

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

IN THE MATTER OF:)
)
R. S. I.)
)
_____) OAH No. 10-0608-CSS
CSSD Case No. 001104938

DECISION

I. Introduction

R. S. I., an obligor on a child support order, filed a request for the disclosure of the address of Y. A.-Z., the custodian of record. Ms. A.-Z. objected to disclosure of the information and the Division of Child Support Services denied Mr. I.’s request. Mr. I. filed an appeal.

A telephonic administrative hearing was conducted. Mr. I. and Ms. A.-Z. participated, and Andrew Rawls represented the division.

Because Mr. I. did not show that the division’s decision was incorrect, the decision is sustained.

II. Facts

Y. A.-Z. and R. S. I. are the parents of J. A.. Mr. I. has not had contact with Ms. A.-Z. or his daughter for a number of years. Mr. I. has been arrested and charged with resisting arrest, and he has been charged with domestic violence, both dating from prior to 2000.¹ Ms. A.-Z. is fearful that Mr. I. will harass her if her address is disclosed to him.²

III. Discussion

The division’s regulations provide for non-disclosure of identifying information if the division determines “that the health, safety or liberty of a parent or child is put unreasonably at risk by disclosure of [the] identifying information.”³

In this case, Mr. I. disclosed that he was arrested for resisting arrest, and that he had been charged (but not found to have engaged in) domestic violence. He stated that

¹ Testimony of R. I.
² Testimony of Y. A.-Z.
³ 15 AAC 125.860(c). See AS 25.27.275.

he needs Ms. A.-Z.'s address in order to send legal documents concerning custody or visitation, and that he has no intention of coming to Alaska.

Whether an individual would be unreasonably placed at risk through disclosure of identifying information calls for balancing the degree of risk against the need for disclosure.⁴ Custody and visitation issues are subject to resolution by the courts, not by the division, and service of legal papers can be accomplished through process server or by publication, even if Mr. I. himself is unaware of Ms. A.-Z.'s physical location. A party who is located at a considerable distance may still have the ability to threaten the health, safety or liberty of another through indirect contacts.

As the appealing party, the burden of proof was on Mr. I. to show that the division's decision not to release the requested information was incorrect.⁵ In this case, although there has been no showing of a recent history of assaultive or otherwise violent behavior, Mr. I. did not show that the risk to Ms. A.-Z. and her daughter's health, safety or liberty is not unreasonable in light of Mr. I.'s relatively low need for disclosure.

IV. Conclusion

Mr. I. failed to prove that the division's decision not to release his identifying information was incorrect. The division's decision not to release that information is therefore affirmed.

DATED: March 15, 2011.

Signed _____
Andrew M. Hemenway
Administrative Law Judge

⁴ See In Re L. H., OAH No. 06-0717-CSS (Commissioner of Revenue 2006).

⁵ 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 notices, 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 R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 4th day of April, 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.]