

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

IN THE MATTER OF:

J J. T

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OAH No. 06-0796-CSS
CSSD No. 001079358

**DECISION AND ORDER
UPON CONSENT OF THE PARTIES**

This case involves the Custodian S B. P's appeal of an Amended Administrative Child Support and Medical Support Order that the Child Support Services Division (CSSD) issued on November 7, 2006, setting Mr. T's child support at \$1066 per month, effective September 1, 1995. The Obligee child is T, DOB 00/00/91. The formal hearing was held on December 19, 2006. Ms. P appeared by telephone; the obligor, J J. T, did not participate. Andrew Rawls, Child Support Specialist, represented CSSD. The hearing was recorded; the record closed on March 1, 2007.

The parties settled the appeal at the hearing. Based upon Ms. P's statements under oath and her subsequent affidavit attesting to the presence of unusual circumstances and good cause under Civil Rule 90.3(c) to vary the calculated child support amount, CSSD agreed to the entry of an order for Mr. T to pay child support in the amount of \$966 per month, which includes a \$166 per month credit for medical insurance premiums he pays.

Ms. P testified Mr. T has paid \$920 per month since 1993, pursuant to an interim custody and support order issued by the court at that time. However, unbeknownst to both Ms. P and Mr. T, the court dismissed the action in August 1995 without ever having issued a final custody and support order. In a routine review conducted in April 2006, CSSD learned of the dismissal and subsequently sought child support from Mr. T as of September 1995, which led to this appeal.

Ms. P considers Mr. T current on his child support obligation through the end of May 2006, when CSSD initiated this administrative action. She emphatically insists that the parties intended Mr. T to pay \$920 per month, and he has consistently paid that amount.¹ Ms. P explained she does not need or expect any more support from Mr. T because, as an attorney employed at a local law firm, she has the resources to provide for any needs T may have that

¹ Ms. P's affidavit states that Mr. T's support obligation has been completely satisfied, including all insurance obligations, through the end of May 2006.

exceed Mr. T' monthly support payment. She requested that Mr. T' child support remain at the status quo.

Mr. T provides medical insurance for T that costs \$332 per month, so pursuant to Civil Rule 90.3(d)(2), he is entitled to a credit of \$166 ($\$332 \div 2$) per month for paying Ms. P's half of the premium. She stated that Mr. T' base support amount should be \$800 per month after the credit is applied. This figure is less than the total amount he has been paying, but considering that CSSD will be factoring in the insurance credit, it will be about the same as the figure he has been paying for many years. CSSD agreed to these terms.

Based on the Custodian's representations and CSSD's consent, I hereby find that Ms. P has established unusual circumstances and good cause, pursuant to Civil Rule 90.3(c) to vary the child support amount calculated by CSSD. I conclude, based on the evidence as a whole, that Mr. T' child support should be set at \$966 per month, and he should be given a credit of \$166 per month for paying Ms. P's half of the cost of medical insurance premiums.

THEREFORE IT IS ORDERED:

- Mr. T is liable for child support in the amount of \$966 per month, effective September 1, 1995 through May 31, 2006;
- Mr. T' child support obligation has been completely satisfied, including all costs of providing insurance, for the period from September 1, 1995, through May 31, 2006, thereby resulting in zero arrears for that period of time;
- Mr. T' ongoing child support is set at \$966 per month, effective June 1, 2006, and ongoing;
- Mr. T is entitled to a credit for medical insurance premiums he pays on T's behalf of \$166 per month, effective June 1, 2006, and ongoing.

DATED this 21st day of March, 2007.

By: Signed
Kay L. Howard
Administrative Law Judge

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