

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

IN THE MATTER OF)
)
 R. J. L.) Case No. OAH-07-0232-CSS
) CSSD Case No. 001118189

DECISION & ORDER

I. Introduction

The obligor, R. L., appeals a decision of April 18, 2007, to deny a request for modification of an administrative child support order issued by the Child Support Services Division. Administrative Law Judge Dale Whitney of the Office of Administrative Hearings heard the appeal on May 21, 2007. Mr. L. appeared by telephone, as did the custodian of record, R. F.. Andrew Rawls represented CSSD. The children are R. L. (DOB 00/00/01) and S. L. (DOB 00/00/03). An administrative action that was pending at the time Mr. L. requested modification had been initiated by CSSD to add the child L. L. (DOB 00/00/06) to the existing order for R. and S.. CSSD treated Mr. L.'s appeal of the agency's decision to deny the second modification as an appeal of both that decision and of the decision in the already-pending modification action. The administrative law judge affirms both the Modified Administrative Child Support and Medical Support Order issued by CSSD on October 9, 2006 and CSSD's decision of April 18, 2007, to deny Mr. L.'s subsequent request for modification. It is noted that CSSD will not collect support for periods when Mr. L. has physical custody of the children.

II. Facts

The parties are in agreement that Mr. L. has had custody of the children beginning on April 16, 2007. The modified administrative order that CSSD has issued in the already pending administrative action lowered Mr. L.'s support obligation from \$450 per month for two children to \$379 per month for three children. Mr. L. does not dispute this amount of support and the income figures CSSD used to calculate it, but he does object to any collection of ongoing support while he has custody of the children.

III. Discussion

There are no issues in dispute in this case. CSSD denied Mr. L.'s request for modification because it had already started a modification action to add L. to the order for the older two children, and any other issues appropriate for modification could be addressed in that pending action without starting a second action. The only issue that Mr. L. has raised is the fact

that he now has custody of the children. Ms. F. confirmed this information, and CSSD agreed that no support should be collected during times that Mr. L. has physical custody of the children.

CSSD has treated Mr. L.'s appeal as an appeal of both the denial of modification and of the action to add L. to the existing order and resetting his support obligation at the lower amount. Because the parties are all in agreement that L. should be added to the existing order and that the modified order has correctly established support, that modified order should be affirmed.

IV. Conclusion

The Modified Administrative Child Support and Medical Support Order issued by CSSD on October 9, 2006 should be affirmed, as should CSSD's decision of April 18, 2007, to deny Mr. L.'s subsequent request for modification. CSSD should not collect support for times when Mr. L. had physical custody of the children.

V. Order

IT IS HEREBY ORDERED that the Modified Administrative Child Support and Medical Support Order issued by CSSD on October 9, 2006 be AFFIRMED;

IT IS FURTHER ORDERED that CSSD's decision of April 18, 2007, to deny Mr. L.'s subsequent request for modification be AFFIRMED.

CSSD will not collect support for times when Mr. L. has physical custody of the children.

DATED this 1st day of June, 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 22nd day of June, 2007.

By: Signed _____
DALE WHITNEY
Administrative Law Judge

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