

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

IN THE MATTER OF: )

N. D. S. )

OAH No. 06-0462-CSS

CSSD No. 001117632

**ORDER DISMISSING APPEAL**

**I. Introduction**

This case involves the Custodian, M. S. C.'s appeal of a Modified Administrative Child Support and Medical Support Order that CSSD issued in Mr. S.'s case on January 9, 2006. The Obligee child is J., DOB 00/00/98.

CSSD filed a Motion for Dismissal in response to Ms. C.'s appeal, on the basis that it was untimely. Oral argument on CSSD's Motion for Dismissal was held on July 25, 2006. Mr. S. participated by telephone. Ms. C. did not participate, nor did she provide a telephone number to reach her for the hearing.

Kay L. Howard, Administrative Law Judge in the Alaska Office of Administrative Hearings, presided. Having reviewed the record in this case and after due deliberation, I have concluded CSSD's motion should be granted and Ms. C.'s appeal should be dismissed because it is untimely and her issue is moot.

**II. Facts**

Mr. S.'s previous child support order for J. was set at \$729 per month in June 2004. Mr. S. requested modification on October 10, 2005.<sup>1</sup> On October 12, 2005, CSSD sent the parties a Notice of Petition for Modification of Administrative Support Order.<sup>2</sup> On January 9, 2006, CSSD issued a Modified Administrative Child Support and Medical Support Order that set Mr. S.'s modified ongoing child support at \$616 per month, effective November 1, 2005.<sup>3</sup> Ms. C. appealed on June 27, 2006.<sup>4</sup>

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<sup>1</sup> Exh. 1.

<sup>2</sup> Exh. 2.

<sup>3</sup> Exh. 5.

<sup>4</sup> Exh. 6.

### III. Discussion

Ms. C. appealed CSSD's January 9, 2006, Modified Administrative Child Support and Medical Support Order. A certified notice of the hearing was sent to her out of state representative, but Ms. C. did not appear for the hearing. Therefore, this decision is issued under the authority of 15 AAC 05.030(j), which authorizes the entry of a child support decision if the person requesting the hearing fails to appear.

CSSD's Motion for Dismissal requests that Ms. C.'s appeal be dismissed because it is untimely. Under Department of Revenue regulations, when CSSD issues a Modified Administrative Child Support and Medical Support Order, the parties have 30 days to file an appeal.<sup>5</sup> If the parent does not request a formal hearing within this time period, his or her appeal rights expire, and the underlying order remains in effect unless and until another modification action is initiated.

CSSD issued the Modified Administrative Child Support and Medical Support Order on January 9, 2006, but Ms. C. did not appeal CSSD's order until June 27, 2006, more than five months later. Her appeal is untimely, so Ms. C. is not entitled to a review of the merits of the modification because she did not comply with the requirements for requesting a hearing. However, even if Ms. C. had filed a timely appeal, it would be considered moot because she raised only one issue regarding health care coverage. Her caseworker is able to address this issue outside of the hearing process.

#### **THEREFORE IT IS ORDERED:**

1. CSSD's June 30, 2006, Motion for Dismissal is granted;
2. Ms. C.'s June 27, 2006, appeal is dismissed.

DATED this 11th day of August, 2006.

By: Signed  
Kay L. Howard  
Administrative Law Judge

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<sup>5</sup> 15 AAC 05.010(b)(6).

**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 29th day of August, 2006.

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

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