

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

IN THE MATTER OF)	
R. J. D., JR.)	OAH No. 10-0581-CSS
)	
_____)	CSSD No. 001158915

DECISION AND ORDER

I. Introduction

On December 2, 2010, a hearing was held to consider the child support obligation of R. J. D., Jr. for his child, L. Mr. D. participated. A. R., the custodian of record, also participated. The Child Support Services Division (Division) was represented by Erinn Brian, Child Support Services Specialist. The hearings were audio-recorded. The record closed at the end of the hearing.

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

II. Facts

In September of 2009, Ms. R. applied for the public assistance for L.¹ Paternity was established by Mr. D. being named as L.'s father on his birth certificate.²

The Division served Mr. D. with an Administrative Child and Medical Support Order on September 10, 2010.³ Mr. D. appealed his child support order.⁴

The Division issued an Amended Administrative Child and Medical Support Order on November 4, 2010.⁵ The Division set Mr. D.'s monthly ongoing child support for L. at \$50. The order also established arrears beginning in April of 2010. The order set the monthly child

¹ Division's Pre Hearing Brief, page 1.
² Division's Pre Hearing Brief, page 1.
³ Division's Pre Hearing Brief, page 1 & Exhibit 1.
⁴ Exhibit 3.
⁵ Exhibit 4.

support at the minimum amounts based on Mr. D.'s incarceration. Mr. D. requested a formal hearing.⁶

At the hearing on December 2, 2010, Mr. D. explained that he no longer had any issues with the Division's order and at one point indicated that he wanted to withdraw his appeal. However, after Ms. R. spoke, Mr. D. failed to proceed in order and the hearing on his appeal was terminated.⁷

Based on the evidence in the record, I find Mr. D. did not show that the Division's determinations in setting his child support were incorrect.

III. Discussion

In a child support hearing, the person who filed the appeal, in this case Mr. D., has the burden of proving by a preponderance of the evidence that the Division's order is incorrect.⁸

Mr. D. did not meet his burden to show that it was more likely than not that the estimates of Mr. D.'s income, which the Division used to set his child support, were incorrect. Mr. D.'s concerns about the Division's collections activity on his account, and about visitation issues are not relevant to the determination that is at issue in this appeal, which is whether the Division's order should be upheld.

IV. CHILD SUPPORT ORDER

The Division's Amended Administrative Child and Medical Support Order on September 1, 2010 is affirmed.

DATED this 7th day of December, 2010.

By: Signed
Mark T. Handley
Administrative Law Judge

⁶ Exhibit 4.

⁷ Recording of Hearing.

⁸ 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 January, 2011.

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

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