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July 11, 2002

**DECISION AND ORDER
OFFICE OF HEARINGS AND APPEALS**

Hearing Officer's Decision

Case Name: Personnel Security Hearing

Date of Filing: January 8, 2002

Case Number: VSO-0515

This Decision concerns the eligibility of XXXX XXXXXX XXXXX (hereinafter referred to as "the individual") to hold an 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/} A Department of Energy Operations Office (DOE) suspended the individual's access authorization under the provisions of Part 710.^{2/} After considering the evidence and testimony presented in this proceeding, I have determined that the individual's security clearance should be restored.

I. Background

The provisions of 10 C.F.R. Part 710 govern the eligibility of individuals who are employed by or are applicants for employment with DOE contractors, agents, DOE access permittees, and other persons designated by the Secretary of Energy for access to classified matter or special nuclear material. Part 710 generally provides that "[t]he decision as to access authorization is a comprehensive, common-sense judgment, made after consideration of all relevant information, favorable and unfavorable, as to

^{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 variously in this Decision as an access authorization or security clearance.

^{2/} On September 11, 2001, the DOE issued revisions of the Part 710 regulations, amending procedures for making final determinations of eligibility for access authorization. 66 Fed. Reg. 47061 (September 11, 2001). The revised regulations were effective immediately upon publication and govern the present Decision.

whether the granting or continuation of 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).

In this instance, the individual was granted a security clearance by DOE as a condition of his employment with a DOE contractor. However, the DOE Office of Safeguards and Security (DOE Security) initiated formal administrative review proceedings by informing the individual that his access authorization was suspended pending the resolution of certain derogatory information that created substantial doubt regarding his continued eligibility. This derogatory information is described in a Notification Letter issued to the individual on December 12, 2001, and falls within the purview of disqualifying criteria set forth in the security regulations at 10 C.F.R. § 710.8, subsections j and l. More specifically, Enclosure 1 attached to the Notification Letter (Enclosure 1) alleges that the individual has: 1) "Been, or is, a user of alcohol habitually to excess, or has been diagnosed by a board-certified psychiatrist . . . as alcohol dependent or suffering from alcohol abuse" (Criterion J); and 2) "Engaged in unusual conduct . . . which tends to show that [he] is not honest, reliable, or trustworthy, or which furnishes reason to believe that [he] may be subject to pressure, coercion, exploitation, or duress which may cause [him] to act contrary to the best interests of the national security" (Criterion L). The bases for these findings, as stated in Enclosure 1, are summarized below.

Regarding Criteria J, Enclosure 1 states that the individual has had several alcohol-related arrests, on charges of: 1) Disorderly Conduct in April 1969; 2) Public Drunkenness in September 1969; 3) Driving Under the Influence (DUI) in December 1976; and 4) a second DUI in March 1996. Enclosure 1 additionally describes information the individual's current use of alcohol based upon information provided by the individual during two Personnel Security Interviews (PSIs) conducted on September 21, 1998, and on June 20, 2001. On August 3, 2001, the individual was examined by a DOE consultant-psychiatrist (DOE Psychiatrist) who issued a report of his findings. Citing the report, Enclosure 1 states that during the psychiatric interview, the individual provided inaccurate information concerning his past and current drinking when compared to his statements during the two PSIs. Due to these discrepancies, the DOE Psychiatrist declined to provide an opinion in his report whether the individual is alcohol dependent or suffering from alcohol abuse.

With regard to Criterion L, Enclosure 1 again notes that the individual has had four alcohol-related arrests. However, Enclosure 1 additionally makes reference to the apparently inaccurate information provided by the individual to the DOE Psychiatrist. According to the DOE Psychiatrist, the individual's lack of candor and responsiveness during the interview strongly suggests that the individual has a significant defect in judgment and reliability.

In a letter received by the DOE Office of Hearings and Appeals (OHA) on January 8, 2002, the individual exercised his right under Part 710 to request a hearing in this matter. 10 C.F.R. § 710.21(b). After conferring with the individual's attorney and the appointed DOE Counsel, 10 C.F.R. § 710.24, a hearing date was established. At the hearing, the DOE Counsel called the DOE Psychiatrist as the sole witness on behalf of DOE. Apart from testifying on his own behalf, the individual called two of his work supervisors and two close friends as his witnesses. The transcript taken of the hearing will be hereinafter cited as "Tr.". Various documents that were submitted by the DOE Counsel and the individual during this proceeding constitute exhibits to the hearing transcript and will be cited as "Exh.".

Summary of Findings

The following factual summary is essentially uncontroverted. However, I will indicate instances in which there are disparate viewpoints regarding the information presented in the record.

The individual was initially granted a security clearance in 1970 as a condition of his employment with a DOE contractor. In February 1998, the individual completed a Questionnaire for National Security Positions (QNSP), as part of the customary periodic reinvestigation of his eligibility to hold an access authorization. Upon review of the QNSP, DOE Security found that in reporting his police record the individual listed one arrest, for Driving Under the Influence (DUI) in March 1996, which was ultimately reduced to Reckless Driving. DOE Security found that the individual had failed to list certain prior alcohol-related arrests appearing in the individual's security file. These omissions by the individual led DOE Security to conduct two Personnel Security Interviews with the individual, on September 21, 1998 (PSI I) and on June 20, 2001 (PSI II). The individual was then referred to a DOE Psychiatrist who examined the individual on August 3, 2001. The primary focus of the two PSIs and the psychiatric interview was the individual's past and current use of alcohol, as summarized below.

The individual began drinking in high school but had no serious involvement with alcohol until he joined the U.S. Army in 1964, after graduating. While in the Army, the individual's drinking increased to the point that it would take eight to ten beers before he would become intoxicated. After leaving the Army in 1967, the individual admittedly went through periods of excessive drinking. In 1969, the individual had two alcohol-related arrests, first in April on a charge of Disorderly Conduct and then in September for Public Drunkenness. The individual was arrested for Driving Under the Influence (DUI) several years later, in December 1976. Although this DUI case was dismissed, the individual acknowledges that he had been drinking beer prior to his arrest. The individual had no more reported alcohol-related arrests or incidents for 20 years, until March 1996, when he was again arrested on a charge of DUI. In this

instance, the individual maintains that he had drank only two beers and was not legally intoxicated. However, the individual refused to take the breathalyser test and his driver's license was consequently suspended for six months. This DUI charge was ultimately reduced to Reckless Driving.

According to the individual, his consumption of alcohol has steadily declined since the 1996 DUI arrest. However, the individual gave discrepant accounts of his level of drinking during the two PSIs and his interview with the DOE Psychiatrist. During PSI I, in September 1998, the individual reported that he didn't drink everyday but drank a beer or two during the evenings when the weather was hot. The individual stated he also drank bourbon on the weekends, usually amounting to three or four drinks at a sitting. During PSI II, conducted in June 2001, the individual estimated that he consumed on average two beers, three or four days a week, and up to two six packs a week depending on his work schedule. The individual stated that he sometimes drank bourbon instead of beer. The individual is an avid golfer and usually drinks a beer or two when playing golf.

The DOE Psychiatrist reported, however, that the individual gave a different depiction of his drinking during his psychiatric interview, conducted on August 3, 2001, just six weeks after PSI II. According to the DOE Psychiatrist, the individual reported that he drinks beer but not as much as he used to. The individual stated that he never drinks on work days, usually Monday through Thursday, and not on the weekend if he is offered overtime work. The individual further stated that he rarely drinks bourbon, but may when he is at a party. Apart from these discrepancies, the DOE Psychiatrist found even more disturbing the individual's refusal to acknowledge that he had three alcohol-related arrests prior to the DUI in 1996. According to the DOE Psychiatrist, the individual stated only that he was arrested a few times for fighting after his release from the Army, but indicated that these incidents were not related to alcohol. Because of these inaccuracies in the individual's self-reporting, the DOE Psychiatrist determined that he could render no diagnosis with regard to the individual's current alcohol use. While the record available to the DOE Psychiatrist indicated that the individual had a pattern of alcohol use many years ago, the DOE Psychiatrist deemed it impossible to say whether the individual had achieved rehabilitation or reformation. Instead, the DOE Psychiatrist expressed the opinion in his report that the manner in which the individual responded during the interview suggests that the individual has a significant defect in judgment and reliability.

II. Analysis

A DOE administrative review proceeding under 10 C.F.R. Part 710 is not a criminal matter, in which the burden is on the government to prove the defendant guilty beyond a reasonable doubt. *See Personnel Security Hearing*, Case No. VSO-0078, 25 DOE ¶ 82,802 (1996). In this type of case, we are dealing with a different standard designed

to protect national security interests. A hearing 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 DOE Security has made a showing of derogatory information raising security concerns, the burden is on the individual to come forward at the hearing with evidence to convince the DOE that restoring his access authorization "would not endanger the common defense and security and would be clearly consistent with the national interest." 10 C.F.R. § 710.27(d). This standard implies that there is a strong presumption against the granting or restoring of a security clearance. *See Department of Navy v. Egan*, 484 U.S. 518, 531 (1988) ("clearly consistent with the national interest" standard for the granting of 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), *cert. denied*, 499 U.S. 905 (1991) (strong presumption against the issuance of a security clearance).

I have thoroughly considered the record of this proceeding, including the submissions of the parties, the evidence presented and the testimony of the witnesses at the hearing convened in this matter. 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): the nature, extent, and seriousness of the conduct; the circumstances surrounding the conduct, to include knowledgeable participation; the frequency and recency of the conduct; the age and maturity of the individual at the time of the conduct; the voluntariness of the participation; the absence or presence of rehabilitation or reformation and other pertinent behavioral changes; the motivation for the conduct; the potential for pressure, coercion, exploitation, or duress; the likelihood of continuance or recurrence; and other relevant and material factors. After due deliberation, it is my decision that the individual's access authorization should be restored since I conclude that such restoration would not endanger the common defense and security and would be clearly consistent with the national interest. 10 C.F.R. § 710.27(d). The specific findings that I make in support of this determination are discussed below.

A. Criterion J; Alcohol Use

In other DOE security clearance proceedings, Hearing Officers have consistently found that excessive alcohol use raises important security concerns. *See, e.g., Personnel Security Hearing*, Case No. VSO-0079, 25 DOE ¶ 82,803 (1996) (affirmed by OSA, 1996); *Personnel Security Hearing*, Case No. VSO-0042, 25 DOE ¶ 82,771 (1995) (affirmed by OSA, 1996); *Personnel Security Hearing*, Case No. VSO-0014, *aff'd*, *Personnel Security Review*, 25 DOE ¶ 83,002 (1995) (affirmed by OSA, 1995). The specific concerns of DOE Security are that the individual's excessive use of alcohol might impair his judgment and reliability, and render him susceptible to pressure, coercion and duress. *Id.* These factors amplify the risk that the individual will fail to safeguard classified matter or special nuclear material.

In the present case, the individual had four alcohol incidents, including arrests for Disorderly Conduct, Public Drunkenness and DUI approximately thirty years ago, and then a second arrest for DUI six years ago in March 1996. These incidents are certainly sufficient to raise the concerns of DOE Security. However, there have been no other reported alcohol-related incidents since the March 1996 DUI and the individual's level of alcohol consumption appears to be in decline. In his report, the DOE Psychiatrist would not assess the individual's current drinking or proffer a diagnosis whether the individual suffers from an alcoholic condition. Exh. 11 at 4.^{3/} Notwithstanding, I have concluded on the basis of the evidence and testimony presented in the record that the individual has overcome the security concerns of DOE with regard to his use of alcohol.

The individual maintains that his drinking has abated since the 1996 DUI to the point now that he no longer drinks any alcohol on work days and very little, a few beers, on the weekend. Tr. at 59. This is consistent with what he told the DOE Psychiatrist in August 2001, Exh. 11 at 3, but less than he described during PSI II when the individual said that he consumed two beers during the evening on some workdays, and up to two six packs a week depending on his work schedule. Exh. 10 (PSI II) at 12. During the hearing, I asked the individual whether he was able to reconcile these disparate accounts of his current drinking. The individual conceded that he was nervous and felt under pressure when talking to the DOE Psychiatrist, knowing that his security clearance was at stake. Tr. at 78. The individual also believes that he was "forced into" some of his answers during PSI II. *Id.*^{4/}

3/ During his testimony, the DOE Psychiatrist explained that he refused to assess the individual's current drinking "because there were inconsistencies in what he told me . . . and what he told the analyst in [the PSI II]." Tr. at 85. These inconsistencies will be examined in greater detail in addressing DOE Security's concerns under Criterion L.

4/ Having reviewed the transcript of PSI II, I must agree that at some points the Personnel Security Specialist was very aggressive in posing leading questions to the individual about his use of alcohol. For instance, the questioning proceeded as follows in extracting the individual's estimate that he sometimes consumes two six-pack a week:

Q: On a weekly basis currently, what amount today on average, [do you] consume what, a case of beer a week?

A: No.

Q: Four six packs? [note: this is the same question; four six packs equals a case]

A: Uh, I . . . Well, uh, on the average per week it goes back to whether I'm working Friday, Saturday, or Sunday or not. I, I could have took, I say that two, two six packs a week.

In any event, I am persuaded that the individual's use of alcohol has not been excessive in recent years. At the hearing, I asked the DOE Psychiatrist what his diagnosis of the individual would have been assuming that the information given by the individual during PSI II was accurate. The DOE Psychiatrist responded: "If there were no discrepancies, I would say that there is evidence of reform and . . . the data that I have indicates that there does not seem to be a problem now." Tr. at 106.^{5/}

The four witnesses called by the individual provided persuasive testimony that the individual does not abuse alcohol. All of the witnesses, including two close friends, his supervisor and manager, have known the individual for a long time, ranging from fifteen to thirty years, and all have interacted with the individual as a co-worker as well as in social and/or recreational settings. While all of the witnesses have seen the individual drink in the years they have known him, only one of the witnesses testified that he had ever seen the individual intoxicated. The individual's supervisor, who goes hunting with the individual, testified that he saw the individual become intoxicated on two or three separate occasions while on hunting trips during the evening campfire. Tr. at 29-30. However, the supervisor testified that the last time he saw the individual intoxicated was four or five years ago, noting that they have gone hunting twice a year for the past eight or nine years. Tr. at 28, 31-32. The individual's supervisor and his manager gave the individual high praise as a valued and trusted employee, affirming that there has never been any sign at the work place that the individual had been using alcohol to excess. They also testified that there has been no unwarranted absenteeism or tardiness on the part of the individual but instead that he has served as a leader and role model for other employees. Tr. at 25-26, 37-39.

On the basis of the record before me, I have determined that the individual has sufficiently mitigated the concerns of DOE Security under Criterion J. The eligibility of an individual to hold a security clearance is called into question under Criterion J when that individual has "[b]een, or is, a user of alcohol habitually to excess, or has been diagnosed by a board-certified psychiatrist . . . as alcohol dependent or suffering from alcohol abuse." In the present case, it is apparent that the individual did have a problem with alcohol approximately thirty years ago, following his discharge from the Army. In those years, the individual had three arrests, twice in 1969 when his use of alcohol was a factor, and a DUI in 1976. However, there is a period of twenty years before his second DUI in 1996. I therefore consider the 1996 DUI to be an isolated occurrence rather than a continuation of a pattern, in combination with the earlier arrests. There have been no further alcohol-related incidents in the six years since the

^{5/} The DOE Psychiatrist clarified during his testimony that he did not intend to suggest in his report that the individual presently has a problem with alcohol. Rather, the DOE Psychiatrist's difficulty with the individual was his lack of candor during their interview. Tr. at 87, 106. According to the DOE Psychiatrist, it is an issue of "honesty under pressure." Tr. at 107.

1996 DUI, and there is no evidence that the individual's use of alcohol has been abusive or habitually to excess during that time. Instead, the weight of the evidence persuades me that the individual's consumption of alcohol has become increasingly moderate in recent years. Finally, I emphasize that the DOE Psychiatrist has rendered no diagnosis in this case, but stated his observation that the individual apparently does not have a alcohol problem at this time.

B. Criterion L; Unusual Conduct

DOE Security also alleges that the individual has engaged in unusual conduct which tends to show that he is not honest, reliable or trustworthy. In this regard, the Notification Letter again notes that the individual has had four alcohol-related arrests. Such illegal conduct by the individual clearly casts doubt upon his honesty, reliability and trustworthiness. *See, e.g., Personnel Security Hearing, Case No. VSO-0066, 25 DOE ¶ 82,797 (1996).* As set forth in the foregoing section of this Decision, however, I have concluded that the security concerns attached to the individual's first three arrests (in 1969 and 1976) have been mitigated by the passage of time. I have also concluded that the individual's 1996 DUI arrest was an isolated incident, and the individual has demonstrated reformation from his use of alcohol in the six years since that arrest. Consistent with these findings, I have determined that the individual has mitigated the concerns of DOE Security under Criterion L with regard to these arrests.

However, the Notification Letter places even greater emphasis on the report of the DOE Psychiatrist who raises a separate issue with respect to the individual's honesty, reliability and trustworthiness. Prior to his interview of the individual on August 3, 2001, the DOE Psychiatrist reviewed portions of the individual's security file including the transcript of PSI II. With that background, the DOE Psychiatrist detected discrepancies in the information given by the individual during their interview regarding the individual's past and current use of alcohol. On the basis of these discrepancies, the DOE Psychiatrist states in his report: "I can say that the manner in which he handled the interview with me strongly suggests that he has a significant defect in judgment and reliability. . . . What we see, then, that what he tells me, the psychiatrist, differs from what he told your analyst only six weeks ago. . . . Therefore, I must conclude that he was tailoring his answers to me in order to make a better impression. . . . It is true that we have no record of his having gotten into legal trouble for the past six years. On the other hand, in my opinion, the distortions which I pointed out in the interview with me strongly suggest that his judgment and reliability are not very high." Exh. 11 at 1, 4.

Upon review, I find the discrepancies identified by the DOE Psychiatrist to be more apparent than real. One discrepancy pointed out in the DOE Psychiatrist's report is the individual's description of his current drinking, addressed above under Criterion J. I find other discrepancies pointed out by the DOE Psychiatrist in his report to be

vague and insignificant, for instance, the individual's recollection of the last time he felt a "buzz" as opposed to a "rush" after having a few beers, and how long ago the individual's wife last expressed concern to the individual about his drinking. Exh. 11 at 3-4. The DOE Psychiatrist himself discounted these matters during the hearing, emphasizing that the major discrepancy in his mind was the individual's refusal to acknowledge during their interview that his earlier arrests, in 1969 and 1976, were related to alcohol: "The major one being that I specifically asked him about these previous arrests, we went through what they were and he told me they were fights and things of that nature. And I specifically said, 'Were they alcohol related?' And he said no." Tr. at 99; *see also* Tr. at 109. The individual claims that he was not intentionally trying to mislead the DOE Psychiatrist,^{6/} but believed that he was referred to the DOE Psychiatrist only to address incidents occurring after his last security clearance reinvestigation, more specifically the 1996 DUI.^{7/} Tr. at 65-66. The individual now readily admits that he had been drinking on the occasions of his arrests in 1969 and 1976. Tr. at 49-50.

The individual was more recently interviewed by another psychiatrist (Individual's Psychiatrist), who additionally reviewed the report of the DOE Psychiatrist. The Individual's Psychiatrist did not testify at the hearing, but submitted a letter stating his conclusions. Exh. 12 (letter dated May 13, 2002). Regarding the individual's interview with the DOE Psychiatrist, the Individual's Psychiatrist opines in his letter that: "I don't feel the [individual] is avoiding any answers. I feel he had regarded the past as a closed book, and didn't dwell on it. . . . I don't believe he is deliberately sidestepping or falsifying anything." *Id.* at 3. The Individual's Psychiatrist instead attributed the individual's responses to his style of communication, stating: "In my years of practice (42 years in private practice) it has become apparent that some people work much better with their hands than verbally, and I feel that [the individual] falls

^{6/} I note that the individual was not being completely untruthful in his general statement that his past difficulties resulted from getting in fights. The record indicates that the arrest in 1969, for Disorderly Conduct, as well as the arrest in 1976, for DUI, occurred after the individual was involved in altercations. In the latter incident, the individual reports that the police officer who arrived on the scene told him to drive home, and then followed him and arrested him for DUI. Tr. at 51. The police officer did not appear on the scheduled court date and the DUI charge was ultimately dismissed. *Id.*

^{7/} The manner in which the individual completed his February 1998 QNSP, not listing the 1969 and 1976 arrests, somewhat corroborates the individual's claim that he believed DOE Security was interested only in updating his security file with respect to the 1996 DUI, because his earlier arrests were already on record. Tr. at 56. I note that DOE Security apparently accepted this explanation since the matter of the individual not listing the early arrests on his February 1998 QNSP is not raised in the Notification Letter under 10 C.F.R. § 710.8(f) (falsification).

in this category.” *Id.* Notwithstanding the views of the Individual’s Psychiatrist, the DOE Psychiatrist remains adamant in his belief that the individual was intentionally misleading in responding to his questions during their interview. Tr. at 98-99.

I have thoroughly considered this matter and conclude that the individual was not completely candid and forthcoming during his interview with the DOE Psychiatrist. However, I do not accept the assessment of the DOE Psychiatrist in his report that this “strongly suggests that [the individual] has a significant defect in judgment or reliability.” Exh. 11 at 1. Instead, the record persuades me that the individual’s conduct during the interview was a isolated lapse in judgment that has been mitigated and overcome by more insightful testimony regarding to the individual’s honesty, reliability and trustworthiness, by witnesses who know the individual well.

The four witnesses called by the individual, long-time friends, co-workers and supervisors, were very convincing in vouching for the good reputation of the individual as a man of sound judgment, honesty and trustworthiness. Tr. at 10, 16, 26-27, 39-40. The individual’s supervisor considers him to be one of the best workers he has ever had and relies on the individual to motivate other workers. Tr. at 25-26. Similarly, the individual’s manager described the individual as very dependable and therefore utilizes the individual as “lead man” on many work projects. Tr. at 39-40. With regard to the individual’s honesty, the manager recounted an incident in which the individual came forward and reported to the company clerk that he had been overpaid on paycheck. Tr. at 40. The manager has known the individual for nearly thirty years and the individual has never been subject to discipline or reprimand for any misconduct as an employee. Tr. at 36, 38, 44-45. After hearing the testimony of the individual’s character witnesses, the DOE Psychiatrist conceded that there is no evidence that the individual has an enduring defect in his judgment and reliability, and that the individual’s lack of candor during their interview may well have been an isolated occurrence. Tr. at 110-11. The DOE Psychiatrist now suggests that the “pressure” of potentially losing his security clearance and job may have led the individual to withhold information during their interview. Tr. at 107, 110.^{8/}

Viewed objectively, I believe that a combination of factors influenced the manner in which the individual responded to the DOE Psychiatrist. The individual was admittedly intimidated by the DOE Psychiatrist and likely inhibited by his poor communication skills. At the same time, it is apparent that the individual did not consider the arrests in 1969 and 1976 to be relevant, and inadvisably attempted to diminish their importance by failing to acknowledge that they were alcohol-related.

^{8/} The DOE Psychiatrist further observed during his testimony that it is typical under circumstances such as the present, where individuals are referred to the DOE Psychiatrist knowing that their security clearance is in jeopardy, that they “minimize” in describing their use of alcohol. Tr. at 107-08.

Whatever the motivation for his conduct, however, I find that the concerns of DOE Security under Criterion L, that the individual is not honest, reliable and trustworthy, have been sufficiently mitigated with regard to the psychiatric interview. I find that the individual does not have a significant defect in judgment and reliability, and in view of the individual's long-established reputation for honesty, reliability and trustworthiness, I conclude that the individual has not been rendered ineligible to hold a security clearance as a result of this instance of poor judgment.

III. Conclusion

As explained in this Decision, I find that DOE Security properly invoked 10 C.F.R. §§ 710.8(j) and (l) in suspending the individual's access authorization. However, I find that the individual has adequately mitigated the concerns of DOE Security in both respects. I therefore find that restoring the individual's access authorization would not endanger the common defense and security and would be clearly consistent with the national interest. Accordingly, I have determined that the individual's access authorization should be restored. The Manager of the Operations Office or the Director, DOE Office of Safeguards and Security, may seek review of this Decision by an Appeal Panel under the regulation set forth at 10 C.F.R. § 710.28.

Fred L. Brown
Hearing Officer
Office of Hearings and Appeals

Date: July 11, 2002