

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

IN THE MATTER OF: )

Z. Y. )

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) OAH No. 06-0503-CSS

) CSSD No. 001091704

**DECISION AND ORDER**

**I. Introduction**

The custodian, C. J. S., appealed a Modified Administrative Child Support and Medical Support Order that the Child Support Services Division (CSSD) issued in Z. Y.'s case on May 24, 2006. The Obligee child is C., DOB 00/00/95.

The hearing was held on August 8, 2006. Both Mr. Y. and Ms. S. participated. David Peltier, Child Support Specialist, appeared for CSSD. The hearing was recorded. The record closed on August 22, 2006.

Kay L. Howard, Administrative Law Judge in the Alaska Office of Administrative Hearings, conducted the hearing. Having reviewed the record in this case and after due deliberation, I have concluded CSSD correctly calculated Mr. Y.'s modified child support amount and it should be adopted.

**II. Facts**

**A. History**

Mr. Y.'s child support obligation for C. was set at \$422 per month in September 2004. Mr. Y. initiated modification of the order on February 2, 2006.<sup>1</sup> On February 7, 2006, CSSD sent the parties a Notice of Petition for Modification of Administrative Support Order.<sup>2</sup> Mr. Y. provided income information. On May 24, 2006, CSSD issued a Modified Administrative Child Support and Medical Support Order that set Mr. Y.'s modified ongoing child support at \$254 per month, effective March 1, 2006.<sup>3</sup> Ms. S. appealed on July 10, 2006.<sup>4</sup>

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

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

<sup>3</sup> This calculation includes a medical debit of \$83.98 per month, which reflects medical insurance premiums paid by the custodian. The debit increases the total child support amount to be paid to \$338 per month. Exh. 3.

<sup>4</sup> Exh. 5.

## **B. Material Facts**

Mr. Y. is employed by A. W. T. in Anchorage, where he has worked for approximately 10 years. He is the Anchorage store manager, but the business is owned by his step-father and mother, B. and J. W. The business previously operated the C. water franchise, but due to lower income levels in recent years, the franchise was sold to another C. dealer in 2005. As a result, the A.W. T. business was essentially reorganized because it lost a significant amount of installation and repair work when the C. franchise was sold. The income of all the employees was reduced as of the beginning of 2006. Mr. Y. is now earning about \$16,800 annually, as compared to his income through 2005 of approximately \$28,000 annually.

Mr. Y. is also listed as a board member of W. W. B., but this is a non-profit corporation started by his step-father, who provides water treatment services to small groups and hill tribe societies in SE Asian countries. Mr. Y. does not receive any income from his association with W. W. B.

## **III. Discussion**

A parent is obligated both by statute and at common law to support his or her children.<sup>5</sup> Civil Rule 90.3(a)(1) provides that an Obligor's child support amount is to be calculated based on his or her "total income from all sources." Modification of child support orders may be made upon a showing of "good cause and material change in circumstances."<sup>6</sup> If the newly calculated child support amount is less than a 15% change from the previous order, Civil Rule 90.3(h) does not require that the child support amount be modified.

Mr. Y.'s child support was set at \$422 per month in 2004. Pursuant to the petition for modification, CSSD calculated Mr. Y.'s child support at \$254 per month, with a medical debit of \$83.98, for a total child support amount of \$338 per month.

Ms. S. challenged this figure, claiming that Mr. Y. receives income under the table from his stepfather and mother. That claim has not been borne out, however, based on the documents received from the company's bookkeeper and also from Mr. W. Thus, based on the whole record, I find CSSD correctly calculated Mr. Y.'s child support obligation at \$254 per month, and conclude that amount should be adopted.

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<sup>5</sup> *Matthews v. Matthews*, 739 P.2d 1298, 1299 (Alaska 1987) & AS 25.20.030.

<sup>6</sup> AS 25.27.190(e).

**IV. Conclusion**

Ms. S. did not meet her burden of proving by a preponderance of the evidence that CSSD’s Modified Administrative Child Support and Medical Support Order was incorrect. CSSD correctly calculated Mr. Y.’s modified child support, which should be adopted.

**V. Child Support Order**

- Mr. Y. is liable for modified ongoing child support in the amount of \$254 per month, effective March 1, 2006.
- CSSD is authorized by its statutes and regulations to make the necessary adjustments in the medical credit/debit portion of Mr. Y.’s child support obligation.

DATED this 12th day of September, 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 2nd day of October, 2006.

By: Signed  
Signature  
Tom Boutin  
Name  
Deputy Commissioner  
Title

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