

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

IN THE MATTER OF)	
)	Case No. OAH-05-0730-CSS
R. K.)	CSSD Case No. 001132890
_____)	

DECISION & ORDER

I. Introduction

The custodian of record, S. W., appeals a Modified Administrative Child Support and Medical Support Order issued by the Child Support Services Division (CSSD) on August 29, 2005. Administrative Law Judge Dale Whitney of the Office of Administrative Hearings heard the appeal on October 12, 2005. The obligor, R. K., appeared by telephone. Ms. W. did not appear. David Peltier represented CSSD. The order added the child C. K. (DOB 8xx/xx/04) to an existing order for C. K. (DOB xx/xx/02) and R. K. (DOB xx/xx/02). The administrative law judge affirms the modified order.

II. Facts

The facts in this case are not in dispute. The family has been intact since October, 2004. Mr. K. owed arrears of \$159 for two children for the month of September, 2004. The modification in this case added \$36 of arrears for that month. Although the modified order sets support at \$195 per month for three children, CSSD agrees with the custodian that Mr. K. should not pay support for months when the family has been intact. CSSD notes that both parties are now named together on the ATAP grant, and it has suspended collection of support for all months except February 2004. CSSD states that for so long as the family remains together, it will not be attempting to collect support. Mr. K. does not dispute the calculation of support, and he testified that he intends to pay off the entire amount he owes to CSSD within the next few days and that he intends to keep his family intact for the future.

III. Discussion

There are no legal or factual issues in dispute. Although CSSD has raised the official support amount from \$159 per month for two children to \$195 per month for three children, CSSD agrees that it would be improper to actually attempt to collect support from Mr. K. for any months in the past except September 2004, and for any months in the future so long as the family remains together. CSSD's only purpose in the modifying the order was to make sure C. was

included with his sisters, in case the family splits up again in the future and there is a need to enforce the order. So long as the family remains together, this modification action will not make any difference except for the one month of 2004.

IV. Conclusion

There are no issues in dispute in this case. The Modified Administrative Child Support and Medical Support Order issued by the Child Support Services Division (CSSD) on August 29, 2005 should be affirmed.

V. Order

IT IS HEREBY ORDERED that the Modified Administrative Child Support and Medical Support Order issued by the Child Support Services Division (CSSD) on August 29, 2005 be AFFIRMED.

DATED this 21st day of October, 2005.

By: Signed
DALE WHITNEY
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 8th day of November, 2005.

By: Signed
Signature
Dale A. Whitney
Name
Administrative Law Judge
Title

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