

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

IN THE MATTER OF:)

M. A. R.)

) OAH No. 06-0777-CSS

) CSSD No. 001124832

**DECISION AND ORDER
DISMISSING APPEAL**

A. Background

On November 16, 2006, M. A. R. filed an appeal of CSSD's reinstatement his child support payment. In response, CSSD filed a Motion to Dismiss the appeal. Oral argument on the motion was held on December 14, 2006. Both Mr. R. and the Custodian of record, B. L. W., appeared in person. David Peltier, Child Support Specialist, represented CSSD. The proceeding was recorded; the record closed on December 14, 2006.

Kay L. Howard, Administrative Law Judge, Office of Administrative Hearings (OAH), presided. Based on the record as a whole and after due deliberation, CSSD's Motion for Dismissal is granted and Mr. R.'s appeal is dismissed.

B. Facts

Mr. R.'s child support obligation was set in a child support decision and order issued on August 30, 2004.¹ Ms. W. withdrew from child support services in May 2004, and CSSD suspended collection of child support from Mr. R. In April 2006, Ms. W. once again applied for and began receiving public assistance benefits.² On May 11, 2006, CSSD staff generated a notice to Mr. R. that the agency would once again begin collecting child support from him.³ Mr. R. filed an appeal on November 16, 2006, and CSSD then filed the Motion for Dismissal of his appeal.

C. Discussion

CSSD suspended collection of Mr. R.'s ongoing child support payment in response to Ms. W.'s May 7, 2004, withdrawal from services. According to the Division, she began receiving public assistance again in April 2006, so CSSD notified Mr. R. by letter that it would

¹ Exh. 1.

² Motion at pg. 1.

be collecting child support again. CSSD does not have a copy of the notice in Mr. R.'s paper file, but the Division filed a copy of an entry from its online database system that indicates the letter to him was generated on May 11, 2006.⁴ Mr. R. claims he did not receive a copy of the letter. CSSD responds that its computer database indicates that Mr. R. called the agency's Wasilla office on June 16, 2006, at 9:56 a.m. to inquire about his child support payments, which would be consistent with him having recently received notice that his payments would be starting again.⁵

CSSD's regulations say that when the agency reinstates collection of an administrative child support order, it will send a notice of its action to each parent.⁶ Either parent may then request an administrative review and contest the notice within 30 days of the date the notification was sent to the parents.⁷ When the administrative review decision is issued, the parties are not entitled to a formal hearing. Rather, if they are not satisfied with the administrative review decision, they must file an appeal in the Alaska Superior Court.⁸

Accordingly, based on the record as a whole, I find Mr. R. is not entitled to a formal hearing of CSSD's notice that his child support payment has been reinstated. I therefore conclude CSSD's motion should be granted, and his appeal should be dismissed. There are no issues to be decided by the administrative law judge, and thus no relief is available to him through a formal hearing.

THEREFORE IT IS ORDERED:

1. CSSD's motion for dismissal is GRANTED;
2. Mr. R.'s November 16, 2006, appeal is dismissed.

DATED this 10th day of January, 2007.

By: Signed _____
Kay L. Howard
Administrative Law Judge

³ Exh. 4.

⁴ Exh. 4.

⁵ See Post-Hearing Brief at pg. 1.

⁶ 15 AAC 125.870(e).

⁷ *Id.*

⁸ 15 AAC 125.870(f).

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 30th day of January, 2007.

By: Signed /f/ Kay Howard
Signature
James T. Stanley
Name
Administrative Law Judge
Title

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