

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

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| In the Matter of: Personnel Security Hearing |) | |
| |) | |
| Filing Date: March 2, 2020 |) | Case No.: PSH-20-0050 |
| |) | |
| _____ |) | |

Issued: January 7, 2021

Administrative Judge Decision

Steven L. Fine, Administrative Judge:

This Decision concerns the eligibility of XXXXXX (hereinafter referred to as "the Individual") to hold an access authorization under the Department of Energy's (DOE) regulations set forth at 10 C.F.R. Part 710, Subpart A, entitled "Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material."¹ As discussed below, after carefully considering the record before me in light of the relevant regulations and the *National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position* (June 8, 2017) (Adjudicative Guidelines), I conclude that the Individual's access authorization should be denied.

I. BACKGROUND

The Individual signed and submitted a Questionnaire for National Security Positions (QNSP) to the Local Security Office (LSO) on September 25, 2018. Ex. 8. The LSO subsequently obtained the Individual's credit report on October 9, 2018. Ex. 7. The United States Office of Personnel Management's (OPM) Federal Investigative Service investigated the Individual and issued a report of its findings on March 29, 2019. Ex. 9. Because the QNSP, the Credit Report, and OPM's investigation revealed derogatory information concerning the Individual, the LSO issued a Letter of Interrogatory (LOI) to the Individual on July 30, 2019. Ex. 6 at 1. The Individual submitted his response to the LOI on August 20, 2019.² Ex. 6 at 1. After these procedures were concluded, the LSO determined that unresolved derogatory information remained in the Record which raised significant security concerns about the Individual. Accordingly, the LSO began the present

¹ Access to authorization is defined as "an administrative determination that an individual is eligible for access to classified mater or is eligible for access to, or control over, special nuclear material." 10 C.F.R. § 710.5(a). Such authorization will be referred to variously in this Decision as access to authorization or security clearance.

² The Individual signed his response to the LOI on August 18, 2019, and it was received by the LSO on August 20, 2019. Ex. 6 at 2, 20.

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RD Boyd



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