

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

IN THE MATTER OF:)
)
J. A.) OAH No. 10-0534-CSS
) CSSD Case No. 001166221
_____)

DECISION AND ORDER

I. Introduction

This case concerns the obligation of J. A. for the support of B. A. The custodian of record is C. G.-T.

On September 10, 2010, the Child Support Services Division issued an amended administrative child support order establishing a support obligation in the amount of \$234 per month effective October 1, 2010, with arrears in the amount of \$1,638 for the period from March 1 through September 30, 2010.

Ms. G.-T. filed an appeal and requested an administrative hearing. The parties were notified by mail to their last address of record of the hearing date and time. The assigned administrative law judge conducted a telephonic hearing at the scheduled time on November 9, 2010. Andrew Rawls represented the division. Ms. G.-T. participated. Mr. A. did not provide a telephone number and did not appear at the scheduled hearing time, and he did not participate.

Based on the evidence and testimony, Mr. A.'s obligation for arrears and ongoing support is set at \$264 per month.

II. Discussion

J. A. has been employed substantially full time at Jiffy Lube since September, 2009.¹ His projected annual earnings, based on his reported quarterly wages from the fourth quarter of 2009 through the third quarter of 2010 are \$16,840.31.² His anticipated annual income in 2010, including an Alaska Permanent Fund dividend, is therefore

¹ Exhibit 4.

² Exhibit 6.

\$18,121.31.³ Providing the standard deductions from income, his anticipated adjusted annual income is \$15,851.75.⁴

III. Discussion

The division establishes a child support obligation based upon “the expected actual annual income that the parent will earn or receive when the child support award is to be paid.”⁵ When adequate information is available, arrears may be based on the actual income received during the period for which arrears are due.⁶

In this case, the division submitted evidence of Mr. A.’s earned income from the full fourth quarter of 2009 through the full third quarter of 2010. In the absence of any evidence to the contrary, Mr. A.’s actual income during that time is a reasonable basis for estimating his annual income for the calendar year 2010 and ongoing.

For one child, a parent’s presumptive support obligation is 20% of that parent’s adjusted annual income,⁷ that is, total income after allowable deductions for such things as taxes and contributions to a retirement plan.⁸ Providing for arrears and ongoing support based on his actual income during the prior four quarters, and allowing the standard deductions, Mr. A.’s support obligation for arrears and ongoing support is \$264 per month, as shown on Exhibit 6.

IV. Conclusion

In the absence of any showing that the presumptive support obligation is unreasonable or manifestly unjust, Mr. A.’s obligation for arrears and ongoing support should be set at \$264 per month.

CHILD SUPPORT ORDER

The Amended Administrative Child Support and Medical Support Order dated September 10, 2010, is **AMENDED** as follows; in all other respects, the Amended Administrative Child Support and Medical Support Order dated September 10, 2010, is **AFFIRMED**:

³ *Id.*

⁴ *Id.*

⁵ 15 AAC 125.030(a).

⁶ Duffus v. Duffus, 72 P.3rd 313, 321 (Alaska 2003); Spott v. Spott, 17 P.3rd 52, 56 (Alaska 2001).

⁷ 15 AAC 125.070(a); Civil Rule 90.3(a)(2)(A).

⁸ 15 AAC 125.070(a); -.065; Civil Rule 90.3(a)(1).

1. Mr. A.'s arrears are set at \$264 per month for the months from March 1, 2010, through December 31, 2010.
2. Amended ongoing child support is set at \$264 per month, effective January 1, 2011.

DATED: December 29, 2010.

Signed _____
Andrew M. Hemenway
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 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 19th day of January, 2011.

By: *Signed* _____
Signature
Andrew M. Hemenway _____
Name
Administrative Law Judge _____
Title

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