

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

In the Matter of:	)	
	)	OAH No. 14-0547-CSS
S S. W T	)	CSSD No. 001196705
_____	)	

**DECISION AND ORDER**

**I. Introduction**

This matter involves an appeal by the custodian, A C. E, of a Decision on Nondisclosure of Identifying Information that the Child Support Services Division (CSSD) issued in Mr. W T’s child support case on March 12, 2014.

The formal hearing was held on April 29, 2014. Both parties participated by telephone. Russell Crisp, Child Support Specialist, represented CSSD. The hearing was recorded.

Based on the record and after careful consideration, CSSD’s March 12, 2014 Decision on Nondisclosure of Identifying Information is affirmed. Ms. E’s contact information may be released if requested by a person entitled to have that information.

**II. Facts**

On March 10, 2014, Ms. E submitted an Affidavit and Request for Nondisclosure of Identifying Information.<sup>1</sup> In answer to the question “please explain why you feel threatened by this person[,]” Ms. E wrote “I don’t feel threatened by the father.”<sup>2</sup>

On March 12, 2014, CSSD issued a Decision on Nondisclosure of Identifying Information that denied Ms. E’s request for nondisclosure of her contact information.<sup>3</sup> Ms. E appealed on March 28, 2014.<sup>4</sup>

**III. Discussion**

This matter does not involve Mr. W T’s child support obligation. Rather, the issue here is whether CSSD correctly decided to deny Ms. E’s request for nondisclosure of her 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

---

<sup>1</sup> Exh. 1.  
<sup>2</sup> *Id.*  
<sup>3</sup> Exh. 2.  
<sup>4</sup> Exh. 3.

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.<sup>[5]</sup>

This proceeding involves only the issue whether Ms. E'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. E has the burden of proving by a preponderance of the evidence that CSSD's decision to disclose the contact information was incorrect.<sup>6</sup>

At the hearing, Ms. E appeared confused about the nature of the nondisclosure hearing. She stated that she filed the appeal because Mr. W T hasn't helped with support for M. When she understood that the affidavit and request for nondisclosure were documents unrelated to his support obligation, she said there was nothing in their interactions that caused her to feel fear for her safety or that of her child. Mr. W T also was confused about the nature of the proceedings, but by the end of the hearing both parties understood that it did not involve the child support issue, which will be handled separately.

Based on the totality of the evidence presented, in particular Ms. E's hearing testimony, CSSD's decision to allow disclosure of her 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. E's contact information. CSSD's decision to release the information should be affirmed.

#### **IV. Conclusion**

Ms. E 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.

---

<sup>5</sup> AS 25.27.275.

<sup>6</sup> 15 AAC 05.030(h).

**THEREFORE IT IS ORDERED:**

- CSSD’s Decision on Nondisclosure of Identifying Information dated March 12, 2014 is AFFIRMED;
- Ms. E’s contact information may be released if requested by a person entitled to have that information.

DATED this 29<sup>th</sup> day of April, 2014.

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 16<sup>th</sup> day of May, 2014.

By: Signed  
\_\_\_\_\_  
Signature  
Kay L. Howard  
\_\_\_\_\_  
Name  
Administrative Law Judge  
\_\_\_\_\_  
Title

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