

hearing before an Administrative Judge to present evidence to resolve these doubts. The Individual requested a hearing in this matter. The LSO forwarded this request to OHA and the OHA Director assigned me as the Administrative Judge in this matter. The DOE introduced 19 exhibits (Exs. 1-19) into the record of this proceeding. The Individual introduced eight exhibits (Ex. A-H) into the record and offered his testimony as well as the testimony of his girlfriend (Girlfriend), his supervisor (Supervisor), a friend (Friend), and an Employee Assistance Program counselor (EAP Counselor).³

II. REGULATORY STANDARDS

The criteria for determining eligibility for security clearances set forth at 10 C.F.R. Part 710 dictate that, in these proceedings, an Administrative Judge undertake a careful review of all of the relevant facts and circumstances, and make a “common-sense judgment . . . after consideration of all relevant information.” 10 C.F.R. § 710.7(a). I must therefore consider all information, favorable and unfavorable, that has a bearing on the question of whether granting the Individual a security clearance would compromise national security concerns. Specifically, the regulations compel me to consider the nature, extent, and seriousness of the Individual’s conduct; the circumstances surrounding the conduct; the frequency and recency of the conduct; the age and maturity of the Individual at the time of the conduct; the absence or presence of rehabilitation or reformation and other pertinent behavioral changes; the likelihood of continuation or recurrence of the conduct; and any other relevant and material factors. 10 C.F.R. § 710.7(c). In considering these factors, the Administrative Judge also consults the *Revised Adjudicative Guidelines for Determining Eligibility for Access to Classified Information* that set forth a more comprehensive listing of relevant factors. *See Revised Adjudicative Guidelines for Determining Eligibility for Access to Classified Information, The White House* (December 19, 2005) (*Adjudicative Guidelines*).

A DOE administrative proceeding under 10 C.F.R. Part 710 is “for the purpose of affording the individual an opportunity of supporting his eligibility for access authorization.” 10 C.F.R. § 710.21(b)(6). Once the DOE has made a showing of derogatory information raising security concerns, the burden is on the Individual to produce evidence sufficient 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 regulations further instruct me to resolve any doubts concerning the Individual’s eligibility for access authorization in favor of the national security. 10 C.F.R. § 710.7(a).

to any circumstances which tend to show that the individual is not honest, reliable, or trustworthy; or which furnishes reason to believe that the individual may be subject to pressure, coercion, exploitation, or duress which may cause the individual to act contrary to the best interests of the national security. . .” 10 C.F.R. § 710.8(l).

³ I have renumbered the Individual’s Exhibits as follows: Ex. A (Notice of Dismissal of Child Abuse charge); Ex. B. (court records relating to Individual arrest in June 2013 for Driving While Under the Influence of Intoxicating Liquor or Drugs (DWI)); Ex. C (June 2013 DWI Case Docket); Ex. D (Stipulated No Contact Order between the Individual and his ex-wife); Ex. E (Closure of ex-wife’s request for an Order of Protection); Ex. F (Individual’s most recent workplace performance evaluation); Ex. G (EAP Counselor’s notes); Ex. H (DOE-contractor psychologist (DOE Psychologist) November 2013 evaluative report (Report) on the Individual).

II. THE SECURITY CONCERN AND EVIDENCE PRESENTED

A. Derogatory Information

During the period 1993 through 2000, the Individual was arrested or cited for Driving While Under the Influence of Intoxicating Alcohol (DWI) on four occasions. Additionally, during this period, the Individual's ex-wife filed two domestic violence complaints (in May 1996 and May 1998) and requested an Order of Protection in July 1999. During 2012 through 2014, the Individual was subject to a Temporary Order of Protection requested by his ex-wife (October 2012), an arrest for DWI (June 2013), and an arrest for Child Abuse – Intentional (May 2014). Ex. 1; Ex. 4; Exs. 16-19.

During his employment at the DOE facility, the LSO conducted three prior PSIs (conducted in November 2011, November 2012, and September 2013). Exs. 18-19. The LSO also sent a Letter of Interrogatory to the Individual in January 2009. Ex. 12. In each of these events, LSO directed the Individual's attention to the DOE's concern with criminal offenses conducted by its clearance holders.

B. Security Concern

In its Notification Letter, the LSO invoked Criterion L to support its suspension of the Individual's security clearance. Specifically, the LSO cited the Individual's history of arrests and complaints as Criterion L derogatory information supporting its decision to suspend the Individual's security clearance. Ex. 1. 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*, Guideline J. Given the Individual's history of arrests and complaints outlined above, the LSO had sufficient grounds to invoke Criterion L.

C. Evidence of Mitigation

At the hearing, the Individual, for the most part, did not dispute the record of incidents set forth in the Notification Letter. However, the Individual noted that all but three of the cited incidents occurred over 15 years ago. Further, the Individual asserted that, of the three remaining incidents, two involved domestic situations based upon false accusations. Finally, the Individual asserted that the third incident, a June 2013 arrest for DWI, reflected an isolated incident of poor judgment.

1. *The Domestic Incidents*

a. **2012 Temporary Protective Order**

The Individual testified about his problems with his ex-wife while they were married. The Individual recounted that his ex-wife would create incidents to jeopardize his position at the DOE facility. Tr. at 124. The Individual's ex-wife, who worked at the same DOE facility as the Individual and had an access authorization, stole his ID badge on two separate occasions. One of the occasions was prompted when the Individual, on advice of the EAP Counselor, sought to get a restraining order on his ex-wife. Tr. at 126-27. His ex-wife asked him not to do so because it could affect her security clearance and "involve the kids in all kinds of counselling." Tr. at 127. The Individual withdrew his request for the order. Tr. at 127. However, after talking to his Supervisor, he decided to reinstate his

request for a Protective Order. Tr. at 127. His ex-wife found out and confronted him in front of a local bank and began to curse him. The Individual's ex-wife hit him and he then ran into the bank with his ex-wife in pursuit. Tr. at 127.

The Individual testified that a week later he was informed by a gasoline station attendant that a woman went into his car and ran away with a set of keys. Tr. at 127. At the time, he kept his badge in a black bag underneath the seat in his automobile and the bag was missing. The Individual immediately reported the incident to the local police. His son later borrowed the Individual's car for a week. After his son returned the car, the Individual found a prior ID badge he had earlier reported stolen. Tr. at 130-31. The Individual testified that he suspected his ex-wife of stealing the ID badge. See also Ex. 17 at 52, 67. The Supervisor testified that he initiated an investigation of the missing badge incidents and the ex-wife's involvement in these incidents. The Supervisor testified that, as a result of the investigation, the ex-wife was terminated from her position at the DOE facility. Tr. at 119.

The Friend testified about an incident involving the Individual and his ex-wife that occurred within the past five years. Tr. at 12-13. The Individual drove into the Friend's driveway on his motorcycle next to the Friend's car. Tr. at 13. The Individual's ex-wife (then still married to the Individual) then drove up in her automobile and pushed the Individual's motorcycle into the Friend's vehicle, damaging that vehicle and causing the Individual to fall off his motorcycle. Tr. at 13. The ex-wife then left and the Friend came out to check on the Individual. The Individual informed her that, after an argument, his ex-wife had followed him to the Friend's house. Tr. at 13-14. The Friend testified that, in the past, the Individual felt that it was safest go to her house after he would have an argument with his ex-wife. Tr. at 14. The Friend stated she had observed the Individual with his children and noted he was "very good with his kids." Tr. at 15.

According to the available court records, in October 2012, the Individual's ex-wife petitioned a local court for a Temporary Protective Order from the Individual. Ex. 11. The local court granted the petition and scheduled another hearing three days later, at which the Individual could respond to the allegations and the local court could consider whether to issue a permanent Order of Protection against the Individual. Ex. 11. At the next hearing, the local court considered and granted the Individual's request for a permanent Protective Order against his ex-wife. Ex. 10. Specifically, the local court found that the Individual had been subject to acts of domestic violence involving two confrontations: an incident where the ex-wife harassed the Individual while both were driving vehicles on a state road and the local bank incident, described above. Ex. 10 at 7-8. According to the Individual, at the second hearing, his ex-wife claimed that he had broken into their house, hit her, and threatened to kill her if she did not move out of the house. Tr. at 134. His ex-wife also offered pictures of her alleged injuries. The judge declined to accept his ex-wife's pictures as evidence that the Individual had hit her and did not grant her a (non-temporary) Protective Order from the Individual.⁴ Tr. at 134-35. Eventually, after negotiations with his ex-wife's attorney as part of their custody plan for their children, the Individual's Protective Order against his ex-wife was modified in November 2012 into a mutual No Contact Order. Tr. at 136; Ex. D (mutual stipulated No Contact Order). Nonetheless, the Individual testified that his ex-wife had told others that certain of her family members were going to kill the Individual. Tr. at 135-36.

⁴ The ex-wife's Temporary Order of Protection was closed by the court for "lack of activity" in February 2014. Ex. E.

b. 2014 Child Abuse Arrest

The Individual testified that, when he moved out of the house that he and his ex-wife were living in, his daughter elected to live with him.⁵ Tr. at 123. However, before the Child Abuse arrest, his relationship with his daughter, now 17 years old, had been deteriorating. Tr. at 122-23. His daughter used marijuana and was very verbally abusive towards him. Tr. at 143. After the mutual no contact order, the Individual's ex-wife kept her distance but would occasionally make an obscene gesture at him. Tr. at 136.

The Individual's Girlfriend testified that, at the time of the Child Abuse arrest, she and her daughter were temporarily staying at the Individual's house along with the Individual and his daughter. On the night of the arrest, the Girlfriend, the Girlfriend's daughter, and the Individual returned to the Individual's residence from a party. Tr. at 28-29. After they arrived, the Individual's daughter began to argue with the Girlfriend's daughter, accusing the Girlfriend's daughter of taking a shirt belonging to the Individual's daughter. Tr. at 29. When the Girlfriend went to intervene in the argument, the Individual's daughter called her a "whore." Tr. at 29. The Girlfriend left the argument and decided to let the Individual deal with the dispute. Tr. at 29.

During the argument which led to his arrest, the Individual, around midnight, called the local police to help him prevent his daughter from driving away from the house.⁶ Tr. at 138. The Individual was concerned about his daughter's safety if she drove from the house in an irrational state. Tr. at 140. The local police informed him that they were also speaking to his daughter and that they would get back to him. Tr. at 139. The Individual then tried to get the keys to his vehicle away from his daughter because he believed that she was in an irrational state. Tr. at 139-40. As he put his arms around his daughter to get the keys, she resisted and he fell on top of her on the daughter's bed. Tr. at 140. The Individual testified that he immediately got up and retrieved the keys and at no time did he hit his daughter. During this time, the Individual's daughter stated "he's hitting me" and "stay back." Tr. at 140.

The Girlfriend testified that after the Individual went into his daughter's room the Girlfriend heard the daughter say "Stop hitting me. Stop hitting me." Tr. at 30. The Girlfriend went into the room but did not see the Individual hitting his daughter. She also noticed that the daughter's cell phone was on and connected to her mother (the Individual's ex-wife). The Individual then asked his daughter for the keys to her car and she became angry with him. Tr. at 31. Later, the Individual's daughter left the Individual's residence. Around 3:00 a.m. the Girlfriend and the Individual were arrested. Tr. at 31. According to the Girlfriend, several days later she and the Individual were subject to an investigation by a State child protective service agency. The Girlfriend and the Individual later received a letter from the agency stating that the agency did not find any evidence of child abuse. The State's Attorney later dismissed the case.

⁵ His daughter did not have any contact with his ex-wife until a couple of weeks before the Child Abuse arrest. Tr. at 123.

⁶ According to the Individual, his daughter used words to the effect that "[W]ell give me some damn gas money because I'm going to get the [F] out of here." Tr. at 140.

The EAP Counselor testified that she had been seeing the Individual since September 2012. Tr. at 74; Ex. G at 64. The Individual sought help regarding domestic problems regarding his ex-wife's verbal and physical abuse and her stalking of the Individual. Tr. at 66. She has seen the Individual for 35 sessions and initially worked with the Individual with regard to marital domestic violence issues. Tr. at 78. The Individual also consulted her with regard to his recent arrest for Child Abuse. Tr. at 84. From her understanding of the Individual's situation, she believes that the Individual's daughter is "quite volatile and is involved in a conflicted separation and divorce between the Individual and his ex-wife." Tr. at 85. The EAP Counselor testified that the Individual told her about what had happened in the incident that led to his Child Abuse arrest. Tr. at 87. Throughout her therapy with the Individual, she believes that the Individual has always been forthright with her. Tr. at 101-06.

The EAP Counselor testified that the Individual had reported several incidents of stalking by his ex-wife. Tr. at 92. Based upon the information she received from the Individual, the EAP Counselor believes that his ex-wife "could be the perpetrator of domestic violence, physical abuse, and stalking." Tr. at 92. She went on to note in her testimony that it is not uncommon for females to stalk men. Tr. at 92. In the Individual's case, when he decided to leave his ex-wife, her harassment of the Individual began to escalate, a phenomenon which is common in domestic-violence relationships. Tr. at 112. When one party leaves such a relationship, the other party will often increase the level of violence. Tr. at 112. The EAP Counselor's concern was sufficiently great that she personally escorted the Individual to the LSO to report on his ex-wife's harassment. Tr. at 92.

In sum, the EAP Counselor believes that the domestic events are part of a dysfunctional family system and not a matter of criminal intent. Tr. at 101. She does not believe that the Individual committed any domestic violence or that he would commit violence toward a family member. Tr. at 101-02, 111.

2. 2013 DWI Arrest

In the September 2013 PSI, the Individual stated that he and his Girlfriend were riding on the Individual's motorcycle and stopped for several drinks at a bar. Later when he and his Girlfriend left the bar he was pulled over for going 36 miles per hour in a 25 mile per hour zone. Ex. 17 at 11-12. After being administered two breathalyzer tests, the local police officer who stopped him stated that his blood alcohol results were .08 and .09. Ex. 17 at 29. The Individual acknowledged in the September 2013 PSI that in consuming alcohol and driving he "made a stupid mistake." Ex. 17 at 42. The Girlfriend's testimony concerning the DWI arrest is similar to that the Individual recounted in the September 2013 PSI. Tr. at 43-44. She did not believe that, at the time of the arrest, the Individual was intoxicated. Tr. at 44.

With regard to the September 2013 DWI arrest, the EAP Counselor testified that the Individual consulted with her after his arrest. She testified that she does not believe that the Individual intentionally became intoxicated or intentionally disregarded the law. Tr. at 102. She based her assessment on the fact that the Individual's blood alcohol level tested the minimum level of 0.08 and the fact she believes that the Individual has been truthful with her in their sessions. Tr. at 102-03.

3. Pre 2001 Incidents

The Individual does not deny his pre-2001 history of arrests and the other incidents listed in the Notification Letter. However, he denies that he committed any type of domestic battery or violence

against his ex-wife in the three pre-2001 incidents recorded in the Notification Letter.⁷ Tr. at 146. The Individual does not remember the incidents that led to the May 1996 or May 1998 complaints filed by his ex-wife. Tr. at 159. Nonetheless, the Individual does not deny that the charges were filed against him. Tr. at 147. With regard to the July 1999 complaint, the Individual and his ex-wife began to argue and the Individual left their residence to go to his mother's house. Tr. at 157. The Individual's ex-wife followed him and confronted him there. The ex-wife attempted to slap the Individual and the Individual's mother blocked the ex-wife from slapping the Individual. Tr. at 157. The ex-wife later filed charges alleging that the Individual slapped her. Tr. at 157. At the hearing concerning the charge, the Individual testified that the Judge ordered both of them not to see each other but that, in order to continue to see each other, they later moved out of the court's jurisdiction. Tr. at 157-58.

The Individual testified that he did not deny the facts of his pre-2001 DWI arrests. He stated that he was not convicted for a 1993 DWI arrest because the officer did not show up for the hearing date. Tr. at 159. As for a July 1994 arrest for DWI and possession of a controlled substance, the Individual did not know that he had also been cited for the possession of a controlled substance, a marijuana cigarette found in the back seat of the vehicle (his mother's car) he was riding in, until DOE had notified him. Tr. at 163.

The Individual also submitted into the record a psychological evaluation performed by the DOE Psychologist which was prompted, in part, by his June 2013 DWI arrest. Ex. 14 at 2. In his Report, the DOE Psychologist found that the Individual's consumption of alcohol is not at a level that it warrants DOE's concern about habitual use to excess and that the Individual does not have an illness or mental condition that could cause a defect in his judgment and reliability. Ex. 14 at 7-8.

III. FINDINGS OF FACT AND ANALYSIS

The security concern in this case centers on the Individual's history of arrests and other incidents. Among the factors which could serve to mitigate security concerns raised by criminal conduct, as listed in the *Adjudicatory Guidelines*, are (1) 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; (2) the person was pressured or coerced into committing the act and those pressures are no longer present in the person's life; (3) evidence that the person did not commit the offense; and (4) there is evidence of successful rehabilitation; including but not limited to the passage of time without recurrence of criminal activity, remorse or restitution, job training or higher education, good employment record, or constructive

⁷ The Notification Letter records that the Individual's ex-wife filed complaints against the Individual in May 1996 for Domestic Violence and Assault and in May 1998 for Domestic Violence. Ex. 1. In July 1999, the Individual had an Order Prohibiting Domestic Violence and an Order of Protection filed against him in July 1999. Ex. 1. My examination of the record fails to find any reference to these May 1996 and May 1998 complaints or the July 1999 Order in a 2008 Office of Personnel and Management Background report that is cited in the Notification as being the source of this derogatory information. In his September 2013 PSI, the Individual did not recall the circumstances regarding the May 1996 and May 1998 complaints but asserted that no criminal charges were filed against him as a result of these complaints and that both he and his ex-wife were required to go to counselling as a result of the charges. Ex. 13 at 109-11. However, these charges are referenced in a Case Evaluation Sheet. Ex. 3. Nonetheless, the Individual does not deny that the May 1996 and May 1998 complaints and the 1999 Order of Protection were filed against him. Tr. at 147.

community involvement. *Adjudicative Guideline J* at ¶ 32 (a)-(d); *Personnel Security Hearing*, Case No. PSH-13-0044 (2013).

If the only incidents before me occurred before 2001, I would find that the passage of time has sufficiently mitigated any security concerns related to those incidents. However, the Individual has been involved in two arrests and has had a request for a protective order filed against him in the past two and one-half years. Those incidents center around two areas of conduct – his domestic relations with his family and his DWI arrest. I consider each of these areas of concern below.

1. Domestic Incidents

From the record before me it is apparent that, before the Individual left his ex-wife, the Individual's domestic situation could be described as chaotic and dysfunctional. My assessment is supported by the professional opinion of the EAP Counselor who has been working with the Individual over the course of several years and 35 visits. Based upon the testimony of the EAP Counselor and the other witnesses, I find that it is very likely that the Individual has been subject to physical and psychological abuse as well as stalking by his ex-wife. Further, I find his Friend's testimony concerning the incident where the ex-wife struck the Individual with her vehicle as compelling evidence of the ex-wife's extreme *animus* against the Individual. This *animus* is confirmed by the Supervisor's testimony concerning the theft of the Individual's badges and the contractor's resulting decision to remove the Individual's ex-wife's from her position at the DOE facility. Based upon this evidence, I find that the allegations contained in the Individual's ex-wife's request for a Temporary Protective Order in October 2012 are without merit and that this allegation raises no security concern.

With regard to the Child Abuse arrest, there is evidence indicating that the Individual and his daughter were having significant relationship problems. In the September 2013 PSI, the Individual stated that since his daughter moved in with him in July 2012, the Individual suspected that she may have been using marijuana. Ex. 13 at 119. Approximately in May 2013, the Individual found illegal drug paraphernalia in his house and contacted the local police. Ex. 13 at 120-21. The Individual's daughter became angry and, after the Individual refused to give his daughter the keys to his automobile, began to break windows in the Individual's residence. Ex. 13 at 121-22. The local police arrested the Individual's daughter for destruction of private property and illegal drug possession. Ex. 13 at 122. The Individual's daughter was required to see a juvenile parole officer and attend a four-hour class concerning domestic abuse. Ex. 13 at 124. Later, in July 2013, the Individual also found more illegal drug paraphernalia in his daughter's room. Ex. 13 at 128.

The Individual's Girlfriend stated in her testimony that the Individual's daughter would curse occasionally at the Individual. Tr. at 20; *see also* Tr. at 143 (Individual's testimony). The Individual's Girlfriend also testified that the Individual's daughter would become angry if the Individual attempted to discipline her. Tr. at 20.

Given the Individual's daughter's history of anger, I find the Individual's account of the incident leading to the May 2014 Child Abuse arrest to be believable. I also note that the Individual's testimony at the hearing and the account he gave during the June 2014 PSI have been consistent with regard to the events that led to the Child Abuse charge. Finally, I note that although the police report noted injuries to the daughter's forehead and right arm, Ex. 5 at 5, the local child protective agency who investigated the incident determined that the Individual's daughter had no visible injuries caused

by the Individual, and the agency found no other evidence to support an allegation of physical abuse due to excessive or inappropriate discipline.⁸ Ex. 6 at 2.

Given the factual background presented above, specifically, the report from the local governmental child protective service that it did not find any evidence of abuse, and the local prosecutor's decision not to prosecute the Child Abuse Charge against the Individual, I find there is sufficient evidence to mitigate the security concern arising from this arrest. See Ex. A (order dismissing the Child Abuse charge against the Individual). I also note that the Individual's daughter (as well as his ex-wife) now lives apart from the Individual as part of the mutual no contact order negotiated between him and his ex-wife and that this lowers the risk of future domestic incidents between the Individual and his daughter. Tr. at 142.

2. DWI Arrests

In this case, the security concern raised by the Individual's arrests for DWI is not, *per se*, the intoxication caused by excessive use, but by the Individual's failure to conform his behavior to the criminal code on a number of occasions. See Tr. at 100.

A period of almost 13 years elapsed from his DWI arrest in June 2013 and his last DWI arrest in February 2000. If I discount the 2014 arrest for Child Abuse and the October 2012 Order of Protection, then the only criminal activity that the Individual has been responsible for in the past 12 years is the June 2013 arrest. After considering the record, I find that the Individual's June 2013 DWI arrest is not a part of a pattern of criminal conduct or that it reflects an unwillingness to comply with regulations. The DOE Psychologist's Report indicates that the Individual does not have an alcohol use problem that will make him incapable of complying with the law. I find the June 2013 DWI arrest represented an isolated error in judgment especially in light of his 12 year prior history of no DWI arrests. The Individual has promptly reported all incidents to the LSO while holding a clearance and has excellent work performance. I also find it significant that the LSO determined that the period between the Individual's June 2013 DWI arrest and his prior pre-2001 DWI was such that the security concern raised by the June 2013 DWI arrest had been sufficiently mitigated. Ex. H at 15 (May 2014 LSO Case Evaluation Sheet finding that concerns raised by June 2013 DWI arrest mitigated by passage of time as referenced in *Adjudicative Guidelines*, Guideline G).

V. CONCLUSION

Given my findings and analysis of the evidence before me I find that the Individual has established the presence of *Adjudicative Guideline* mitigating factors at ¶ 32 (a)(3), with regard to the Child Abuse arrest and the other alleged domestic incidents, and ¶ 32 (a)(4), regarding his complete history of arrests and domestic incidents. I believe that the risk of future incidents arising from his domestic relationship is significantly reduced given his separation from his wife and daughter. The Individual has not had any alcohol-related incidents since his June 2013 DWI

⁸ While not listed as derogatory information in the Notification Letter, the Girlfriend testified that one or two months before the Child Abuse arrest, the local child protective agency received an anonymous call reporting that she and the Individual were neglecting their children by not having food in the house. Tr. at 22. The agency contacted the Girlfriend on her cell phone which she found unusual. Tr. at 22. After an investigation, the local child protective agency found there was no evidence of child neglect. Tr. at 22.

arrest and does not suffer from any type of significant alcohol use disorder that would put him an unacceptable risk for future DWIs.

For the reasons set forth above, I conclude that the Individual has adequately mitigated the DOE's Criterion L security concerns raised by the Notification Letter. Consequently, I also find that the Individual has demonstrated that restoring his access authorization would not endanger the common defense and would be clearly consistent with the national interest. Accordingly, I find that the DOE, at this time, should restore the Individual's access authorization. Review of this decision by an Appeal Panel is available under the procedures set forth at 10 C.F.R. § 710.28.

Richard A. Cronin, Jr.
Administrative Judge
Office of Hearings and Appeals

Date: May 29, 2015