

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

In the Matter of	)	
	)	
L. J.	)	OAH No. 15-0084-CSS
<hr style="width:40%; margin-left:0;"/>	)	Agency No. 001187257

**DECISION**

**I. Introduction**

The obligor, L.J., appealed a modified Administrative and Medical Support Order that the Child Support Services Division issued on October 14, 2014. The obligee children are Q, M, and F. This ordered added F to an existing support order for Q and M in the amount of \$115 per month from November 2012 through December 2012 and \$104 per month from January 2013 through September 2014. Effective October 1, 2014 Mr. J's monthly support for three children was modified to \$569.

Mr. J. failed to appear for the March 4, 2015 hearing. The record closed ten days later. Mr. J did not prove that CSSD's order was incorrect. Therefore, CSSD's October 14, 2015 order is affirmed.

**II. Facts**

On November 18, 2012, CSSD issued an Administrative Child Support and Medical Support Order establishing a \$515 support order for Q and M.<sup>1</sup> F was born in October 2012. In December 2012, CSSD issued an Administrative Order for Genetic Testing.<sup>2</sup> It was personally served on Mr. J on August 8, 2014. Mr. J did not appeal the order so paternity of F was established by default.<sup>3</sup>

On October 14, 2014 CSSD issued a Modified Administrative Child Support and Medical Support Order that added F effective November 1, 2012.<sup>4</sup> It ordered arrears for F from November 1, 2012 through September 30, 2014 totaling \$2,414 and ongoing support effective October 1, 2014 in the amount of \$569 per month for all three children.<sup>5</sup> CSSD

---

<sup>1</sup> Exh. 1.  
<sup>2</sup> Exh. 2.  
<sup>3</sup> Exh. 4.  
<sup>4</sup> Exh. 7.  
<sup>5</sup> Exh. 7.

calculated support for 2012 using Mr. J's earnings reported to the Alaska Department of Labor from the fourth quarter of 2011 and the first three quarters of 2012, \$26,750.<sup>6</sup> CSSD did not have actual income information for Mr. J for 2013 and 2014, so it calculated support using the Occupational Employment Statistics for a Demonstrator/Product Promoter, \$25,605.

Mr. J appealed, asking for a DNA test and contesting the amount of support ordered.<sup>7</sup>

A hearing was held March 4, 2015. The Notice of Hearing was sent to Mr. J's mailing address. The "green card" was signed and returned. Mr. J failed to appear or otherwise participate in the hearing. Ms. Z did not participate in the hearing.

### **III. Discussion**

Mr. J filed this appeal and requested a formal hearing. As the person who requested the hearing, he has the burden of proving by a preponderance of the evidence that CSSD's order is incorrect.<sup>8</sup> Mr. J had effective service of the Notice of Hearing because it was addressed and mailed to the latest address for Mr. J provided to the division.<sup>9</sup>

Child support orders may be modified upon a showing of "good cause and material change in circumstances."<sup>10</sup> Adding other children to a child support order is a material change in circumstance.<sup>11</sup> In this case, CSSD has modified Mr. J's child support for the purpose of adding F to his previous order for Q and M. F's paternity was established by CSSD's order dated December 11, 2012 and can only be disestablished by the court.<sup>12</sup> Mr. J's child support was calculated using actual income and other recognized sources of information.<sup>13</sup> Mr. J did not show CSSD's order is in error or incorrect.

CSSD's Order should be affirmed.

### **IV. Conclusion**

Mr. J did not establish by a preponderance of the evidence that CSSD's October 14, 2014 Modified Administrative Child Support and Medical Support Order was incorrect.

---

<sup>6</sup> Exh. 7 p. 7; Exh. 9.

<sup>7</sup> Exh. 8.

<sup>8</sup> 15 AAC 05.030(h).

<sup>9</sup> 15 AAC 05.010(c).

<sup>10</sup> AS 25.27.190(e).

<sup>11</sup> *See* 15 AAC 125.321(b)(2)(B).

<sup>12</sup> Exh. 2.

<sup>13</sup> 7 AAC 125.050.

**V. Child Support Order**

CSSD's October 14, 2015 Modified Administrative Child Support and Medical Support Order is affirmed.

Dated: April 23, 2015

*Signed* \_\_\_\_\_  
Rebecca L. Pauli  
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 15<sup>th</sup> day of May, 2015.

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

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