

Applicant raised the following issues on appeal: whether the Judge erred in her findings of fact and whether the Judge's adverse decision was arbitrary, capricious, or contrary to law. Consistent with the following, we remand the decision.

The Judge's Findings of Fact and Analysis

Applicant is a 47-year-old employee of a Federal contractor. He is married with three children. He retired from the military after 23 years of service.

Applicant received a Chapter 13 bankruptcy discharge in 2007. In addition to the Chapter 13 bankruptcy, the SOR also alleged that Applicant had eight debts totaling about \$16,000. He attributed his current financial problems to his wife's hospitalization for an undisclosed period and his unemployment for about a year following his military retirement in 2013.

Credit reports document Applicant's financial delinquencies. He failed to document he resolved five of the eight delinquent debts. Following his bankruptcy, he failed to change his practice of spending funds he did not have. He recently procured a loan for a \$19,000 motorcycle and has not demonstrated that future financial problems are unlikely.

Discussion

Applicant contends the Judge erred in making certain findings of fact. Specifically, he notes that the Judge found that the debts in SOR ¶¶ 1.a and 1.c were unresolved when a credit report reflects both of those accounts were paid. *See*, Entries 1 and 13 in Government Exhibit 6. He also notes the Judge incorrectly listed the amount of the debt in SOR ¶ 1.e, *i.e.*, listing it as \$8,097, instead of \$1,523 as reflected in the SOR. When these errors are viewed as a whole, we are unable to determine that they are harmless. We conclude the best resolution is to remand the case to the Judge to correct the errors and issue a new decision in accordance with the Directive. Other issues raised by Applicant are not ripe for consideration. The decision is **REMANDED**.

Signed: Michael Ra'anan
Michael Ra'anan
Administrative Judge
Chairperson, Appeal Board

Signed: William S. Fields
William S. Fields
Administrative Judge
Member, Appeal Board

Signed: James F. Duffy
James F. Duffy
Administrative Judge
Member, Appeal Board