

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

In the Matter of	)	
	)	
K N	)	OAH No. 15-1450-CSS
<hr style="width:40%; margin-left:0"/>	)	Agency No. 001200263

**DECISION AND ORDER  
ON MOTION FOR SUMMARY ADJUDICATION**

**I. Introduction**

The custodian, S S. S challenged the Child Support Services Division’s October 16, 2015 Administrative Child Support and Medical Support Order. This order established the obligor, K R. N’s, monthly support obligation for L J. N, age 1 year. CSSD’s 2015 Order establishing support is vacated because it is superseded by a Superior Court order that established child support effective September 2014.

**II. Facts**

When L was born CSSD issued a Medical Support Order.<sup>1</sup> On June 24, 2015, CSSD received notice that L was on a cash assistance grant and, as directed by regulation, commenced this administrative support proceeding. CSSD’s proceeding resulted in CSSD issuing an October 16, 2015, Administrative Child Support and Medical Support Order ordering Mr. N to pay child support commencing March 2015 and ongoing.<sup>2</sup> Ms. S disagreed with CSSD’s order and appealed. This proceeding followed.

During the administrative hearing process CSSD received an order from Superior Court dated December 12, 2015 in the matter of *S v. N*, 3AN-14-00000-CI.<sup>3</sup> The Court’s order established Mr. N’s support obligation effective September 1, 2014.<sup>4</sup> On December 15, 2015, CSSD filed its Motion for Summary Adjudication asking that the matter be dismissed because the Superior Court Order superseded CSSD’s administrative order. Neither party presented evidence in opposition to CSSD’s motion.

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<sup>1</sup> The Medical Support Order was not placed into the record. The tribunal was made aware of this fact by CSSD at hearing.

<sup>2</sup> Exh. 8.

<sup>3</sup> Exh. 13.

<sup>4</sup> Exh. 13, p.2.

**III. Discussion**

By regulation, CSSD collects support from the non-custodial parent when the obligee child receives public assistance.<sup>5</sup> At the time CSSD commenced this establishment action the Court had not yet issued its order. When it did issue its order, the order set child support effective September 2014 and ongoing. The court order covers the time period in CSSD’s Amended Administrative Child Support and Medical Support Order. Therefore, the Court, not CSSD, has jurisdiction over Mr. N’s support obligation. CSSD’s October 16, 2015 Amended Administrative Child Support and Medical Support Order must yield to the jurisdiction of the Superior court and is vacated.

**IV. Conclusion**

CSSD’s October 16, 2015 Amended Administrative Child Support and Medical Support Order is VACATED and this matter is DISMISSED.

Dated: January 13, 2016

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 27th day of January, 2016.

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

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

<sup>5</sup> 15 AAC 125.105(a)(1)-(2).