

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

IN THE MATTER OF	)	
G. R. G.	)	OAH No. 10-0123-CSS
	)	
_____	)	CSSD No. 001155745

**DECISION AND ORDER**

**I. Introduction**

On March 10, 2010, a formal hearing was held to consider the child support obligation of G. R. G. (Obligor) for the support of his child, F. (Obligee).<sup>1</sup> The Custodian, L. R. P., participated. Mr. G. also participated. Andrew Rawls, Child Support Services Specialist, represented the Child Support Service Division (Division). The hearing was audio-recorded. The record closed on June 4, 2010.

This case is Mr. G.'s appeal of the Division's order establishing his child support obligation for his child, F. Having reviewed the record in this case and after due deliberation, I concluded that the amounts set in the Division's Amended Administrative Child and Medical Support Order should be adjusted in accordance with the Division's latest calculations. Mr. G.'s ongoing child support is set at \$572 per month. Mr. G.'s total child support obligation from October 2008 through May 2010 is \$8,987, which will be offset by the amounts that the Division has already collected, plus Mr. G.'s credits for direct payments of child support to Ms. P. Mr. G. will be credited for total direct payments of child support in the amount of \$7,837.10, in accordance with the Division's Summary of Support Obligation at exhibit 17, page 1.

**II. Facts**

Ms. P. and Mr. G. were married, and both were living together with their child before they separated. Ms. P. applied for the Division's services for her child, F., in October of 2008. A temporary court order set child support for November and December of 2008. Ms. P. and Mr. G. lived together with F. for the month of January 2009 through May 2009. Mr. G. made direct payments of child support in varying amounts to Ms. P. from June of 2009 until March of 2010.

---

<sup>1</sup> The hearing was held under Alaska Statute 25.27.170.

Starting the next month, April 2010, Mr. G. began making his child support payments through the Division.

Paternity is not in dispute. Mr. G. was named as F.'s father on her birth certificate.<sup>2</sup> The Division served Mr. G. with an Administrative Child and Medical Support Order on December 1, 2009.<sup>3</sup> Mr. G. requested an administrative review.<sup>4</sup>

The Division issued an Amended Administrative Child and Medical Support Order on February 26, 2010. The Division set Mr. G.'s ongoing child support at \$716 per month. The order also set monthly arrears going back to October of 2008.<sup>5</sup>

Mr. G. requested a formal hearing.<sup>6</sup> Prior to the hearing, the Division filed new calculations as requested. These calculations take into account recent changes in income due to Mr. G.'s change of duty station. These calculations result in a monthly ongoing child support amount of \$572.<sup>7</sup> At the hearing, Mr. G. indicated that he believed these calculations were correct.<sup>8</sup>

At the hearing, Mr. G. raised issues related to his direct payments of child support and Division's withholding amounts from his pay. Mr. G. also explained that he and Ms. P. and lived together with F. for some of the period covered by this order.<sup>9</sup>

After the hearing, a scheduling order was issued setting the deadline for the Division to file a Post-Hearing Brief and a new Summary of Support Obligation and the deadline for the parties to file any response to the Division's submission that they wished to file. The Division timely complied with the order. Ms. P. and Mr. G. did not file any response. The record closed on June 4, 2010.

The new Summary of Support Obligation that the Division filed shows Mr. G.'s direct payments of child support to Ms. P. These direct payments of child support total \$7,837.10.<sup>10</sup> The Division also reported that it had contacted Ms. P., who had confirmed Mr. G.'s testimony about when their family was living together.<sup>11</sup>

---

<sup>2</sup> Recording of Hearing.

<sup>3</sup> Exhibit 6.

<sup>4</sup> Exhibit 7.

<sup>5</sup> Exhibit 10.

<sup>6</sup> Exhibit 11.

<sup>7</sup> Exhibit 12

<sup>8</sup> Recording of Hearing.

<sup>9</sup> Recording of Hearing.

<sup>10</sup> Exhibit 17, page 1.

<sup>11</sup> Division's Post-Hearing Brief.

Based on the evidence in the record, I find that it is more likely than not that these calculations are correct and that the income used in these calculations is correct. Based on the evidence in the record, I also find that there is clear and convincing evidence Mr. G. made a total of \$7,837.10 in direct payments of child support to Ms. P. between June of 2009 and April of 2010.<sup>12</sup>

### **III. Discussion**

Mr. G. argued that his child support order should be lower than the amount set by the Division, that he should not be charged for all of the months covered by the order, and that he should be given credit for all his direct payments of support. In a child support hearing, the person who filed the appeal, in this case Mr. G. has the burden of proving by a preponderance of the evidence that the Division's order is incorrect. Mr. G. met his burden to show, and the Division agreed, that Mr. G.'s child support order should be adjusted in accordance with the Division's new Summary of Support Obligation.

### **IV. CHILD SUPPORT ORDER**

1. Mr. G.'s ongoing child support for F. is at \$572 per month effective July 1, 2010.
2. Mr. G. is liable for child support arrears for F. in the monthly amount of \$713 for the month of October 2008, \$713 for the months of June 2009 through March of 2010, and \$572 for the months of April 2010 through June 2010.
3. The Division shall give Mr. G. credits for his direct payments of child support for F. of \$7,837.10 per month for the months of June 2009 through March 2010.
4. The Division should give the parties the appropriate debit or credit for their out-of-pocket expenses for providing health insurance coverage for F.
5. All other provisions of the Amended Administrative Child and Medical Support Order issued on February 26, 2010 remain in effect.

DATED this 16<sup>th</sup> day of June, 2010.

By: Signed  
Mark T. Handley  
Administrative Law Judge

---

<sup>12</sup> Recording of Hearing & Ex. 17.

**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 notice, 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 Rule of Appellate Procedure 602(a)(2) within 30 days after the date of this decision.

DATED this 9<sup>th</sup> day of July, 2010

By: Terry L. Thurbon for  
Signature  
Mark T. Handley  
Name  
Administrative Law Judge  
Title

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