

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

IN THE MATTER OF:	)	
	)	OAH No. 11-0164-CSS
J. B. C. aka	)	CSSD No. 001166064
J. B.	)	
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**DECISION AND ORDER**

**I. Introduction**

This is an establishment case in which an Administrative Medical Support Order was entered, and then later modified to also establish financial support. J. B. appeals the Modified Administrative Child Support and Medical Support Order. Y. D. G. is the custodian of record. The child for whom support is being paid is J. B. D.

A hearing was held on May 18, 2011. Both parents appeared in person and each brought a translator. Child Support Services Division (CSSD) was represented by Child Support Specialist Erinn Brian. Based on the evidence in the record, Mr. B.' child support obligation should be set at \$185 per month.

**II. Facts**

*A. Background*

Ms. D. did not seek the involvement of CSSD in this matter, but because she is receiving public assistance, CSSD is required to establish a child support order and collect child support.<sup>1</sup> An Administrative Medical Support Order was issued on January 4, 2011.<sup>2</sup> A Modified Administrative Child Support and Medical Support Order was issued on April 13, 2011 setting Mr. B.' support obligation at \$327 per month.<sup>3</sup> Mr. B. appealed.<sup>4</sup>

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<sup>1</sup> 15 AAC 125.405(a).  
<sup>2</sup> Exhibit 4.  
<sup>3</sup> Exhibit 6.  
<sup>4</sup> Exhibit 7.

*B. Material Facts*

Mr. B. works cleaning office buildings for No Name Business in Anchorage, Alaska. His income in 2010 was more than \$20,000<sup>5</sup>, but his hours were reduced in 2011. As of April 15, 2011, his year to date earnings have been \$3,134.95.<sup>6</sup> This is equivalent to an annual income of \$10,748.40.<sup>7</sup> Mr. B. is looking for other work that will increase his income.

Mr. B. made two payments directly to Ms. G. The first payment of \$150 was made in January of 2011, and the second payment of \$150 was made in February of 2011.

**III. Discussion**

A parent is obligated both by statute and at common law to support his or her children.<sup>8</sup> Civil Rule 90.3(a)(1) provides that an obligor's child support amount is to be calculated based on his or her "total income from all sources." The support obligation should be based on what the obligor is likely to earn when the payments are due.<sup>9</sup> Mr. B.' actual earnings through April 15 is the best evidence of what he is likely to earn throughout 2011. Using that rate of pay results in a child support obligation of \$185 per month for one child.<sup>10</sup> If Mr. B. does find other employment, he should inform CSSD.

**IV. Conclusion**

CSSD is required to collect child support because Ms. G. is receiving public assistance. Mr. B.' earnings during the first part of 2011 is the best evidence of what he will earn during all of 2011. Based on that rate of income, Mr. B.' child support obligation should be set at \$185 per month for one child.

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<sup>5</sup> Exhibit 10, page 1.  
<sup>6</sup> Exhibit 10, page 5.  
<sup>7</sup> \$3134.95 divided by seven bi-monthly pay periods through April 15, times 24 pay periods per year.  
<sup>8</sup> *Matthews v. Matthews*, 739 P.2d 1298, 1299 (Alaska 1987) & AS 25.20.030.  
<sup>9</sup> 15 AAC 125.050(c).  
<sup>10</sup> Attachment A.

**V. Child Support Order**

- Mr. B.' ongoing child support obligation is set at \$185 per month effective January 1, 2011.
- Mr. B. is entitled to a \$300 credit for payments made directly to the custodial parent.
- All other provisions of the Modified Administrative Child Support and Medical Support Order of April 13, 2011 remain in effect.

DATED this 20<sup>th</sup> day of May, 2011.

By: Signed  
Jeffrey A. Friedman  
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 6<sup>th</sup> day of June, 2011.

By: Signed  
Signature  
Jeffrey A. Friedman  
Name  
Administrative Law Judge  
Title

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