

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

IN THE MATTER OF:	)	
	)	OAH No. 05-0861-CSS
H R. M JR.	)	CSSD No. 001110228
_____	)	

**FINAL DECISION AND ORDER**

**I. Introduction**

The child support decision in this matter was issued on May 4, 2006. On May 19, 2006, Mr. M filed a “proposed action” requesting that the factual findings in his decision be modified or amended. He listed several items of concern. Two of them – the automobile reimbursement and Mr. M’s deduction for supporting his prior child, T – were considered relevant to his child support obligation and a supplemental hearing was convened on July 6, 2006. All of the other issues raised by Mr. M concern enforcement and must be addressed by CSSD’s enforcement team or the agency’s problem resolution group.

After the hearing, the case was entered into OAH’s case management software, but inexplicably, the appeal did not appear on the tickle file for completion of the decision. The year-end manual survey of OAH files revealed that Mr. M’s decision remained uncompleted. The administrative law judge apologizes to the parties for the delay.

**II. Discussion**

As stated above, Mr. M raised two issues in his proposal for action that may be addressed in this decision. CSSD objected to either of these issues being used to change his child support amount, arguing that any adjustment at this point would constitute an impermissible modification of Mr. M’s child support amount.

CSSD is incorrect on this point. Mr. M filed a timely proposal for action regarding issues addressed in his initial hearing and decision. A proposal for action filed pursuant to AS 44.64.060(e) is normally referred to the Commissioner of Revenue for a final decision, but the administrative law judge determined that the record should be reopened for a supplemental hearing on the evidence Mr. M filed. This scenario occurs on a fairly regular basis in child

support matters, and if the record is reopened there is no legal impediment to adjusting Mr. M's child support amount; it does not constitute an impermissible modification.

As to the substantive issues, Mr. M stated in his proposal for action that his car reimbursement, formerly \$400.01 per month, had increased to \$500 per month as of February 1, 2006. That figure, when combined with the \$400.01 for January 2006, results in a total annual amount of \$5900.01, or \$491.67 per month.

This slight increase in Mr. M's car reimbursement affects two calculations. The first is the amount of his deduction for supporting a prior child in the home, previously calculated at \$826 per month, as reflected in CSSD's Exhibit 13 at page 10. Incorporating the new car reimbursement credit, the updated deduction for supporting a prior child is now calculated at \$806 per month.<sup>1</sup>

The second calculation affected by this slight adjustment is the 2006 monthly child support calculation itself. Inserting the new deduction for supporting a prior child into the calculation results in a child support amount of \$647 per month for the period of time during which Mr. M is entitled to the prior child deduction, to be discussed in the next paragraph.

Mr. M stated his daughter T did not graduate from high school in May 2006, as previously anticipated. He said she did not accrue enough credits to graduate and filed a supporting document from the No Name School District.<sup>2</sup> The document indicates a student needs 22 credits to graduate and as of the 2005-2006 school year, she was still listed as being in 11<sup>th</sup> grade and appeared to have only 10.5 credits accumulated. Thus, she would still be in school through her 19<sup>th</sup> birthday on July 6, 2006.<sup>3</sup> As a result, Mr. M is entitled to the credit for supporting a prior child in the home through July 2006.

**THEREFORE IT IS ORDERED:**

1. Mr. M is liable for child support in the amount of \$729 per month for October 2001 through December 2001; \$561 per month for January 2002 through July 2002; \$615 per month for August 2002 through December 2002; \$669 per month for 2003; \$688 per

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<sup>1</sup> See Attachment A.

<sup>2</sup> Received July 12, 2006.

<sup>3</sup> *Id.*

month for 2004; \$660 per month for 2005; **\$647 per month for January 2006 through July 2006; and \$808 per month, effective August 2006 and ongoing.**

DATED this 31<sup>st</sup> day of December, 2006.

By: 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 31<sup>st</sup> day of December, 2006.

By: Signed  
Signature  
Kay L. Howard  
Name  
Administrative Law Judge  
Title

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