

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

In the Matter of)	
)	
U W. D)	OAH No. 15-0196-CSS
_____)	Agency No. 001203091

DECISION AND ORDER

I. Introduction

This matter involves an appeal by the custodian, K K. L, of a Decision on Nondisclosure of Identifying Information that the Child Support Services Division (CSSD) issued in Mr. D’s child support case on December 31, 2014.

The formal hearing was held on April 1, 2015. Ms. L could not be reached and thus did not participate. Mr. D participated by telephone. Andrew Rawls, Child Support Specialist, represented CSSD. The hearing was recorded.

Based on the record and after careful consideration, CSSD’s December 31, 2014 Decision on Nondisclosure of Identifying Information is affirmed. Ms. L’s contact information may be released if requested by a person entitled to have that information.

II. Facts

The Superior Court issued a child support order in litigation involving the parties on October 10, 2014.¹ On November 7, 2014, Ms. L gave CSSD permission to release her address to the other parent if requested.² Subsequently, however, Ms. L submitted an Affidavit and Request for Nondisclosure of Identifying Information on or about December 12, 2014.³ This document appears to contradict Ms. L’s earlier authorization to release information to Mr. D, but in fact, she requested nondisclosure only regarding N D, F D, E D, O D, and B J.⁴ In response to Ms. L’s request for nondisclosure, CSSD filed a Motion for Dismissal on February 26, 2015, asserting that there is no reason for a hearing in this matter because CSSD may not release information to private persons who are not case parties.

III. Discussion

This matter does not involve Mr. D’s child support obligation. Rather, the issue here is whether CSSD correctly decided to deny Ms. L’s request for nondisclosure of her contact information.

¹ Exh. 2.
² Exh. 3.
³ Exh. 4.
⁴ *Id.*

Alaska Statute (AS) 25.27.275 authorizes CSSD to decide on an *ex parte* basis that a case party's 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.^[5]

This proceeding involves only the issue whether Ms. L's contact information kept on file by CSSD may 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. L has the burden of proving by a preponderance of the evidence that CSSD's decision to disclose the contact information was incorrect.⁶

Ms. L did not appear for the hearing, possibly because she had already received CSSD's Motion for Dismissal. That document would have informed her that the division may not release contact information to an individual not a party to the case, so there is no possibility her information would be released to anyone she identified on her request. In light of Ms. L's failure to appear for the hearing, CSSD requested that its order allowing disclosure be affirmed.

Based on the totality of the evidence presented, CSSD's decision to allow disclosure of her contact information should be affirmed. Ms. L had already given permission for her contact information to be released to Mr. D upon request, and her information may not be released to non-parties, so her request for nondisclosure is therefore moot as to the individuals named in her request. Thus, there is no evidence that the "health, safety, or liberty of a party or child would be unreasonably put at risk" by the disclosure of Ms. L's contact information. CSSD's decision to release the information should be affirmed.

IV. Conclusion

Ms. L did not prove 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. She has already given permission for her information to be released to Mr. D upon his

⁵ AS 25.27.275.

⁶ 15 AAC 05.030(h).

request, and it may not be released to anyone not a party to the child support case. Accordingly, CSSD's decision allowing disclosure should be affirmed.

THEREFORE IT IS ORDERED:

- CSSD's Decision on Nondisclosure of Identifying Information dated December 31, 2014 is AFFIRMED;
- Ms. L's contact information may be released if requested by a person entitled to have that information.

Dated: June 12, 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 30th 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.]