

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

In the Matter of:)

D L. B)

OAH No. 13-1311-CSS

CSSD No. 001194204

DECISION AND ORDER

I. Introduction

This matter involves an appeal by the custodian, L C, of a Decision on Nondisclosure of Identifying Information that the Child Support Services Division (CSSD) issued in Mr. B's child support case on September 11, 2013.

The formal hearing was calendared for October 14, 2013, but a technological issue prevented CSSD from participating. The hearing was rescheduled to and held on November 5, 2013. Both parties participated by telephone. Andrew Rawls, Child Support Specialist, represented CSSD. The hearing was recorded.

Based on the record and after careful consideration, CSSD's September 11, 2013, Decision on Nondisclosure of Identifying Information is affirmed. Ms. C's contact information may be released if requested by a person entitled to have that information.

II. Facts

On August 29, 2013, Ms. C submitted an Affidavit and Request for Nondisclosure of Identifying Information.¹ In answer to the question "please explain why you feel threatened by this person[,]" Ms. C wrote:

Ever since I was pregnant he's been asking for blood test. He says the baby is not his until paternity test. He's been neglecting the baby ever since she was born, wanting tests but scared that he might lose his checks. People say the baby looks like him.^[2]

On September 11, 2013, CSSD issued a Decision on Nondisclosure of Identifying Information that allowed disclosure of Ms. C's contact information.³ She appealed on September 20, 2013.⁴

¹ Exh. 1.

² *Id.*

³ Exh. 2.

⁴ Exh. 3.

III. Discussion

This matter does not involve Mr. B's child support obligation. Rather, the issue here is whether CSSD correctly decided to disclose Ms. C's contact information to him.

Alaska Statute (AS) 25.27.275 authorizes CSSD to decide on an *ex parte* basis that a case party's identifying information will not be disclosed to another case party. The applicable statute governing this action states as follows in its entirety:

Upon a finding, which may be made *ex parte*, that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, a tribunal shall order that the address of the party or child or other identifying information not be disclosed in a pleading or other document filed in a proceeding under this chapter. A person aggrieved by an order of nondisclosure issued under this section that is based on an *ex parte* finding is entitled on request to a formal hearing, within 30 days of when the order was issued, at which the person may contest the order.^[5]

This proceeding involves only the issue whether Ms. C's contact information kept on file by CSSD may be released. The scope of the inquiry in nondisclosure cases is very narrow and is limited simply to a determination whether CSSD reasonably decided to disclose or not disclose the information. As the person who requested the hearing, Ms. C has the burden of proving by a preponderance of the evidence that CSSD's decision to disclose the contact information was incorrect.⁶

At the hearing, Ms. C stated that the affidavit and request for nondisclosure were documents she filled out with her Native association in order to request child support services. She added that Mr. B had never been violent or threatening toward her or the child. Rather, the primary difficulty she is having with Mr. B is that he doesn't want to take care of the child. The parties are currently in the process of obtaining paternity tests.

Based on the totality of the evidence presented, in particular Ms. C's hearing testimony, CSSD's decision allowing disclosure of Ms. C's contact information should be affirmed. There does not appear to be any evidence that the "health, safety, or liberty of a party or child would be unreasonably put at risk" by the disclosure of Ms. C's contact information. CSSD's decision to release the information should be affirmed.

⁵ AS 25.27.275.

⁶ 15 AAC 05.030(h).

IV. Conclusion

Ms. C did not prove by a preponderance of the evidence that CSSD’s Decision on Nondisclosure of Identifying Information was incorrect in allowing her contact information to be released. CSSD’s decision allowing disclosure should be affirmed.

THEREFORE IT IS ORDERED:

- CSSD’s Decision on Nondisclosure of Identifying Information dated September 11, 2013, is AFFIRMED;
- Ms. C’s contact information may be released if requested by a person entitled to have that information.

DATED this 6th day of November, 2013.

Signed

 Kay L. Howard
 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 26th day of November, 2013.

By: *Signed*

 Signature
 Kay L. Howard

 Name
 Administrative Law Judge

 Title

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