



hearing documents submitted by the government; whether the Judge erred in concluding that Applicant intentionally falsified her security clearance application (SCA); whether the Judge's credibility determination is erroneous; and whether the Judge's conclusion that Applicant had failed to mitigate the security concerns in her case is erroneous. Finding error, we remand the case to the Judge.

In addressing whether the Judge properly evaluated the applicable mitigating conditions, we note that DOHA issued Applicant's SOR prior to September 1, 2006. As a consequence, it appears that the case should have been decided under the Adjudicative Guidelines in effect at that time. *See* USD(I) Memorandum, *Implementation of Adjudicative Guidelines*, dated August 30, 2006.<sup>1</sup> However, the Judge's decision and Applicant's brief both improperly cite the Adjudicative Guidelines which apply to SORs issued on or after September 1, 2006.<sup>2</sup> Therefore, we conclude that the best resolution is to remand the case to the Judge for further proceedings consistent with the Directive. The other issues raised by Applicant on appeal are not ripe for consideration.

### **Order**

The Judge's decision denying Applicant a security clearance is REMANDED.

Signed: Michael Y. Ra'anan

Michael Y. Ra'anan  
Administrative Judge  
Chairman, Appeal Board

Signed: Jeffrey D. Billett

Jeffrey D. Billett  
Administrative Judge  
Member, Appeal Board

Signed: James E. Moody

James E. Moody  
Administrative Judge  
Member, Appeal Board

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<sup>1</sup>"The revised Guidelines apply to all adjudications and other determinations in which a Statement of Reasons has not been issued by September 1, 2006. All adjudications and other determinations in which a Statement of Reasons has been issued prior to September 1, 2006, will be made under the current Guidelines."

<sup>2</sup>The Government's reply brief does not cite provisions of the Adjudicative Guidelines or otherwise discuss this issue.