

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

IN THE MATTER OF)	OAH No. 10-0632-CSS
J L. R-R)	CSSD No. 001165210
)	
_____)	

DECISION AND ORDER

I. Introduction

This case is J L. R-R's appeal of an order issued by the Alaska Child Support Service Division (Division). That order established his child support obligation for his child, A. On January 26, 2011, a formal hearing was held on Mr. R-R's appeal.¹ The custodial parent, K E O, participated. Mr. R-R also participated. Andrew Rawls, Child Support Services Specialist, represented the Child Support Service Division (Division). The hearing was audio-recorded. The record closed on January 26, 2011.

Having reviewed the record in this case and after due deliberation, I concluded that the amounts set in the Division's Amended Administrative Child and Medical Support Order should be adjusted in accordance with the new calculations that were discussed at the hearing. These new calculations give Mr. R-R the appropriate deduction for supporting his older children. Based on these calculations, Mr. R-R's ongoing child support is set at \$230 per month. Mr. R-R's child support arrears from January 2010 through June 2010 are also set at \$230 per month. Mr. R-R's child support arrears for the month of December 2009 are set at \$135.

Because Ms. O filed a request to withdraw from the Division's services in June of 2010, the Division is not presently collecting support on this order for months in which no public assistance was paid.

II. Facts

Ms. O applied for public assistance for her child, A, in December of 2009. Paternity is not now in dispute. Mr. R-R's is named as A's father on the child's birth certificate.² The Division served Mr. R-R with an Administrative Child and Medical Support Order on October 7, 2010.³ Mr. R-R requested an administrative review.⁴

¹ The hearing was held under Alaska Statute 25.27.170.

² Division's Pre-hearing Brief, page 1 & Recording of Hearing.

³ Exhibit 4.

The Division issued an Amended Administrative Child and Medical Support Order on December 9, 2010. In this order, the Division set Mr. R-R's ongoing child support at \$391 per month. The order also set monthly arrears going back to December of 2009.⁵

Mr. R-R requested a formal hearing.⁶ With his request, Mr. R-R filed additional income information.⁷

Prior to the hearing, the Division filed new calculations.⁸ The Division also discussed additional new calculations at the hearing, which were filed after the hearing.⁹ At the hearing, the parties agreed that, in accordance with these new calculations, arrears and ongoing child support should be set at \$230 per month, with the exception of child support arrears for the month of December 2009, which should be set at \$135.¹⁰

Based on the evidence in the record, I find that it is more likely than not that these new calculations are correct and that the income used in these calculations is correct.¹¹

III. Discussion

Mr. R-R argued that his child support order should be lower than the amount set by the Division. In a child support hearing, the person who filed the appeal, in this case Mr. R-R, has the burden of proving by a preponderance of the evidence that the Division's order is incorrect.¹² Mr. R-R met his burden to show, and Ms. O and the Division agreed, that Mr. R-R's child support order should be adjusted in accordance with these new calculations.

IV. CHILD SUPPORT ORDER

1. Mr. R-R's ongoing child support for A is at \$230 per month effective February 1, 2011.
2. Mr. R-R is liable for child support arrears for A in the monthly amounts of \$135 for the month of December 2009, and \$230 for the months of January 2010 through January 2011.

⁴ Exhibit 6.

⁵ Exhibit 7.

⁶ Exhibit 8.

⁷ Exhibit 7.

⁸ Exhibit 11.

⁹ Recording of Hearing & Exhibits 11, 12 & 13.

¹⁰ Recording of Hearing.

¹¹ Recording of Hearing & Exhibits 11, 12 & 13.

¹² Alaska Regulation 15 AAC 05.030(h).

3. The Division is not currently collecting ongoing child support or arrears for periods when there was no public assistance because Ms. O withdrew from the Division's services in June of 2010.
4. The Division should give the parties the appropriate debit or credit for their out-of-pocket expenses for providing health insurance coverage for Al.
5. All other provisions of the Amended Administrative Child and Medical Support Order issued on December 9, 2010 remain in effect.

DATED this 26th day of January, 2011.

By: Signed
Mark T. Handley
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 16th day of February,, 2011

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

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