

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

IN THE MATTER OF)	OAH No. 10-0522-CSS
F. D. M.)	CSSD No. 001163556
)	
_____)	

DECISION AND ORDER

I. Introduction

On November 4, 2010, a hearing was held to consider the child support obligation of F. D. M. for his child, E. Mr. M. did not participate. B. G. G., the custodian of record, also did not participate in the hearing.¹ The Division was represented by Andrew Rawls, Child Support Services Specialist. The hearing was audio-recorded. The record closed on November 14, 2010.

This case is Mr. M.'s appeal of the Division's orders establishing his child support. The Division's order is upheld because Mr. M. did not meet his burden of proof to show that this order was incorrect.²

II. Facts

In November of 2009, Ms. G. applied for the Division's services for E.³ Paternity is not in dispute.⁴ Mr. M. is named as E.'s father on his birth certificate.⁵

The Division served Mr. M. with an Administrative Child and Medical Support Order on July 15, 2010.⁶ Mr. M. appealed his child support order.⁷

The Division issued an Amended Administrative Child and Medical Support Order on September 15, 2010.⁸ The Division set Mr. M.'s monthly ongoing child support for E. at \$333.

¹ Mr. M. and Ms. G. did not appear or provide a phone number as directed by the notices sent to them at their addresses of record. Mr. M. and Ms. G. did not answer their phone numbers of record at the time set for the hearing. Voice mail messages were left at the phone numbers of record of Mr. M. and Ms. G. The record was held open for ten days so that the parties could file a request to reschedule the hearing. No request was filed.

² This decision is issued under the authority of 15 AAC 05.030(j), which authorizes the entry of a decision if "a person requests a hearing and fails to appear at the hearing.

³ Division's Pre Hearing Brief, page 1 & Exhibit 1.

⁴ Exhibit 3 & 8.

⁵ Division's Pre Hearing Brief, page 1.

⁶ Division's Pre Hearing Brief, page 1 & Exhibit 1.

⁷ Exhibit 3.

⁸ Exhibit 4.

The order also established arrears beginning in November of 2009, based on Mr. M.'s reported earnings plus PFDs.⁹ Mr. M. requested a formal hearing.¹⁰

Based on the evidence in the record, I find that the Division's calculations at exhibit 4 are correct and are based on the best available estimates of Mr. M.'s income during the relevant time frames. I also find that Mr. M. did not show by clear and convincing evidence that it would be unjust to set his child support based on the monthly amounts set by the Division.

III. Discussion

In a child support hearing, the person who filed the appeal, in this case Mr. M., has the burden of proving by a preponderance of the evidence that the Division's orders are incorrect.¹¹ In his request for a formal hearing, Mr. M. did not directly assert that the Division's orders were incorrect. Mr. M. simply wrote that he requested a formal hearing.¹² Mr. M. did not provide persuasive evidence that the estimates of Mr. M.'s income, which the Division used to set his child support, were incorrect.

IV. CONCLUSION

Without Mr. M. having shown that the Division's orders are incorrect, those orders should be affirmed.¹³

V. CHILD SUPPORT ORDER

The Division's Amended Administrative Child and Medical Support Order on September 15, 2010 is affirmed.

DATED this 16th day of November, 2010.

By: Signed
Mark T. Handley
Administrative Law Judge

⁹ Exhibit 4.
¹⁰ Exhibit 6.
¹¹ Alaska Regulation 15 AAC 05.030(h).
¹² Exhibit 6.
¹³ Alaska Regulation 15 AAC 05.030(h).

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 3rd day of December, 2010.

By: Signed
Signature
Mark T. Handley
Name
Administrative Law Judge
Title

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