

\$10,796. Despite having two post-hearing months to submit additional evidence, Applicant has submitted nothing further in this regard.” Decision at 2 (internal citations omitted).

The Judge’s decision states that Applicant submitted “two packets of documents” post-hearing, which the Judge marked and admitted into evidence as Applicant Exhibits (AE) A and B. *Id.* at 1–2. Our review of the record confirms that—contrary to the Judge’s finding—AE A contains documents regarding the debt alleged at SOR ¶ 1.g. Specifically, Applicant submitted proof of a payment plan and an initial payment under that plan. AE A at 13–14. The Judge apparently overlooked these documents.

Because the Judge found adversely on only two allegations totaling \$10,700, we cannot assume that his error regarding one of those debts, of approximately \$5,100, is harmless, as it may have been outcome determinative. *E.g.*, ISCR Case No. 95-0495, 1996 WL 481030 at *3 (App. Bd. March 22, 1996) (citing *N.L.R.B v. American Geri-Care*, 697 F.2d 56, 64 (2d Cir. 1982) (remand required where there is a significant chance that, but for the error, a different result might have been reached), cert. denied, 461 U.S. 906 (1983)).

Given these circumstances, the best resolution of this case is to remand it to the Judge to correct the identified error and for further processing consistent with the Directive. Upon remand, the Judge is required to issue a new decision. Directive ¶ E3.1.35. The Board retains no jurisdiction over a remanded decision; however, the Judge’s decision issued after remand may be appealed pursuant to Directive ¶¶ E3.1.28 and E3.130.

ORDER

The decision in ISCR Case No. 23-01303 is **REMANDED**.

Signed: Moira Modzelewski

Moira Modzelewski
Administrative Judge
Chair, Appeal Board

Signed: Allison Marie

Allison Marie
Administrative Judge
Member, Appeal Board

Signed James B. Norman

James B. Norman
Administrative Judge
Member, Appeal Board