

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

IN THE MATTER OF: )  
 )  
 K R. J ) OAH No. 14-0967-CSS  
 ) CSSD No. 001063274  
\_\_\_\_\_ )

**DECISION AND ORDER DENYING MOTION FOR REMAND**

T L. L has applied for child support services.<sup>1</sup> As part of the application process she completed a Request for Nondisclosure of Identifying information and affidavit in support.<sup>2</sup> CSSD denied Ms. L’s request for nondisclosure.<sup>3</sup> Ms. L timely appealed the denial.<sup>4</sup> CSSD filed a Motion for Remand asking that the matter be returned so it could issue a revised order.<sup>5</sup>

A hearing was held June 26, 2014. Ms. L did not participate.<sup>6</sup> The putative father did not participate.<sup>7</sup> The record closed July 7, 2014.<sup>8</sup> Child Support Specialist James W. Pendergraft represented CSSD and participated by telephone. CSSD’s request for remand is denied and its Decision on Nondisclosure of Identifying Information is AFFIRMED.

**DISCUSSION**

The controlling regulation, 15 AAC 125.860 subpart (c), directs that CSSD will grant a request for nondisclosure if it “determines that the health, safety, or liberty of a parent or child is put unreasonably at risk by disclosure of identifying information about the parent or child.” This requires the requesting parent present evidence that establish an unreasonable risk to the health, safety, or liberty of the requesting parent or the child if certain information were disclosed.

---

<sup>1</sup> Exhibit 1.

<sup>2</sup> Exhibit 2.

<sup>3</sup> Exhibit 3.

<sup>4</sup> Exhibit 4.

<sup>5</sup> Motion for Remand, dated June 12, 2014.

<sup>6</sup> A current mailing address must be provided to the department with the request for appeal, and any change in mailing address after the request for appeal is filed must be reported to the department immediately. If the department mails a document by registered or certified mail, service is effective if the mailing is addressed to the latest address provided to the department. 15 AAC 05.010. The Notice of Telephonic Hearing was delivered using certified return receipt mail. Ms. L accepted delivery June 25, 2014. Ms. L received notice and the hearing proceeded in her absence. Additionally, she was telephoned at the appointed time and two voice mail messages were left instructing her how to request a supplemental hearing.

<sup>7</sup> Mr. J’s telephone number was not in working order.

<sup>8</sup> As required by regulation, the record remained open for 10 days to provide Ms. L with an opportunity to show reasonable cause for her failure to participate. 15 AAC 05.030(j).

Here, the evidence provided in support of the request was that the putative father was arrested in Arizona and charged with several crimes including a weapons charge, drugs and maintaining a house of prostitution.<sup>9</sup> On her unsworn affidavit and request for nondisclosure, Ms. L checked the box asserting that she was “a party, a victim, a witness, or otherwise involved” with these crimes.<sup>10</sup> However, when the form asked her to provide a written explanation regarding “what happened, when, where, and who was involved,” she simply wrote that the putative father had been arrested.<sup>11</sup>

Being charged with a crime and/or arrested in Arizona without more information does not establish that it is more likely than not that if certain information were disclosed that the health, safety, or liberty of Ms. L or the child will be put unreasonably at risk. Nor is there a sworn affidavit or other evidence tending to establish an act or threats of domestic violence against Ms. L or her daughter. Without evidence of an unreasonable risk, the record is insufficient to reverse the division’s Decision on Nondisclosure of Identifying Information. The Decision on Nondisclosure of Identifying Information is affirmed.

*This decision does not prevent Ms. L from renewing her request for nondisclosure.*

DATED this 11<sup>th</sup> day of July, 2014.

By: Signed \_\_\_\_\_  
Rebecca L. Pauli  
Administrative Law Judge

---

<sup>9</sup> Exhibit 5.  
<sup>10</sup> Exhibit 2.  
<sup>11</sup> Exhibit 2

## 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 28<sup>th</sup> day of July, 2014.

By: Signed  
Signature  
Rebecca L. Pauli  
Name  
Administrative Law Judge  
Title

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