

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

IN THE MATTER OF )  
 )  
 P. A. )  
 )  
 \_\_\_\_\_ )

Case No. OAH-06-0419-CSS  
CSSD Case No. 001139593

**DECISION & ORDER**

**I. Introduction**

The custodian, K. J., appeals an Amended Administrative Child Support and Medical Support Order issued by the Child Support Services Division (CSSD) on February 7, 2006. Administrative Law Judge Dale Whitney of the Office of Administrative Hearings heard the appeal on July 10, 2006. Ms. J. appeared by telephone. David Peltier represented CSSD, the obligor, P. A., did not appear. The child is P. A. (DOB xx/xx/04). The administrative law judge issues a support order adopting revised calculations proposed by CSSD.

**II. Facts**

Ms. J. testified that she believed Mr. A. had been fishing on his father's boat, but she did not know for certain the details of fishing employment. CSSD stated that it had received some information suggesting that Mr. A. expected to be incarcerated, but neither CSSD nor Ms. J. had any actual information regarding incarceration. CSSD set Mr. A.'s support obligation at \$271 per month for one child, beginning in October, 2005, based on statistical wage data for a carpenter. Upon reviewing its files, CSSD determined that Ms. J. had applied for services at least as early as February, 2005.

After the hearing, CSSD attempted to gain more information about Mr. A.'s whereabouts and whether he has done any commercial fishing. CSSD learned that Mr. A.'s father owns two fishing boats, but Mr. A. has not been listed as a crewmember.

**III. Discussion**

There is no dispute in this case about the amount of support CSSD set for Mr. A. Ms. J.'s principal concern was the amount of time it has taken for CSSD to establish an order.

The issue of the time for which arrears should be established arose at the hearing. Arrears should be set from the time the custodian applied for services.<sup>1</sup> CSSD had established

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<sup>1</sup> 15 AAC 125.105(a)(2).

arrears beginning in October, 2005, but later determined that Ms. J. had applied for services at least as early as February, 2005. CSSD agrees with Ms. J. that arrears should be effective from February, 2005.

There are no other issues in dispute in this case.

**IV. Conclusion**

Mr. A.'s support obligation should be set at \$271 per month for one child, with arrears accruing as of February 1, 2005.

**V. Order**

IT IS HEREBY ORDERED that Mr. A.'s support obligation be set at \$271 per month for one child, effective March 1, 2006. Arrears are due in the amount of \$271 for the period from February 1, 2005, through February, 2006.

DATED this 5<sup>th</sup> day of October, 2006.

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 24th day of October, 2006.

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

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