

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

In The Matter of: )  
 )  
 F F. D ) OAH No. 14-1709-CSS  
 ) CSSD No. 001120086  
\_\_\_\_\_ )

**DECISION AND ORDER BASED ON THE CONSENT OF THE PARTIES**

F F. D and N F. B had a child, R B, who is currently twelve years old.<sup>1</sup> Mr. D's child support obligation was originally established by the State of Alaska Child Support Services Division (CSSD) on January 8, 2004.<sup>2</sup> On May 22, 2008 CSSD issued a Modified Administrative Child Support and Medical Support Order which increased Mr. D's monthly child support obligation to \$718.00 beginning February 1, 2008.<sup>3</sup>

In 2012 Ms. B filed a petition to modify Mr. D's child support obligation.<sup>4</sup> On September 13, 2012 CSSD issued a new Modified Administrative Child Support and Medical Support Order increasing Mr. D's child support obligation to \$837.00 per month.<sup>5</sup> Mr. D appealed this modification order, and on October 23, 2012 an administrative law judge reversed CSSD's determination, finding that there had not been a material change of circumstances, and that Mr. D's child support obligation should therefore remain at \$718.00 per month.<sup>6</sup>

Mr. D began working for the United States Department of the Interior in 2013.<sup>7</sup> On August 19, 2014 Ms. B filed a new request for modification of the 2008 child support order.<sup>8</sup> On September 8, 2014 Mr. D provided CSSD with updated financial information as requested.<sup>9</sup> On September 10, 2014 CSSD granted the request for modification<sup>10</sup> and issued a Modified Administrative Child Support and Medical Support Order that increased Mr. D's monthly child support obligation from \$718.00 to \$1,031.00 beginning on September 1, 2014.<sup>11</sup>

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<sup>1</sup> Ex. 1 p. 1.  
<sup>2</sup> Ex. 1 p. 1.  
<sup>3</sup> Ex. 1 pp. 1-6.  
<sup>4</sup> Ex. 1 p. 7.  
<sup>5</sup> Ex. 1 pp. 7-8 and 11-16.  
<sup>6</sup> Ex. 1 pp. 8-9.  
<sup>7</sup> Ex. 8.  
<sup>8</sup> Exs. 2, 3.  
<sup>9</sup> Ex. 4.  
<sup>10</sup> Ex. 5.  
<sup>11</sup> Ex. 6 p. 1.

Mr. D appealed CSSD's order on September 26, 2014.<sup>12</sup> In his notice of appeal, Mr. D asserted that CSSD's original determination had not incorporated a mandatory income deduction required by the Federal Employee Retirement System (FERS).<sup>13</sup> Mr. D asserted that, after incorporating this deduction, his monthly child support obligation should be \$993.00.<sup>14</sup>

Mr. D's hearing was held on October 22, 2014. Mr. D participated in the hearing by phone and represented himself. Ms. B participated by phone and represented herself. Child Support Specialist Andrew Rawls participated in the hearing by phone and represented CSSD.

After initial discussions, and before receiving sworn testimony, it appeared that the parties might be able to reach an agreement on the amount of the monthly child support payment. Mr. Rawls performed a new child support calculation which utilized the most recent financial information available, and which credited Mr. D with the FERS deduction referenced above. This calculation, made in accordance with Civil Rule 90.3, resulted in a revised monthly child support obligation of \$998.00. Mr. D and Ms. B stated on the record that they agreed to that amount, and CSSD recommended that Mr. D's monthly child support obligation be set at \$998.00 per month beginning on September 1, 2014.

The settlement amount proposed by the parties appears consistent with the primary purpose of Civil Rule 90.3, which is to ensure that child support orders are adequate to meet the needs of children, subject to the parent's ability to pay.<sup>15</sup> The proposed amount also appears to further CSSD's role in this proceeding by balancing the best interests of the child with the state's financial interest in the case, and with the goal of resolving the controversy.<sup>16</sup> The evidence indicates that the proposed payment amount is appropriate under Civil Rule 90.3, and it is therefore adopted. This resolves the issue of Mr. D's current ongoing child support obligation toward R.

**IT IS THEREFORE ORDERED:**

- Mr. D shall pay ongoing child support in the amount of \$998.00 per month beginning September 1, 2014 and ongoing;
- CSSD's Modified Administrative Child Support and Medical Support Order dated September 10, 2014 is modified by reducing Mr. D's ongoing child support obligation from \$1,031.00 per month to \$998.00 per month beginning September 1, 2014;

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<sup>12</sup> Ex. 7.

<sup>13</sup> Ex. 7 p. 2.

<sup>14</sup> Ex. 7 p. 2.

<sup>15</sup> See Commentary to Civil Rule 90.3 at Section I(B).

<sup>16</sup> See 15 AAC 125.815.

- All other provisions of the Modified Administrative Child Support and Medical Support Order dated September 10, 2014 remain in full force and effect.

DATED this 24th day of October, 2014.

*Signed*

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Jay D. Durych

Administrative Law Judge

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