

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

In the Matter of)	
)	
U J)	OAH No. 16-1079-CSS
_____)	Agency No. 001185814

DECISION AND ORDER

I. Introduction

This case is B S’s appeal of a decision by the Child Support Services Division (Division) to disclose her and her child’s contact information to U J.¹ On October 10, 2016, a formal hearing was held to consider her appeal. Mr. J did not participate.² Ms. S, the custodial parent, did not participate either.³ Joe West, Child Support Services Specialist, represented the Division. At Ms. S’s request, the hearing was rescheduled for October 13, 2016. Mr. J did not participate in the second hearing either.⁴ Ms. S did participate. The hearings were audio-recorded. The record closed on October 13, 2016.

Having reviewed the record in this case and after due deliberation, the Administrative Law Judge concludes that the Division’s determination that it should release Ms. S’s contact information to Mr. J should be affirmed. Ms. S did not allege or provide any evidence of prior violence or threats by Mr. J against Ms. S or show that disclosure would create an unreasonable risk of harm to Ms. S and the child.

II. Facts

Mr. J requested that the Division provide Mr. J with Ms. S’s or their child’s contact information for service in a custody case. Ms. S did not respond to the notice sent to her regarding Mr. J’s request that her contact information be disclosed.⁵

On September 1, 2016, the Division issued a Nondisclosure of Identifying Information Decision.⁶ The Division stated that the Division would disclose Ms. S’s contact information to Mr. J.

¹ See Alaska Statute 25.27.275.

² Mr. J did not provide a contact number for the first hearing. His contact number of record was not in service when he was called for the hearing.

³ Ms. S did not provide a contact number for the first hearing other than the number contacted. There was no answer at her contact number of record when she was called for the first hearing.

⁴ Mr. J did not provide a contact number for the second hearing. His contact number of record was not in service when he was called for the hearing.

Ms. S requested a formal hearing. Ms. S wrote in her appeal that Mr. J pays no child support, had not taken advantage of opportunities to spend time with their child, and had not had contact with their child. Ms. S did not participate in the hearing to provide testimony.⁷ At the time of the hearing she was called twice at the phone number she had provided in her request for an appeal. Both times she was called there was no answer and no opportunity to leave a voice mail message at that number. The record was held open for ten days for her to file a request to schedule the hearing. Ms. S requested that the hearing be rescheduled prior to the deadline explaining that she had an unforeseen conflict and was not available at her phone for the first hearing. The hearing was rescheduled and she participated.⁸

After the first hearing a search by the Administrative Law Judge found that there were no Alaska court records indicating domestic violence or criminal cases involving Mr. J.

At the second hearing, Ms. S explained her concerns about Mr. J request for her contact information, which was primarily her concern that Mr. J might be interested in pressuring her not to pursue child support rather than any genuine interest in visitation, custody, or contact with their child. However, Ms. S admitted that she did not believe that the Division providing her contact information to Mr. J would put her or their child at unreasonable risk of harm. Ms. S explained that there was no history of domestic violence or threats in their relationship, and that as far as she knew, Mr. J had no history of domestic violence or any criminal record. The Division explained that if Ms. S felt threatened or harassed by Mr. J in the future, she could file a request to keep her contact information confidential with the Division.

At the hearing, the Division maintained its position that Ms. S and her child's contact information should be disclosed.⁹

Based on the evidence in the record, the Administrative Law Judge finds that the evidence in the record does not show that it is more likely than not that the health and safety of Ms. S and her child would be put unreasonably at risk by the Division's disclosure of Ms. S or the child's contact information to Mr. J.¹⁰

⁵ Exhibits 1 & 2.

⁶ Exhibit 3.

⁷ Exhibit 4.

⁸ Recording of Hearing. Alaska Regulation 15 AAC 05.030(j) provides ten days after the hearing for a party who misses a hearing to show good cause to reschedule.

⁹ Recording of Hearing.

¹⁰ Exhibit 4 & Recording of Hearing.

III. Discussion

This case is an administrative appeal of the Division's determination that it should disclose Ms. S's address and phone number to Mr. J. 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."¹¹ This appeal does not directly involve Mr. J's child support obligation.

Ms. S, as the person challenging the Division's action, has the burden of proving that the Division's decision for disclosure was in error.¹² The Division's order was not shown to be incorrect by a preponderance of the evidence in the record. The concerns Ms. S has raised do not show that it would create an unreasonable risk to Ms. S or the child for the Division to release Ms. S's contact information. The Division should release Ms. S's contact information to Mr. J.

IV. Child Support Order

1. The Division's Nondisclosure of Identifying Information Decision issued on September 1, 2016, is AFFIRMED.
2. The Division shall release Ms. S's contact information to Mr. J.

DATED this 19th day of October, 2016.

By: Signed
Mark T. Handley
Administrative Law Judge

¹¹ See Alaska Statute 25.27.275 & Alaska Regulation 15 AAC 125.860.

¹² 15 AAC 05.030(h).

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 November, 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.]