

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

In the matter of:)	
)	OAH No. 06-0524-CSS
D. S. G.)	CSSD NO. 001084432
_____)	

DECISION AND ORDER

I. Introduction

D. G. wrote a letter to Child Support Services Division (CSSD) on July 21, 2006, containing a “request for another hearing” because “I was not given proper time to get all my facts to the courts.”¹ CSSD treated the letter as a request for formal hearing and referred it to OAH. CSSD also moved to dismiss the appeal.

On August 15, 2006, at 8:00 a.m. Alaska time, the administrative law judge convened a telephonic hearing on the matter. A call to Ms. G. at the number she provided, 906-000-0000, was not answered. A call to her other number reached her voice mail. A call to Mr. G.’s number on record was not answered. The hearing proceeded with participation only from David Peltier of CSSD.

After the hearing, Ms. G. called the Office of Administrative Hearings (OAH) and said she had been waiting for the call but it had never come in. OAH rescheduled the hearing for August 23, 2006. The hearing duly reconvened on that date, with Mr. Peltier present in person and both Mr. and Ms. G. participating by telephone from other states.

Based on the record in this case and in the related prior case, OAH No. 06-0083-CSS, as well as the arguments heard on August 23, the motion to dismiss is granted.

II. Facts

Ms. G. desires contact information for her former husband and children. In 2004 she requested that CSSD provide the information, and the agency denied the request in an order issued in September of that year under AS 25.27.275. In 2005, Ms. G. renewed her request for contact information. The agency made a processing error and issued a second AS 25.27.275

¹ Exhibit 3.

decision, contradicting the first decision. Mr. G. appealed. By agreement of the parties, Mr. G.'s appeal was treated as a combined appeal of both administrative decisions. On March 31, 2006, Administrative Law Judge Mark Handley issued a final decision affirming the first order and determining that contact information should not be released. Ms. G. did not appeal the decision to Superior Court.

On July 21, 2006, about two and a half months after her appeal deadline expired, Ms. G. sent her letter to CSSD requesting "another hearing." The letter alludes to the contact information dispute, but does not raise any new information that might have developed since the March 31 decision. The letter goes on to mention that "Also I don't feel that amount of child support is right," without elaboration.

At the hearing, Ms. G. stated that her appeal was directed toward the amount of child support as set by the Superior Court in Kodiak some years ago. The administrative law judge explained that he has no jurisdiction over such an order, and noted that if the children and parents now reside out of state, jurisdiction to address the child support amount probably lies with another state's courts at this point. Ms. G. also expressed frustration that her child support case is being administered in Chippewa County rather than in Mackinac County. Mr. Peltier promised to call the interstate caseworker's manager to see if any confusion in this regard could be resolved.

III. Discussion

Ms. G.'s request for contact information has already been decided. She had a full opportunity to present her case to OAH earlier this year. OAH will not continue to decide the same issue over and over again. If Ms. G. was unhappy with the outcome, her remedy was to appeal the matter to the Superior Court.

If circumstances change in the future, Ms. G. could bring the new circumstances to the attention of CSSD and seek a new AS 25.27.275 decision. After issuance of such a decision, there would be an appeal avenue available to OAH.

If Ms. G. feels the amount of child support is not right, she needs to request modification of the amount set by the Superior Court in Kodiak. OAH does not have the power to make that modification. OAH is also not able to issue an order regarding which county in Michigan administers her case.

IV. Order

- CSSD's Motion to Dismiss is granted.
- D. S. G.'s July 21, 2006 request for hearing is dismissed.

DATED this 23rd day of August, 2006.

By: Signed
Christopher Kennedy
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 19th day of September, 2006.

By: Signed
Signature
Christopher Kennedy
Name
Administrative Law Judge
Title

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