

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

In the Matter of)	
)	
C F. G)	OAH No. 15-0083-CSS
_____)	Agency No. 001032934

DECISION AND ORDER

I. Introduction

This matter involves an appeal by custodian D L. G of a Decision on Nondisclosure of Identifying Information that the Child Support Services Division (CSSD) issued in Mr. G's case on December 26, 2014.

The hearing was held on March 4, 2015. Ms. G participated by telephone; Mr. G could not be reached and thus did not participate.¹ Andrew Rawls, Child Support Specialist, represented CSSD. The hearing was recorded.

Based on the record, CSSD's Decision on Nondisclosure of Identifying Information dated December 26, 2014 is reversed. Ms. G's contact information may not be released.

II. Facts

On November 17, 2014, Mr. G submitted a written request to CSSD for Ms. G's contact information.² CSSD subsequently sent Ms. G a notice that her contact information had been requested, and asked her to reply to the request.³ Ms. G did not respond, so on December 26, 2014, CSSD issued a Decision on Nondisclosure of Identifying Information that indicated Ms. G's contact information would be released in 30 days.⁴ She filed an appeal and requested a formal hearing on February 3, 2015.⁵

III. Discussion

This matter does not involve Mr. G's child support obligation. Rather, the issue here is whether CSSD's decision to disclose Ms. G's contact information to Mr. G was correct. Alaska Statute (AS) 25.27.275 authorizes CSSD to decide on an *ex parte* basis that a case party's

¹ Two calls were placed to Mr. G's telephone numbers of record, but neither one was answered. A voice mail message was left for him, but as of this date he has not contacted the OAH.

² Exh. 1.

³ Pre-Hearing Brief at pg. 1. CSSD was only able to file an exemplar of the notice sent to Ms. G, as CSSD did not keep a copy of the original. There is no dispute whether CSSD sent the notice to Ms. G.

⁴ Exh. 2.

⁵ Exh. 3.

identifying information will not be disclosed to another case party. The applicable statute 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.^[6]

This proceeding involves only the issue whether Ms. G's contact information kept on file by CSSD should 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. G, has the burden of proving by a preponderance of the evidence that CSSD's decision to disclose the contact information was incorrect.⁷

The parties were previously married; they divorced in the early 1990's.⁸ Ms. G said that Mr. G still owes child support arrears for their son, B, who is now in his early 20's. The last time Mr. G saw B, the child was only 4 months old. The custodian further testified that Mr. G was violent during their marriage. She said that he punched her, kicked her, broke her nose, and went to jail twice for physically abusing her.

At the close of the hearing, CSSD stated that Ms. G's testimony had caused the division to change its position in this case. CSSD requested that its decision allowing disclosure of her contact information be reversed.

The legislature has given CSSD the authority to determine whether a party may have access to another party's contact information. Based on the evidence as a whole, it now appears that "the health, safety, or liberty of a party or child" would *unreasonably* be put at risk by information disclosure in this case. The evidence as a whole has established by a preponderance of the evidence that Mr. G has a history of domestic violence toward Ms. G and that release of her contact information would be unreasonable.

⁶ AS 25.27.275.

⁷ 15 AAC 05.030(h).

⁸ The facts in this case are taken from Ms. G's testimony unless otherwise cited.

IV. Conclusion

Ms. G proved 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 reversed.

THEREFORE IT IS ORDERED:

- CSSD’s Decision on Nondisclosure of Identifying Information, issued on or about December 26, 2014, is REVERSED;
- CSSD may not release Ms. G’s contact information.

Dated: May 27, 2015

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 within 30 days after the date of this decision.

DATED this 17th day of June, 2015.

By: *Signed* _____
 Signature
Kay L. Howard _____
 Name
Administrative Law Judge _____
 Title

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