

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

IN THE MATTER OF:)

R. V. H., JR.)

OAH No. 06-0088-CSS

CSSD No. 001138692

ORDER DISMISSING APPEAL

I. Introduction

The Obligor, R. V. H., Jr., filed an appeal of his child support obligation. The children are J., N. and A. The other party is S. F. H.

On February 3, 2006, CSSD filed a Motion for Dismissal of the appeal. CSSD asserts the agency has not issued an administrative order from which Mr. H. is entitled to an appeal and formal hearing on his child support obligation.

Oral argument on CSSD's motion was held on February 16, 2006. Mr. H. appeared in person; Ms. H. appeared by telephone. David Peltier, Child Support Specialist, represented CSSD. Kay L. Howard, Administrative Law Judge in the Alaska Office of Administrative Hearings, conducted the proceeding.

II. Discussion

Ms. H. applied for child support services on August 12, 2005.¹ CSSD began processing the case, but before the agency could issue an administrative order, the Hon. Eric B. Smith of the Alaska Superior Court in Palmer issued an interim child support order.² The order directed Mr. H. to pay child support in the amount of \$1356 per month for three children, effective July 1, 2005.³ Upon receiving the court order, CSSD terminated its administrative action and began collecting support pursuant to the court order.

Mr. H. disagrees with CSSD's statement that the agency has not taken any action in his case that may be appealed. He said CSSD, among other things, has filed liens on his property and is collecting more support from his employer than should be allowed. In addition, Mr. H. claims CSSD did not act soon enough to issue an administrative child support order during the time the agency was establishing his child support obligation.

¹ Pre-Hearing brief at pg. 1.

² Exh. 2.

³ Exh. 2 at pg. 2.

CSSD said it understands Mr. H.'s frustration, but now that the court order has been issued, the agency is required to terminate the administrative establishment procedures and collect child support pursuant to the court order. Also, CSSD indicated his mortgage company can work with CSSD to obtain a partial release of the lien so that the property can be sold. Mr. H. was referred to CSSD's Problem Resolution team to address other collection issues.

II. Conclusion

The court has issued a child support order that covers all the time periods at issue in this administrative child support action, so there is no reason to go forward with an appeal and formal hearing. Mr. H.'s appeal should be dismissed so CSSD can continue to enforce the court order.

THEREFORE IT IS ORDERED:

- Mr. H.'s January 31, 2006, appeal is dismissed.

DATED this 8th day of March, 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 23rd day of March, 2006.

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

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