

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

IN THE MATTER OF)	OAH No. 14-0292-CSS
B J. M)	CSSD No. 001191211
_____)	

DECISION AND ORDER

I. Introduction

This case is Ms. L D. Z’s appeal of a decision by the Child Support Services Division (Division) to disclose her and her child’s contact information to B J. M.¹ On March 13, 2014, a formal hearing was held to consider her appeal.² Mr. M did not participate. Ms. Z, the custodial parent, also did not participate.³ Andrew Rawls, Child Support Services Specialist, represented the Division. The hearing was audio-recorded. The record closed at the end of the hearing.

Having reviewed the record in this case and after due deliberation, the Administrative Law Judge concludes that the Division should not release Ms. Z’s contact information to Mr. M based on a finding that Mr. M’s criminal history shows that disclosure would create an unreasonable risk of harm to Ms. Z and the child.

II. Facts

A. History

Mr. M requested that the Division provide him with Ms. Z’s child’s contact information. Ms. Z responded to the notice sent to her that this request had been made and asked that the information not be disclosed. Her concerns about the disclosure focused on what she characterized as harassment from Mr. M’s grandmother.⁴

On August 6, 2013, the Division issued a Nondisclosure of Identifying Information Decision.⁵ The Division stated that the Division would disclose Ms. Z’s contact information to Mr. M.

Ms. Z requested a formal hearing. Ms. Z wrote in her appeal that Mr. M had a history of

¹ See Alaska Statute 25.27.275.

² Mr. M did not provide a contact number for the hearing. Ms. Z was not at her contact numbers of record when she was called for the hearing.

³ The hearing was audio-recorded. The record closed at the end of the hearing.

⁴ Exhibits 1 & 2.

⁵ Exhibit 3.

being abusive and drinking around her children and has a criminal record.⁶

Prior to the hearing, the Division confirmed that Mr. M has a criminal record that includes convictions on charges of assault and trespass. The Division agreed with Ms. Z that her and her child's contact information should not be disclosed.

At the hearing, Mr. M and Ms. Z did not participate. The record was not held open to give Ms. Z, who filed the appeal, an opportunity to request to reschedule because the Division agreed that she should be given the relief that she sought.

B. Findings

Based on the evidence in the record, the Administrative Law Judge finds that it is more likely than not that the health and safety of Ms. Z and her child would be put unreasonably at risk by the Division's disclosure of Ms. Z or the child's contact information to Mr. M.

III. Discussion

This case is an administrative appeal of the Division's determination that it should disclose Ms. Z's address and phone number to Mr. M. This is a nondisclosure case under a statute which authorizes the Division to order that a case party's contact information will not be disclosed if the "health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information."⁷ This appeal does not directly involve Mr. M's child support obligation.

Ms. Z, as the person challenging the Division's action, has the burden of proving that the Division's decision for disclosure was in error.⁸ The Division's order was shown not to be correct by a preponderance of the evidence in the record. Court records showing Mr. M's criminal history, and the concerns Ms. Z has raised show that it would create an unreasonable risk to for the Division to release Ms. Z's contact information. The Division should not release Ms. Z's contact information to Mr. M.

IV. Child Support Order

1. The Division's Nondisclosure of Identifying Information Decision issued on August 6, 2013, is OVERTURNED.

6 Exhibit 4.

7. See Alaska Statute 25.27.275 & Alaska Regulation 15 AAC 125.860.

8. 15 AAC 05.030(h).

2. The Division shall not release Ms. Z's contact information to Mr. M.

DATED this 4th day of April, 2014.

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.

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 4th day of April, 2014.

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

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