual was buying and selling illegal steroids at gyms. Ex. 5 at 20–21, 24. The next day, the Individual’s employer questioned the Individual about the allegations in the letter and the Individual admitted to using “illegal, performance enhancing drugs,” from March 2019 to January 2020. *Id.* at 23. The Individual told his employer that he “began cycling [HGH] in March 2019, through September 2019,” and he “started microdosing Testosterone and Trenbolone in December 2019 and January 2020” to aid his recovery from injuries he suffered in his October 2018 car accident. *Id.* at 23.

In April 2024, the LSO issued a Letter of Interrogatory (LOI) to the Individual, which sought additional information about his drug use. Ex. 6. In the LOI, the Individual reported that after his accident, he used HGH six times, from March 2019 to September 2019. *Id.* at 26. He reported that he used both Trenbolone and Testosterone, twice, from December 2019 to January 2020. *Id.* at 26–27. He reported that he knew his use of illegal drugs could affect his ability to maintain a security clearance, but he used the drugs because he feared he would not be able to sufficiently recover from the injuries he sustained after his accident and return to work. *Id.* at 26–29. He also reported that he did not report his use of the drugs to the DOE out of “fear of losing [his] job as [he was] the sole provider [for his] household.” *Id.* at 29–30.

At the hearing, the Individual testified that after his car accident, he spent two years recovering from his injuries, which required multiple surgeries and extensive physical therapy. Tr. at 16–19. In March 2019, the Individual’s physical condition improved, such that he was able to attend a gym to exercise on his own. *Id.* at 20. While at the gym, several people he never met before approached him about his injuries and his rehabilitation. *Id.* He explained that one person was “very sympathetic” to his situation and presented the idea of using performance-enhancing drugs to improve his recovery. *Id.* at 20, 64–65. The Individual explained that no matter how hard he worked on his rehabilitation, he did not believe he was improving, so he decided to use the drugs. *Id.* at 20–21. He knew that two of the drugs: Testosterone and HGH, are naturally produced in the human body and he could have obtained both drugs from a medical doctor, but he decided it was easier to get them from the person at the gym. *Id.* at 44–45. He did not disclose his drug use to his orthopedic surgeon or his primary care provider because he knew they would tell him not to use the drugs. *Id.* at 61–62. He also admitted that he used the Testosterone to aid his rehabilitation from his accident, and to improve his intimate relationship with his then-wife. *Id.* at 70. He also acknowledged that he knew Trenbolone is a drug produced for, and given to, livestock, not humans. *Id.* at 45.

The Individual testified that he had always been the provider for his family, and he was terrified that if he did not use the drugs, he would no longer be able to provide for them. Tr. at 29–30. The Individual further testified that he only knew the first name of the person who provided him with the drugs, that he never solicited drugs from the person, that he did not know the person’s phone number or communicate with him outside of the gym, and that the person would coincidentally be present at the gym the same time he was. *Id.* at 22, 64–65. He testified that the person would typically start a conversation by asking him how he was feeling, if he wanted the drugs, and the Individual would say yes. *Id.* at 23. He claimed he never had to pay for the drugs and that he would only use the drugs when he “ran into” the person at the gym. *Id.* at 21–22. He stated he intended to avoid developing a relationship with the person outside of the gym, “given the severity of the

choices” he made. *Id.* at 64–65. He stated he used HGH on six separate occasions, and Trenbolone and Testosterone on two separate occasions. *Id.* at 63–64, 69.

The Individual further testified that in January 2020, he realized he was making a terrible mistake by using the drugs, and the global pandemic at the time made him nervous about the drugs’ effect on his lungs, so he stopped taking them. *Tr.* at 26–27. He has not communicated with the person who provided him the drugs since January 2020. *Id.* at 62. He returned to work in May 2020. *Id.* at 27. He stated that the drugs did not have a positive effect on his rehabilitation and recovery. *Id.* at 23–25. He stated that his fear of not being able to return to work and succeed should not have been an excuse for his actions. *Id.* at 28–29. He stated he has learned from his mistakes. *Id.* at 29. He stated that, although he certified that the information he provided in his March 2021 QNSP was true, he failed to report his drug use to the DOE because he knew that if he admitted to the DOE that he was using the drugs, he would lose his job. *Id.* at 27, 30–31, 56–57. He saw the QNSP as the final step to get him “back in the door” at work, so he decided to “sign it and move on.” *Id.* at 57. In February 2022, the Individual started the process of divorcing his wife, and he, proactively, notified his supervisor of his separation, and notified his divorce lawyer about his drug use, because he knew it would come up during his custody hearings. *Id.* at 35, 59, 76.

The Individual further testified that after he admitted his drug use to his employer, he was notified that his employment would be restricted, and he remained at work for three months, during which time he was subject to random drug testing, which was negative. *Tr.* at 34. He stated he now realizes the severity of his mistake in lying and not reporting his drug use himself, and his failure to take accountability for his actions. *Id.* at 54–56. Since his accident, he met with a psychologist on several occasions to discuss issues related to his physical recovery and his divorce. *Id.* at 55.

The Individual’s supervisor testified that he has supervised the Individual since May 2022. *Tr.* at 85. He stated that he has known the Individual to be an honest, dependable, and trustworthy person, and that the Individual has shared aspects of his personal life, such as his divorce, with him. *Id.* at 86–88, 90. He stated that when the issue of the Individual’s drug use came up, he understood that the Individual used the drugs to accelerate his recovery so he could satisfy the medical requirements to return to work. *Id.* at 90–92. He thought it was unusual for the Individual to conceal his drug use. *Id.* at 92. He also stated there were doctors at the Individual’s work site that could have assisted him with using “Testosterone therapy” to aid his recovery. *Id.* at 107. He stated that, after the Individual was confronted with the allegations in the anonymous letter, the Individual admitted to him that he had used the drugs. *Id.* at 90. When he learns that a subordinate, such as the Individual, failed to follow DOE’s reporting requirements, it does not change his opinion about the person, because everyone makes mistakes. *Id.* at 93–94. He also stated that when the Individual was confronted about his drug use, he could have easily denied it, but he chose to admit to it. *Id.* at 95–96. He stated that because of the work environment, the safety of the team depends on each member being reliable. *Id.* at 96–97. He further testified that he does not believe the Individual will use illegal drugs and conceal it from the DOE in the future because he is going through the administrative process to restore his security clearance, and he only used drugs for a short period of time to recover from his car accident. *Id.* at 101–02.

V. ANALYSIS

A person who seeks access to classified information enters into a fiduciary relationship with the government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The government places a high degree of trust and

confidence in individuals to whom it grants access authorization. Decisions include, by necessity, consideration of the possible risk that the applicant may deliberately or inadvertently fail to protect or safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified information.

The issue before me is whether the Individual, at the time of the hearing, presents an unacceptable risk to national security and the common defense. I must consider all the evidence, both favorable and unfavorable, in a commonsense manner. "Any doubt concerning personnel being considered for access for national security eligibility will be resolved in favor of the national security." Adjudicative Guidelines ¶ 2(b). In reaching my decision, I have drawn only those conclusions that are reasonable, logical, and based on the evidence contained in the record. Because of the strong presumption against granting or restoring security clearances, I must deny access authorization if I am not convinced that the LSO's security concerns have been mitigated such that restoring the Individual's clearance is not an unacceptable risk to national security.

A. Guideline H

Under Guideline H, conditions that could mitigate security concerns include:

- (a) The behavior happened so long ago, was so infrequent, or happened under such circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;
- (b) The individual acknowledges his or her drug involvement and substance misuse, provides evidence of actions taken to overcome this problem, and has established a pattern of abstinence, including, but not limited to:
 - (1) Disassociation from drug-using associates and contacts;
 - (2) Changing or avoiding the environment where drugs were used; and
 - (3) Providing a signed statement of intent to abstain from all drug involvement and substance misuse, acknowledging that any future involvement or misuse is grounds for revocation of national security eligibility;
- (c) Abuse of prescription drugs was after a severe or prolonged illness during which these drugs were prescribed, and abuse has since ended; and
- (d) Satisfactory completion of a prescribed drug treatment program, including, but not limited to, rehabilitation and aftercare requirements, without recurrence of abuse, and a favorable prognosis by a duly qualified medical professional.

Administrative Guidelines at ¶ 26. None of the mitigating conditions apply in this case.

As to mitigating condition (a), I find the Individual's use of HGH six times, and use of Testosterone and Trenbolone twice, within one year, was a frequent occurrence. The Individual's illegal use of three controlled substances occurred four years before the hearing, which can be a sufficient period of time to mitigate the security concerns from his drug use; however, because the circumstances of his drug use were very specific, though not particularly unlikely to recur,⁴ passage of time alone is not indicative of whether he will use again in the future. Suffering a physical injury and having the

⁴ The Individual's work requires a level of physical fitness, measured by tests, and also involves physical risk that could result in serious injury in the future.

desire to aid or accelerate his physical recovery is a circumstance the Individual may find himself in again. The Individual's admission that he knew that he could obtain the controlled substances from his medical providers but did not do so because it was more convenient to obtain them illegally, and out of fear his medical providers would advise against it, leads me to question the Individual's judgment. I cannot be sufficiently confident that the Individual would not make a similar choice in the future. Moreover, I cannot be sufficiently confident that the Individual will not misuse controlled substances in the future under other difficult circumstances. Finally, his decision to ingest a substance not approved for use in humans casts significant doubt on his judgment and shows his willingness to experiment with substances he knows may not be safe.

In addition to demonstrating poor judgment by choosing to unlawfully use substances, the Individual's decision to take the drugs without medical supervision and to take drugs not deemed safe for human use was reckless from a physical safety standpoint and his testimony did not show that he has taken steps to improve his decision-making process. While he testified that he was motivated by the desire to continue providing for his family, he risked further injury by taking the drugs, which further demonstrates a lack of judgment. These choices were reckless and were contrary to his stated goal.

For the foregoing reasons, condition (a) does not apply.

As to mitigating condition (b), the Individual has not submitted evidence to support his testimony that he has disassociated from the individual who provided him the controlled substances or that he no longer attends the gym where the controlled substances were used. In addition, the Individual did not submit a signed statement indicating he intends to abstain from all drug involvement and substance misuse. Moreover, the Individual has not submitted evidence to support his testimony that he is not currently using the controlled substances, nor that he has not done so since January 2020.⁵ Given that the Individual has not been forthcoming about his drug use in the past, I question the reliability of his testimony and therefore find that the Individual has not demonstrated an established pattern of abstinence from the three controlled substances. Without corroborating evidence, I cannot find a pattern of abstinence, and the Individual's testimony and evidence were not sufficient to remove all doubt. As any doubt must be resolved in favor of the national security, I must find that condition (b) does not apply.

Mitigating condition (c) is not applicable because the Individual never held a prescription for the drugs that he used.

Mitigating condition (d) is not applicable because the Individual did not attend a treatment program. For these reasons, I conclude the Individual has not resolved the Guideline H security concerns raised by his illegal use of three controlled substances.

B. Guideline E

Under Guideline E, conditions that could mitigate security concerns include:

⁵ It is unclear whether medical tests that can show abstinence from Testosterone or HGH are available, however, the need for corroborating evidence to remove doubt does not change.

- (a) The individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;
- (b) The refusal or 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. Upon being made aware of the requirement to cooperate or provide the information, the individual cooperated fully and truthfully;
- (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;
- (f) The information was unsubstantiated or from a source of questionable reliability; and
- (g) Association with persons involved in criminal activities was unwitting, has ceased, or occurs under circumstances that do not cast doubt upon the individual's reliability, trustworthiness, judgment, or willingness to comply with rules and regulations.

Adjudicative Guidelines at ¶ 17. None of the mitigating conditions apply in this case.

As to mitigating condition (a), the Individual did not report his illegal use of three controlled substances, between March 2019 and January 2020. Months after he initially failed to report his drug use, the Individual falsified his QNSP, intentionally misleading the government so his omission, as well as his drug use, would not be discovered. It was not until confronted with the information by his employer that the Individual admitted to using illegal drugs and misusing prescription drugs. Therefore, I find the Individual did not make a prompt, good-faith effort to correct his omission before being confronted with the facts and that the Individual intentionally mislead investigators so his omission would not be discovered. Accordingly, mitigating condition (a) does not apply.

As to mitigating condition (b), there is no evidence the Individual's failures to report his illegal drug use to the DOE were caused or significantly contributed to by advice of legal counsel or some other professional responsible for advising the Individual. In fact, the Individual testified that he was aware his illegal use of three controlled substances would affect his ability to hold a security clearance and that he knew he was required to report such conduct to the DOE. The Individual's choices were wholly his own, made without the input of others. Therefore, mitigating condition (b) does not apply.

As to mitigating condition (c), the Individual's failures to report his illegal drug use to the DOE occurred over the course of five years. He failed to report his use when it began in March 2019 and continued to conceal it from the DOE during his divorce, during which he reported it to his attorney in February 2022. The Individual's failure to comply with DOE reporting requirements and report his illegal drug use is not a minor offense, and this behavior continues to cast doubt on his trustworthiness and judgment. Finally, fear of losing his job as a result of making required reports is not a unique circumstance that demonstrates the behavior is unlikely to recur. Regardless of what the reportable offense is, there will always be a risk of adverse consequences associated with reporting behavior that is against the rules. The Individual's behavior continues to cast doubt on his trustworthiness and judgment. Therefore, mitigating condition (c) does not apply.

As to the remaining mitigating conditions, the Individual did not present evidence he has obtained counseling to address his failure to comply with DOE reporting requirements, so mitigating condition (d) does not apply. Mitigating condition (e) does not apply because the LSO did not allege that the Individual's failures to report made him susceptible to manipulation, exploitation, or duress. I also cannot conclude that the information that resulted in the security concerns came from an unsubstantiated source or one of questionable reliability, as the Individual admitted illegally using three controlled substances and his failure to report it to the DOE. Therefore, mitigating condition (f) does not apply. Finally, the Individual's association with the purveyor of illegal drugs was not listed as a security concern, so his disassociation from that person is not relevant to mitigating the Guideline E concerns; as such, mitigating condition (g) does not apply.

For these reasons, I conclude the Individual has not resolved the Guideline E security concerns raised by his failure to report his drug use to the DOE.

VI. CONCLUSION

Upon consideration of the entire record in this case, I find that there was evidence that raised concerns regarding the Individual's eligibility for access authorization under Guidelines H and E of the Adjudicative Guidelines. I further find that the Individual has not succeeded in fully resolving those concerns. Therefore, I cannot conclude that restoring DOE access authorization to the Individual "will not endanger the common defense and security and is clearly consistent with the national interest." 10 C.F.R. § 710.7(a). Accordingly, I find that the DOE should not restore access authorization to the Individual.

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

Kristin L. Martin
Administrative Judge
Office of Hearings and Appeals