

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

IN THE MATTER OF:)

T. B. D.)

) OAH No. 10-0309-CSS
) CSSD Nos. 001108301
) 001158567

DECISION AND ORDER

I. Introduction

This matter arises out of the obligor, T. B. D.'s, appeal of the Modified Administrative Child Support and Medical Support Order that the Child Support Services Division ("CSSD") issued in his case on April 29, 2010. The order adds B. and C. and does not increase Mr. D.'s monthly child support obligation. The order is effective September 1, 2009.

The formal hearing was held on July 12, 2010. S. R. W.-D. is the current custodian of record. Neither the custodian nor the obligor participated in the hearing. Andrew Rawls, child support specialist, represented CSSD. The obligee children are: M., C. and B. The record closed July 22, 2010. As discussed below, there is no factual dispute and the January 19, 2010 order is affirmed.

II. Facts

Mr. D.'s child support obligation for M. was set at \$50 per month in December 2001.¹ Mr. D. was served with a Notice of Petition for Modification of Administrative Support Order so as to add the children B. and C. on August 7, 2009.² Paternity is not disputed. On January 19, 2010, CSSD issued a Modified Administrative Child Support and Medical Support Order that set Mr. D.'s modified ongoing child support at \$50 per month for three children, effective September 1, 2009.³ This order was served April 29, 2010. Mr. D. appealed on June 8, 2010, alleging that the family was intact and he no longer owed child support.⁴

By certified notice dated June 29, 2010 and signed for by Mr. D., Mr. D. was informed that the hearing was calendared for July 12, 2010 at 9:00 a.m. At the time of the hearing, a telephone call was placed to the numbers on record for the parties but there was no answer. A

¹ Exh. 1.
² Exh. 2.
³ Exh. 3.
⁴ Exh. 4.

voicemail message was placed on the answering machine directing the parties to contact the OAH, but as of the date of this decision, the OAH has not heard from them.

III. Discussion

Mr. D. and Ms. W.-D. received notice of the date and time for the hearing, service of the notice was found to be effective and the hearing was conducted without their participation.⁵ Therefore, this decision is issued under the authority of 15 AAC 05.030(j), which authorizes the entry of a child support decision if the person requesting the hearing fails to appear.

At hearing CSSD explained that the January 2010 order was a housekeeping matter to add B. and C. to the existing order, so in the unlikely event that circumstances should change and Mr. D. become liable for support, the order would correctly identify all obligee children. CSSD agreed that the family was intact and that child support had been suspended effective June 1, 2009. On the record, CSSD noted that there was no factual dispute and requested dismissal or summary adjudication.

There is no disagreement about the facts relevant to resolution of this case. Mr. D. is in the home and child support is suspended while the family remains intact.

IV. Conclusion

There are no material facts in dispute and no action taken by CSSD other than to add additional children whose paternity is not in dispute. Mr. D. has appealed but has not identified any relief which can be granted. Accordingly Mr. D.'s appeal should be denied.

V. Order

- The January 19, 2010 Modified Administrative Child Support and Medical Support Order is affirmed.

DATED this 23rd day of July, 2010.

By: Signed
Rebecca L. Pauli
Administrative Law Judge

⁵ "If the department mails a document by registered or certified mail, service is effective if the mailing is addressed to the latest address provided to the department." 15 AAC 05.010(c).

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 9th day of August, 2010.

By: Signed _____
Signature
Rebecca L. Pauli _____
Name
Administrative Law Judge _____
Title

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