

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

In the Matter of)	
)	OAH No. 16-0394-CSS
B E. G)	Agency No. 001149714
_____)	

DECISION AND ORDER

I. Introduction

This case is B G’s appeal of a decision by the Child Support Services Division (Division) to disclose his contact information to L U.¹ On May 10, 2016, a formal hearing was held to consider his appeal. Ms. U, the custodial parent, did not participate. Mr. G participated. Kimberly Sledgister, Child Support Services Specialist, represented the Division. The hearing was audio-recorded. The record closed at the end of the hearing.

Having reviewed the record in this case and after due deliberation, the Administrative Law Judge concludes that the Division should release Mr. G’s contact information to Ms. U, based on a finding that the evidence in the record does not show that disclosure would create an unreasonable risk of harm to Mr. G.

II. Facts

A. History

Ms. U requested that the Division to provide Mr. G’s contact information so that their children could get to know their father.² Mr. G did not respond to the notice sent to him and did not request that his contact information not be disclosed.³

On March 14, 2016, the Division issued a Nondisclosure of Identifying Information Decision.⁴ The Division stated that the Division would disclose Mr. G’s contact information to Ms. U.

Mr. G requested a formal hearing. Mr. G’s wrote in his appeal that he does not believe that he and Ms. U have anything to discuss and that their relationship has been far from amicable. Mr. G explained that he has depression issues. Mr. G wrote that he thinks about his

¹ See Alaska Statute 25.27.275.
² Exhibit 1.
³ Division’s Pre-Hearing Brief, page 1.
⁴ Exhibit 2.

children and is disappointed that he has not been a better father, but would rather provide a method of contact through setting up a Facebook page. Mr. G also provided some medical records showing that he has recently had surgery as a result of his severe diabetes.⁵

At the hearing, Mr. G, who filed the appeal, again explained that he did not want the Division to disclose his contact information to the Ms. U.⁶

B. Findings

Based on the evidence in the record, the Administrative Law Judge finds that it is more likely than not that the health and safety of Mr. G would not be put unreasonably at risk by the Division's disclosure of Mr. G's contact information to Ms. U.⁷ Mr. G was a credible witness at the hearing. Mr. G did not show that it would be likely that he would suffer harmful harassment from Ms. U.⁸

III. Discussion

This case is an administrative appeal of the Division's determination that it should disclose Mr. G's address and phone number to Ms. U. This is a nondisclosure case under a statute which authorizes the Division to order that a case party's contact information will not be disclosed if the "health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information."⁹ This appeal does not directly involve Mr. G's child support obligation.

Mr. G, as the person challenging the Division's action, has the burden of proving that the Division's decision for disclosure was in error.¹⁰ Mr. G did not meet his burden to show that Division's order was incorrect by a preponderance of the evidence in the record. Mr. G argued that there was no reason why Ms. U would need his contact information. If this were true, it might arguably make any risk that could result from disclosure less reasonable. However, Ms. U wants to have access to the Division's records of his contact information so that their children can be in contact with their father. The concerns Mr. G has raised do not show that it would create an unreasonable risk to for the Division to release his contact information. The Division should release Mr. G's contact information to Ms. U.

⁵ Mr. F's appeal is found at exhibit 3.

⁶ Recording of Hearing-Testimony of Mr. F.

⁷ Recording of Hearing & exhibit 3.

⁸ Recording of Hearing.

⁹ See Alaska Statute 25.27.275 & Alaska Regulation 15 AAC 125.860.

¹⁰ 15 AAC 05.030(h).

IV. Child Support Order

1. The Division's Nondisclosure of Identifying Information Decision issued on March 14, 2016, is affirmed.
2. The Division shall release Mr. G's contact information to Ms. U.

DATED this 21st day of June, 2016.

By: Signed
Mark T. Handley
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.

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with AS 25.27.210 and Alaska Rule of Appellate Procedure 602(a)(2) within 30 days after the date of this decision.

DATED this 7th day of July, 2016.

By: Signed
Signature
Stephen C. Slotnick
Name
Administrative Law Judge
Title

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