

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS  
ON REFERRAL BY THE COMMISSIONER OF REVENUE**

IN THE MATTER OF )  
 )  
C. L. ) OAH Case No. 10-0014-CSS  
 ) CSSD Case No. 001159221  
\_\_\_\_\_)

**DECISION & ORDER**

**I. Introduction**

The obligor, C. L., appeals an Amended Administrative Child Support and Medical Support Order issued by the Child Support Services Division (CSSD) on December 11, 2009 in this federal foster care case. Ms. L. appeared by telephone at a hearing held on January 28, 2010. Erinn Brian represented CSSD. The child is A. J. L.-W.

Ms. L.'s child support obligation is set at \$50 per month for one child.

**II. Facts**

Ms. L. provided evidence from her physicians that she is currently unable to work due to chronic medical problems. Ms. L. testified that she is hoping to be able to return to work in the near future, but at this point it is unclear when she will be able to. Ms. L. has not been able to work since the order became effective in June, 2009. Based on Ms. L.'s medical condition and work history, CSSD agreed that at this time it is too difficult to predict income for Ms. L. beyond dividend income.

**III. Discussion**

Child support is generally set at twenty percent of the obligor's adjusted annual income.<sup>1</sup> Support may not be set at less than \$50.00 per month.<sup>2</sup>

Based on Ms. L.'s medical condition and her recent work history, CSSD agrees that at this point it is not possible to speculate when Ms. L. might be able to return to work, and that support should be set at \$50.00 per month. CSSD correctly observes that a modification review will probably be appropriate in about nine months to a year from now to see if Ms. L. has been able to return to work.

**IV. Conclusion**

Ms. L.'s support obligation should be set at \$50.00 per month for all months covered by the order and for ongoing support.

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<sup>1</sup> Civil Rule 90.3(a).

<sup>2</sup> Civil rule 90.3(c)(3).

**V. Order**

IT IS HEREBY ORDERED that Ms. L.'s support obligation be set at \$50.00 per month for one child, effective February 1, 2010. Arrears are set at \$50.00 per month for one child for the period from June 1, 2009, through January, 2010. All other terms of the Amended Administrative Child Support and Medical Support Order issued by the Child Support Services Division on December 11, 2009, shall remain in effect.

DATED this 3<sup>rd</sup> day of February, 2010.

By: Signed  
DALE WHITNEY  
Administrative Law Judge

**Adoption**

This Order is issued under the authority of AS 43.05.010 and AS 44.17.010. The undersigned, on behalf of the Commissioner of Revenue and in accordance with AS 44.64.060, adopts this Decision and Order as the final administrative determination in this matter.

Under AS 25.27.062 and AS 25.27.250, the obligor's income and property are subject to withholding. Without further notices, a withholding order may be served on any person, political subdivision, department of the State, or other entity.

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with AS 25.27.210 and Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 34<sup>th</sup> day of February, 2010.

By: Signed  
Signature  
Dale Whitney  
Name  
Administrative Law Judge  
Title

[This document has been modified to conform to technical standards for publication.]