

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

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|------------------|---|--------------------------|
| IN THE MATTER OF |) | |
| |) | |
| R. B., JR. |) | Case No. OAH-07-0025-CSS |
| _____ |) | CSSD Case No. 00107556 |

DECISION & ORDER

I. Introduction

The obligor, R. B., Jr., appeals from a Notice of Denial of Modification Review issued by the Child Support Services Division (CSSD) on January 2, 2007. Administrative Law Judge Dale Whitney of the Office of Administrative Hearings heard the appeal on February 7, 2007. Andrew Rawls represented CSSD. Neither Mr. B. nor the custodian, C. J., appeared at the hearing. The children are R. B. (DOB 00/00/00) and F. B. (DOB 00/00/01). The administrative law judge affirms CSSD's decision.

II. Facts

Mr. B. requested modification of his support order. CSSD sent a notice asking Mr. B. to submit financial information. Mr. B. did not submit any information, and CSSD denied the modification request. With its Notice of Denial of Modification Review, CSSD sent Mr. B. a form to be used to appeal the decision. Mr. B. returned the form with his name, address, and phone number, but he did not write anything in the space provided for an explanation of why he was appealing. Mr. B. did not appear at the hearing, and did not contact the Office of Administrative Hearings to reschedule the hearing or to show cause for his failure to appear.

III. Discussion

A person who objects to an action of CSSD must state the grounds for the objection.¹ A person who has requested a formal hearing has the burden of proving that CSSD's actions were in error.² There is nothing in the record to indicate why Mr. B. has appealed CSSD's decision. There is no evidence that can be considered to determine whether Mr. B. might have been entitled to modification, or whether CSSD's decision might have otherwise been in error.

IV. Conclusion

¹ 15 AAC 05.010(a)(2).

² 15 AAC 05.030(h).

CSSD is correct that there is nothing in this case that can be done to evaluate its decision. Mr. B. has not met his burden of proving that CSSD's decision was in error.

V. Order

IT IS HEREBY ORDERED that the Denial of Modification Review issued by the Child Support Services Division on January 2, 2007, be AFFIRMED.

DATED this 11th day of July, 2007.

By: Signed
DALE WHITNEY
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 3rd day of August, 2007.

By: Signed
DALE WHITNEY
Administrative Law Judge

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