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

In the Matter of Personnel Security Hearing)
)
Filing Date: September 8, 2015) Case No.: PSH-15-0071
_____)

Issued: January 13, 2016

Administrative Judge Decision

Shiwali G. Patel, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXXX (hereinafter referred to as “the individual”) for access authorization under the regulations set forth at 10 C.F.R. Part 710, entitled “Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material.”¹ For the reasons set forth below, I conclude that the DOE should not restore the individual’s access authorization.²

I. BACKGROUND

The individual is an employee of a Department of Energy (DOE) contractor and holds a suspended access authorization. After the individual was arrested in January 2014, for a domestic violence offense, a Local Security Office (LSO) summoned the individual for a Personnel Security Interview (PSI) with a personnel security specialist in April 2014. DOE Exhibit (Ex.) 12. After the PSI, the LSO referred the individual to a psychologist (hereinafter referred to as “the DOE psychologist”) for an agency-sponsored evaluation. The DOE psychologist prepared a written Report, setting forth the results of that evaluation, and sent it to the LSO in August 2014. Ex. 10. The psychologist then concluded that the individual did not manifest an alcohol use disorder and the individual was able to maintain his access authorization. Ex. 10. The individual was then reinvestigated, which was completed in June 2015. Based on new information that was received from the reinvestigation, the DOE psychologist revised his assessment. Ex. 7. Based on the DOE psychologist’s revised

¹ An access authorization is an administrative determination that an individual is eligible for access to classified matter or special nuclear material. 10 C.F.R. § 710.5. Such authorization will be referred to in this Decision as access authorization or a security clearance.

² Decisions issued by the Office of Hearings and Appeals (OHA) are available on the OHA website located at <http://www.energy.gov/oha>.

assessment, and the individual's personnel security file, the LSO determined that derogatory information existed that cast into doubt the individual's eligibility for access authorization. The LSO informed the individual of this determination in a letter that set forth the DOE's security concerns and the reasons for those concerns. Ex. 2. The Notification Letter also informed the individual that he was entitled to a hearing before an Administrative Judge in order to resolve the substantial doubt concerning his eligibility for an access authorization.

The individual requested a hearing in this matter. The LSO forwarded this request to OHA, and the OHA Director appointed me the Administrative Judge in this case. The DOE introduced 16 exhibits into the record of this proceeding (Exs. 1-16), and called the DOE psychologist as a witness. The individual introduced one exhibit (Ex. A), and presented the testimony of three witnesses, including his own testimony. *See* Transcript of Hearing, Case No. PSH-15-0071 [hereinafter cited as "Tr."].

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 must 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).

A DOE administrative review 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).

III. NOTIFICATION LETTER AND ASSOCIATED SECURITY CONCERNS

The Notification Letter cited derogatory information within the purview of one potentially disqualifying criterion set forth in the security regulations at 10 C.F.R. § 710.8, subsection (j) (hereinafter referred to as Criterion J). Ex. 2.³ In support of its Notification Letter, the LSO cited

³ Under Criterion J, information is derogatory if it indicates that the individual has "[b]een, or is, a user of alcohol habitually to excess, or has been diagnosed by a psychologist or a licensed clinical psychologist as alcohol dependent or as suffering from alcohol abuse." 10 C.F.R. § 710.8(j).

the DOE psychologist's assessment that the individual manifests an alcohol use disorder and statement from the individual's former marriage counselor who stated that the individual had a condition that could impair his judgment, reliability, or ability to properly safeguard classified national security information. Ex. 2.

I find that this information adequately justifies the DOE's invocation of Criterion J, as it raises significant security concerns related to excessive alcohol consumption, which often leads to the exercise of questionable judgment or the failure to control impulses, and calls into question the individual's future reliability and trustworthiness. *See Revised Adjudicative Guidelines for Determining Eligibility for Access to Classified Information*, The White House (December 19, 2005) (Adjudicative Guidelines) at ¶ 21 (Guideline G).

IV. FINDINGS OF FACT

The individual disputes the DOE psychologist's assessment that he has an alcohol use disorder. *See* 10 C.F.R. § 710.27(c) (requiring Administrative Judge to "make specific findings based upon the record as to the validity of each of the allegations contained in the notification letter"). Based on the testimony and exhibits, I make the following findings.

A. The individual's marriage and history of alcohol consumption

The individual is a mature adult and has been married for many years. Tr. at 12; Ex. 12 at 20. At his PSI in April 2014, the individual stated that he began consuming alcohol when he was about 18 or 19 years old, and that starting around 2009, his consumption of alcohol increased and "became more of a problem" because of the "progressive nature of the alcohol use." Ex. 12 at 16-17. Around that time, his wife began drinking more heavily and admitted herself into an in-patient treatment facility, followed by out-patient treatment for approximately two and a half years and then participation in Alcoholics Anonymous (AA) meetings. Ex. 12 at 21-22. She had periods of success but then relapsed to binge drinking alcohol. Ex. 12 at 22. The individual started attending AA meetings with his wife sometime in 2012 or 2013 "once [he] started having more problems [with alcohol consumption]," but his attendance was "on and off for about a year." Ex. 12 at 14, 22. The individual and his wife have reduced their social circle, explaining that since alcohol became a problem in their lives, they had to isolate themselves from their neighbors in order to control their own problem with alcohol. Ex. 12 at 25-26.

For the past few years, the individual and his wife have had several encounters with law enforcement, some of which occurred after they consumed alcohol. In January 2010, the police arrived at their home after his wife placed a hang up call with emergency services, but left after she proclaimed that there were no issues. Ex. 8 at 4. In December 2011, the police arrived at his home responding to a neighbor's phone call reporting that the individual's wife told him that the individual had tried to run her over with his car. Ex. 8 at 3. The individual claimed that he was trying to leave and avoid arguing with his wife who was drinking heavily and that while he was backing his car out of the garage, he bumped against some unknown object. *Id.* He informed the police that his wife laid down behind the car in an attempt to keep him from leaving the residence; he wrote a statement for the police and was not charged or arrested with any offense. *Id.* In a separate incident that also

occurred in December 2011, a family member called the police because the individual's wife attempted to commit suicide by trying to cut her chest with a broken bottle of wine after she was arguing with her husband. They had both been consuming alcohol at the time. *Id.* In January 2012, the police arrived at the individual's residence to conduct a welfare check at the request of his wife's co-worker and they found his wife lying in bed with a swollen face, bruised under both eyes, swollen and bloody lips and bruising behind her left ear. *Id.* In December 2012, emergency services reported to their home where the individual and his wife had been consuming alcohol, arguing and throwing things. *Id.* The individual was not arrested or charged with an offense for any of these incidents.

In January 2014, the individual was arrested and charged with a domestic violence offense. Ex. 12 at 5. The individual and his wife were watching a game, became intoxicated, got into an argument and then had a physical altercation. *Id.* The individual consumed four alcoholic beverages (three beers and mixed drink) within about three hours, which he testified was the last time he drank to excess. Ex. 12 at 10; Tr. at 32, 35. The individual stated that he pushed her; his wife testified that she does not clearly remember what happened that night. Ex. 12 at 5; Tr. at 17. She also stated that she did not remember whether he was drinking during that time. Tr. at 22. He claims that he pushed her after she tried to bite his finger and she fell on the ground; her mouth began bleeding from the gums and after an emergency medical technician arrived, the police arrived and arrested the individual. Ex. 12 at 5-6, 11. Later, on February 23, 2015, the OPM investigator reviewed the police report from that incident, which indicated that a family member observed him "punching his wife in the face two times with his left hand, pushing her down and throwing her glasses on the floor." Ex. 8 at 1; Ex. 16 at 42. The police records also indicate that the officers believed the individual's "wife's injuries were more consistent with a fist striking her mouth than with her hitting a hard object." Ex. 8 at 1. Subsequent to his arrest, the court ordered the individual to undergo an evaluation for alcohol and anger management as a condition for dismissing the charges against him at the end of 12 months. Ex. 12 at 7. As a result of an evaluation, he had to enroll in an eight or six-hour course. Tr. at 33. Soon after appearing in court, the individual and his wife participated in marriage counseling, which they discontinued after three months. Ex. 12 at 8; Ex. 16 at 36.

During the OPM's reinvestigation in 2015, several neighbors of the individual and his wife were interviewed. Ex. 16. One neighbor stated that she believed that the individual and his wife were alcoholics and that she does not think that the individual is trustworthy because of how he manipulates his wife. Ex. 16 at 13. She also believes that he is controlling with his family. Ex. 16 at 2. Another neighbor stopped associating with the individual because of his negative interactions with his wife and his manipulative behavior towards her. Ex. 16 at 16. She stated that she stopped socializing with the individual and his wife a few years ago because they were always arguing with each other because of their alcoholism. Ex. 16 at 17. She also observed the individual intoxicated at neighborhood functions. Ex. 16 at 17. Another neighbor, who also stopped interacting with the individual's wife because of her alcoholism, stated that the individual and his wife often argued after consuming alcohol because he would become upset when his wife became belligerent after consuming alcohol. Ex. 16 at 17. The OPM investigator also interviewed the individual's marriage and family therapist. The therapist saw them for three months – from January to April 2014 – and opined that the individual has a condition that could impair his judgment, reliability, or ability to properly safeguard classified national security information. Ex. 16 at 36. He also stated the following:

The subject [individual] was dealing with the drinking problem that played a big role in a violent, nearly fatal, episode of an attack on his wife (discrepant). The subject was attending Alcoholics Anonymous (discrepant) and had agreed to seek an alcohol evaluation and appropriate treatment. The subject discontinued therapy before seeking the evaluation and alcohol treatment. The subject's prognosis is shabby until the subject obtains the evaluation to determine the extent of the issue and to follow the recommendation of the evaluation.

Id.

At his PSI in April 2014, the individual acknowledged that he never had an AA sponsor and stated that he was "contemplating going back to the original group and going ahead and getting a sponsor." Ex. 12 at 28. He believed that he had a problem with alcohol, but that it was not difficult for him to abstain from consuming alcohol. Ex. 12 at 30, 31. He indicated that five years ago, alcohol "became more of a problem in that the progressive nature of the alcohol use obviously became a problem." Ex. 12 at 17. When asked about how his problems manifested, he responded that "I would just drink too much at a sitting and would be impaired." Ex. 12 at 23. He also stated that "it just became more habituated," "I was becoming dependent upon it," and that when he went through periods of abstinence for a few weeks to two to three months, he would resume drinking again, referring to the incident in January 2014 as an example of that behavior. Ex. 12 at 24-26. At his PSI, he also referenced the "illusion of normalcy" more than once to explain how he felt when he consumed alcohol and his consumption increased again. Ex. 12 at 27. He asserted that he and his wife are "enablers of each other" and they both need to abstain from alcohol. Ex. 12 at 33. He further acknowledged that he should stop consuming alcohol and "need[s] a little bit more help on that path." Ex. 12 at 32. He said that we would seek counseling or therapy and was fully committed to abstaining from alcohol. Ex. 12 at 33-34.

However, at the hearing in late 2015, when confronted about the statements that he made at his PSI concerning his problems with alcohol and the need for treatment, the individual claimed that he did not recall making those statements. Tr. at 42-47. He also averred that he was "dumbstruck" at the PSI and that it was "very intimidating," describing the interview as "Orwellian." Tr. at 57. I reviewed the transcript from the PSI: the individual volunteered the information about his alcohol use and problems. The PSI does not indicate that the individual was intimidated. Nonetheless, when asked by DOE counsel at the hearing, the individual stated that he was honest during the PSI and that he did not feel like he was being treated unfairly. Tr. at 61. Therefore, I am perplexed why the individual testified that he does not recall making those statements and then stated that he felt intimidated during the "Orwellian" PSI, as if to imply that he never meant to make the statements acknowledging his problems with alcohol. It appears that he was trying to mitigate the weight of his statements from the PSI, while also relieving himself of liability for any purported false statements. He also stated at his PSI that what occurred in January 2014 had never happened before and that it was still hard for him "to believe it happened at all." Ex. 12 at 10. Given the couple's history with police encounters and domestic disputes, I also find that statement from the individual dubious. For these reasons, and the reasons explained further below, I do not find him credible.

At the hearing, the individual recalled that when he met with the DOE psychologist for an assessment in the late spring or early summer of 2014, which was a few months after his PSI, he was consuming alcohol. Tr. at 35. He would typically consume beer after work, about two to four times a week. Tr. at 35. He testified that his understanding was that the DOE psychologist only recommended that he abstain from alcohol, not that he needed to abstain as a condition of his clearance. Tr. at 36. He does not recall committing to abstinence. Tr. at 51. In fact, he stated that if he was directed to completely abstain from alcohol in order to keep his security clearance, he would have done so. Tr. at 39. However, that rationale misunderstands the importance of abstinence for personnel security purposes. The abstinence helps the individual exercise good judgment and control his impulses so there are no concerns with his honesty and reliability. After his meeting with the DOE psychologist, he stopped drinking alcohol for a month or two, and then resumed consuming alcohol again. Tr. at 37. He did this a few times over the last year – stop drinking alcohol for one or two months and then resume drinking. Tr. at 37. When asked at the hearing why he stopped consuming alcohol, he stated, “I don’t have a specific reason. I just felt like maybe I needed to lose a little weight. I didn’t have any compelling, you know, reason.” Tr. at 37. He did not say anything about his marriage or his children as a reason to stop consuming alcohol.

The individual last consumed alcohol on August 1 or 2, 2015, which was approximately three months before the hearing. Tr. at 39. He also stated that he promises to abstain from alcohol for his security clearance and that he does not have any cravings for alcohol, which he claims would make it easy not to consume. Tr. at 36-37, 59. His wife testified that there is no alcohol in the home, except for one beer that has been untouched for months. Tr. at 22-23. She also believes he last consumed alcohol sometime in the summer, and she has not known him to express a desire to consume alcohol since then. Tr. at 14, 26. She testified that she did not know why her husband decided to abstain from alcohol and that she cannot recall ever having a conversation with him about his decision to abstain. Tr. at 24-25. However, in contradiction to her testimony, the individual stated that he and his wife in fact talked about abstaining from alcohol when he insisted that they stop because their relationship was in jeopardy and that he would end their relationship if she consumed alcohol again. Tr. at 48, 56. His wife stopped consuming alcohol, and he claims that with abstinence, he and his wife are in a “healthy relationship again.” Tr. at 52. They are not currently participating in any counseling or treatment for alcohol or their marriage, as the individual claims that they do not need counseling and are both “very happy.” Tr. at 53. The individual also testified that he does not need counseling for his alcohol consumption. Tr. at 54.

At the hearing, his wife could not recall details from the incidents involving the police, including the January 2014 incident. Tr. at 18. I did not find her testimony credible. It is also hard to believe that she only recalled one time when the police came to their home when the record indicates that the police came to their home many times, sometimes at her request. She stated that she recalled a time the police arrived and she and her husband were “sitting very calmly,” allegedly having no idea why the police were there. Tr. at 17-18. She also did not remember the time when the police arrived at her home in January 2012 and found her with a bruised face and cut lip. Tr. at 19.

B. The DOE psychologist’s assessments in 2014 and 2015

When the DOE psychologist met with the individual in August 2014 and made his assessment, he only had the information regarding the domestic violence arrest in January 2014, without the police report, and the individual's PSI in April 2014. He did not have information concerning prior incidents involving law enforcement at the individual's home or the notes from interviews of neighbors regarding their opinions of the individual and his wife. The DOE psychologist concluded that the individual suffered from alcohol abuse from January 2013 through January 2014. Ex. 10 at 4. However, he also concluded that the individual did not manifest any alcohol use disorder at the time of their interview, noting the following: "He stopped drinking for several months after his January arrest. He has been drinking in moderation and does not present a risk of resuming an alcohol use disorder, particularly as he agreed to become abstinent from alcohol." Ex. 10 at 4. He also stated the following regarding the individual's condition:

There is adequate evidence of rehabilitation from his episodic alcohol abuse for 1.5 years prior to January 2014. He completed an assessment and recommended class at a local outpatient treatment program. He clarified during his interview his commitment to resolve issues raised by the impact of his wife's alcohol use starting with not consuming alcohol himself.

Ex. 10 at 4. In his report, the DOE psychologist cited the individual's commitment to abstinence several times, stating that "he decided to make a commitment to stop drinking alcohol as he faces the emotionally daunting task of supporting his adult children emotionally while setting boundaries with his wife." Ex. 10 at 3. He stated that the individual "needs to abstain from alcohol as he faces the task of dealing with his conflicted family situation," noting again that the individual "agreed that his plan for moving forward in his family situation is stop drinking alcohol for health reasons and for concern over being present for his family, to attempt to get his wife to listen to reason and change her behavior, and, if indicated, separate from her for the purpose of reducing stress and anxiety." Ex. 10 at 5. *Id.* Accordingly, and as the DOE psychologist reiterated during the hearing, his assessment was largely based the individual's promise to abstain from alcohol.

After the LSO received more information about the individual from a reinvestigation, they requested that the DOE psychologist complete a record review. In June and July 2015, the DOE psychologist reviewed the individual's personnel security case evaluation and the record of an enhanced subject interview from investigations from February through March 2015. Ex. 7. Without interviewing the individual again, but with knowledge that the individual resumed consuming alcohol, the DOE psychologist concluded this time that the individual manifested an alcohol use disorder (303.90, moderate). Ex. 7. He stated that as the individual did not maintain abstinence from alcohol, he is "very likely to engage in binge drinking with related impaired functioning." Ex. 7. He further stated that he diagnosed the individual with this condition because "as indicated by a long history of alcohol often taken in larger amounts over a longer period than was intended, there is persistent desire and unsuccessful effort to cut-down or control alcohol use, recurrent alcohol use resulting in a failure to fulfill major role obligations at home, and continued alcohol use despite having recurrent social or interpersonal problems caused or exacerbated by the effects of alcohol." Ex. 7.

At the hearing, the DOE psychologist explained that when he received the follow up investigation report with the police reports and additional interviews of his neighbors and wife, he had more

clarity and information than he did during the first review. Tr. at 87. He also learned that the individual resumed drinking alcohol a few months after they spoke in August 2014, which also made him change his assessment. Tr. at 87. He stated that his confidence about the individual being able to manage his issues and exercise good judgment was based on the fact that he would remain abstinent. Tr. at 87.

The DOE psychologist testified that there was no evidence of rehabilitation by the individual and concluded that there is a greater than reasonable risk of further alcohol consumption. Tr. at 91-92. He cited the fact that the individual has tried to stop drinking more than once, but always resumed, and noted that when the individual is under duress, he drinks alcohol. Tr. at 110-111. He also noted that alcohol consumption, and specifically the January 2014 incident, caused their autistic son duress, who had to call the police. Tr. at 113. Thus, as the causes of the stress within the family and of the individual have not been resolved, the DOE psychologist maintained that there is a “high probability of more duress in the family.” Tr. at 113-114. He believes that to address the underlying issues that are exacerbated by their alcohol consumption, the individual and his wife would need to enter into a treatment that involved marital therapy and the individual would need to be abstinent from alcohol for at least one year. Tr. at 125-126.

C. The individual’s expert’s assessment

Prior to the hearing, the individual’s expert, a chemical dependency professional, conducted an evaluation of the individual’s alcohol use based on a two-hour review. Ex. A; Tr. at 63. In his assessment that he conducted in October 2015, he concluded that the individual did not meet the diagnosis for alcohol use disorder. Ex. A. He evaluated the individual’s drug and alcohol history and administered a chemical dependency assessment. Ex. A. According to his assessment, the individual last consumed alcohol on August 2, 2015. Ex. A. When asked in the assessment whether he has “any history of combative and/or assaultive behavior,” he answered “no.” Ex. A at 3. He also answered “no” when asked if the individual ever “tried to cut down or control [his] use but been unsuccessful.” Ex. A at 6. In summarizing one part of the assessment questionnaire, the clinical supervisor wrote that “Client is aware of behaviors connected to family member’s alcohol use history that were the focus of the problem and appears to be taking steps to resolve [them]. These issues did not appear[] to be caused by, at least recurrently, by his reported alcohol use.” Ex. A at 5.

At the hearing, he explained how he conducted the assessment, which was by reviewing six different dimensions and relying on the individual’s reports that he compared with the DOE psychologist’s assessment. Tr. at 64-65. He examined when the individual last consumed alcohol, whether it impeded his health, whether he could recognize if it impacted his family life, his readiness to change, his relapse potential, and his environment for recovery. Tr. at 65-67. He took into consideration the boundary that the individual set with his wife – that if she continues to drink, he would end the relationship. Tr. at 67. The chemical dependency professional stated that he was not concerned about the individual’s alcohol consumption affecting his judgment and reliability. Tr. at 68-69. When asked whether the incident in January 2014, would change his opinion about the individual’s judgment and reliability or history of assaultive or combative behavior, he stated that it was not something that he heard was recurrent and that it was a “non issue.” Tr. at 69, 71. Notably, he did not have the full record, consisting of the police reports and summaries of interviews with their neighbors, which the DOE psychologist did, and therefore, only considered the individual’s report of what happened between him and his wife in January 2014. Tr. at 71.

V. ANALYSIS

In resolving the question of the individual's eligibility for access authorization, I have been guided by the applicable factors prescribed in 10 C.F.R. § 710.7(c) and the Adjudicative Guidelines. After due deliberation, I have determined that the individual's access authorization should not be restored.

First, I credit the DOE psychologist's opinion as to the individual's diagnosis and find that the individual suffers from alcohol abuse. The DOE psychologist adequately explained why he changed his diagnosis of the individual from his first assessment in 2014 – the individual resumed consuming alcohol despite his expressed commitment that he would abstain and there was new, damaging information about the individual's alcohol consumption from previous police reports and interviews with neighbors that the DOE psychologist did not have when he met with the individual in 2014. While the individual's expert, a chemical dependency professional, testified that the individual did not meet the criteria for alcohol abuse, he did not have all the information about the individual that the DOE psychologist was privy to in making his conclusion. Notably, the individual's expert relied primarily on the individual's own reports when completing his assessment. As I do not credit much of the individual's testimony given the inconsistencies from what he stated in his PSI, to the DOE psychologist in 2014, and at the hearing, I question the reliability of the information he provided to his own expert in completing his assessment.

Thus, the issue that I must consider is whether the individual's risk of relapse is sufficiently low at the time of the hearing. In the end, OHA Administrative Judges accord deference to mental health professionals regarding issues of rehabilitation, reformation and risk assessment. Duration of abstinence is always an important factor in determining risk of relapse, especially considering the individual's lengthy history of consumption and intoxication. *See* Adjudicative Guideline G, ¶ 23(a). Here, the DOE psychologist stated that there is insufficient evidence of rehabilitation or reformation because of the individual's history and pattern of stopping consumption for two to three months at a time, but then resuming. He did this after meeting with the DOE psychologist in 2014 and did this again a few times until his last drink in August 2015. While his last alcoholic beverage was in August, it was only three months before the hearing, and therefore an insufficient period to conclude that he will not relapse into the same pattern that he has been exhibiting for years. The DOE psychologist believes that in order to address the underlying issues of the individual's consumption, he should enter into treatment that involves marital therapy and be abstinent for at least a year, none of which the individual has completed.

In addition, the individual has not acknowledged his condition. *See* Adjudicative Guidelines at ¶ 23(b). He made the decision to be abstinent with his wife, who has a history of excessive alcohol consumption, just a few months before the hearing without undergoing therapy and without acknowledging that he has a problem with alcohol abuse. His plan is ambitious, but it does not convince me that he is reformed. Moreover, another issue of concern to me is whether the individual has displayed honesty throughout this entire process. At his PSI, he indicated that he had a problem with alcohol and he later made a commitment to the DOE psychologist to stop consuming alcohol. However, when confronted about his statements from his PSI, he claimed that he was intimidated when making those statements so as to imply that they should be disregarded. He also averred that

he never committed to abstinence to the DOE psychologist, contrary to the DOE psychologist's testimony and Report. As I credit the DOE psychologist and already expressed my concerns about the individual's candor, I find his claims to be indicative of his disingenuousness.

Thus, in addition to not considering the individual to be reformed, I do not consider the individual to be reliable or trustworthy. As I am to resolve any doubts concerning the individual's eligibility for access authorization in favor of the national security, I conclude that his access authorization should not be restored. 10 C.F.R. § 710.7(a).

VI. CONCLUSION

As stated above, I have found that there was sufficient derogatory information in the possession of the DOE that raises serious security concerns under Criterion J. After considering all 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 have found that the individual has not brought forth sufficient evidence to resolve the security concerns associated with these criteria. I therefore cannot find that restoring the individual's access authorization will not endanger the common defense and is clearly consistent with the national interest. Accordingly, I have determined that the individual's access authorization should not be restored at this time. The parties may seek review of this Decision by an Appeal Panel under the regulations set forth at 10 C.F.R. § 710.28.

Shiwali G. Patel
Administrative Judge
Office of Hearings and Appeals

Date: January 13, 2016