

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

IN THE MATTER OF:)

C. F.)

) OAH No. 06-0206-CSS

) CSSD No. 001007863

ORDER DISMISSING APPEAL

On March 15, 2006, CSSD submitted a Motion for Dismissal of an appeal filed in this child support case. Oral argument on the motion was held on April 4, 2006. Mr. F. did not attend; the Custodian, M. S. F., appeared in person. Andrew Rawls, Child Support Services Specialist, represented CSSD. The children in this case are M., P. and T.

The history of this case is as follows: Mr. F.'s existing support order was set at \$893 per month in July 1994.¹ He initiated modification in September 2003, which CSSD denied.² A formal hearing was held, after which the undersigned issued a Child support Decision and Order on September 28, 2004. The order affirmed CSSD's denial of modification; Mr. F. did not move for reconsideration. On March 9, 2006, Mr. F. filed a request for a new formal hearing. He said "I am requesting child support be modified to reflect current income and the arrears be revised to reflect the decrease in income since 1995."³

CSSD filed the Motion for Dismissal in response to Mr. F.'s latest appeal. The motion states that a formal hearing cannot be granted to Mr. F. because there is no relief available to him. CSSD is correct. Mr. F.'s child support decision was issued nearly two years ago. At this late date, he should file a petition for modification of his ongoing child support obligation. In the event CSSD has not already done so, the agency should send him a modification packet to complete and return for a modification review.

THEREFORE IT IS ORDERED:

1. CSSD's March 15, 2006, Motion for Dismissal is granted and Mr. F.'s appeal is dismissed;
2. The Child Support Decision and Order issued on September 28, 2004, stands as issued;

¹ Exh. 9 at pg. 1.

² *Id.*

³ Exh. 8.

3. In the event CSSD has not already done so, the agency is directed to send Mr. F. a modification packet for him to complete.

DATED this 4th day of May, 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 31st day of May, 2006.

By: Signed
Signature
Tom Boutin
Name
Deputy Commissioner
Title

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