

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

In the Matter of: Personnel Security Hearing

Filing Date: June 3, 2022

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Case No.: PSH-22-0097

Issued: October 11, 2022

Administrative Judge Decision

Phillip Harmonick, Administrative Judge:

This Decision concerns the eligibility of XXXXXXXXXXXX (the Individual) to hold an access authorization under the United States Department of Energy's (DOE) regulations, set forth at 10 C.F.R. Part 710, "Procedures for Determining Eligibility for Access to Classified Matter and 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 should not be granted access authorization.

I. BACKGROUND

On April 26, 2021, the Individual signed and submitted a Questionnaire for National Security Positions (QNSP) in connection with seeking access authorization. Exhibit (Ex.) 11 at 55. The Individual disclosed on the QNSP that he had previously incurred substantial gambling losses, voluntarily placed himself on a state-administered list of problem gamblers prohibited from entering casinos (Prohibited Gambler List), and was cited for trespassing for entering a casino while on the Prohibited Gambler List. *Id.* at 32–33, 40–41. The Individual also disclosed that he owed unpaid federal and state personal income taxes, owed back child support after having previously fallen into delinquency on child support payments, and was delinquent on numerous consumer debts. *Id.* at 41–52.

A background investigation of the Individual's eligibility for access authorization revealed that he had borrowed money from relatives on multiple occasions to meet his financial obligations due to gambling losses. Ex. 12 at 105–06. On January 31, 2022, the Individual met with a DOE-contracted

¹ The regulations define access authorization as "an administrative determination that an individual is eligible for access to classified matter or is eligible for access to, or control over, special nuclear material." 10 C.F.R. § 710.5(a). This Decision will refer to such authorization as access authorization or security clearance.

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Ensheng Dong



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