

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

IN THE MATTER OF)
)
 Q D. C) OAH No. 14-1472-CSS
) CSSD No. 001128317
_____)

DECISION AND ORDER

I. Introduction

This case is Ms. F D’s appeal of a decision by the Child Support Services Division (Division) to disclose her and her child’s contact information to Q D. C.¹ On September 16, 2014, a formal hearing was held to consider her appeal. Mr. C did not participate.² Ms. D, the custodial parent, participated. 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. D’s contact information to Mr. C based on a finding that Mr. C’s criminal history and prior violence against Ms. D shows that disclosure would create an unreasonable risk of harm to Ms. D and the child.

II. Facts

A. History

Ms. D requested that the Division not provide Mr. C with Ms. D’s or their child’s contact information. Ms. D also responded to the notice sent to her and again requested that her contact information not be disclosed, but simply indicated that she felt threatened because of Mr. C’s girlfriend.³

On July 21, 2014, the Division issued a Nondisclosure of Identifying Information Decision.⁴ The Division stated that the Division would disclose Ms. D’s contact information to Mr. C.

Ms. D requested a formal hearing. Ms. D wrote in her appeal that Mr. C had a history of being beating her.

¹ See Alaska Statute 25.27.275.

² Mr. C did not provide a contact number for the hearing. His contact numbers of record was not in service when he was called for the hearing.

³ Exhibits 1, 2 & 3.

⁴ Exhibit 4.

Prior to the hearing, the Division confirmed that there were court records indicating a history of domestic violence and that Mr. C has a criminal record that includes convictions on charges of assault.

Prior to the hearing, the Administrative Law Judge reviewed court records for Mr. C. These records were discussed at the hearing and marked as exhibits A & B.

At the hearing, Mr. C did not participate. Ms. D, who filed the appeal, explained that she felt that she and her child would be at risk if Mr. C received her contact information because he had assaulted her when they were together and she had received abusive phone calls from him and his girlfriend after they separated. The Division agreed with Ms. D that her and her child's contact information should not be disclosed.

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. D and her child would be put unreasonably at risk by the Division's disclosure of Ms. D or the child's contact information to Mr. C.⁵

III. Discussion

This case is an administrative appeal of the Division's determination that it should disclose Ms. D's address and phone number to Mr. C. 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."⁶ This appeal does not directly involve Mr. C's child support obligation.

Ms. D, as the person challenging the Division's action, has the burden of proving that the Division's decision for disclosure was in error.⁷ The Division's order was shown not to be correct by a preponderance of the evidence in the record. Court records showing Mr. C's criminal history, and the concerns Ms. D has raised show that it would create an unreasonable risk to for the Division to release Ms. D's contact information. The Division should not release Ms. D's contact information to Mr. C.

⁵ Exhibits A & B & Recording of Hearing.

⁶ See Alaska Statute 25.27.275 & Alaska Regulation 15 AAC 125.860.

⁷ 15 AAC 05.030(h).

IV. Child Support Order

1. The Division's Nondisclosure of Identifying Information Decision issued on July 21, 2014, is OVERTURNED.
2. The Division shall not release Ms. D's contact information to Mr. C.

DATED this 18th day of September, 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 7th day of October, 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.]