

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

In the matter of: )  
 )  
 W. C. S. ) OAH No. 07-0233-CSS  
 ) CSSD No. 001138189  
\_\_\_\_\_ )

**DECISION AND ORDER**

**I. Introduction**

S. B., the custodial parent, appealed a Notice of Denial of Modification Review that the Child Support Services Division (CSSD) issued in this case on April 17, 2007. The obligor parent is W. C. S. The obligee child is N. S., born 00/00/92.

The Alaska Office of Administrative Hearings (OAH) gave notice to both parents of a formal hearing to be held May 21, 2007, using Certified Mail sent 14 days in advance. Both parents received and signed for the notice. By supplemental written notice to all parties, the hearing date was subsequently adjusted to May 17, 2007. Prior to the hearing, CSSD filed and served on both parents a Motion for Remand.

A.J. Rawls, Child Support Specialist, appeared for CSSD at the appointed time for the hearing. Counsel for W. S. appeared by telephone. Ms. B. did not appear and did not contact OAH in advance of the hearing. The Administrative Law Judge called the telephone number on record for Ms. B., and failed to reach her.

The Administrative Law Judge convened the recorded hearing and interviewed Mr. Rawls about the issues in the appeal. Under 15 AAC 05.030(j), “[i]f a person requests a hearing and fails to appear at the hearing, the hearing officer may issue a decision without taking evidence from that person, unless the person, within 10 days after the date scheduled for hearing, shows reasonable cause for failure to appear.” Ms. B. did not attempt to make the required showing within ten days after the scheduled hearing, and therefore the administrative law judge will proceed with the decision.

Because the agency improperly denied the modification review and wishes to correct the error, the motion to remand will be granted.

## II. History

Mr. S. requested modification of his child support obligation for N. on January 22, 2007, asking that support be set to reflect shared custody.<sup>1</sup> On April 17, 2007, CSSD denied the modification review because “Ms. B. withdrew from service[s].”<sup>2</sup>

Ms. B. apparently understood the April 17 action to be a “decision to deny child support services,” and she appealed it.<sup>3</sup> She said she withdrew from services because of threats and pressure, and that doing so “was a mistake.”<sup>4</sup>

## III. Decision

The April 17 decision was not a decision to deny child support services. It was a decision to refuse to consider modifying the child support order in effect. Mr. Rawls pointed out in his motion to remand and at the hearing that withdrawal from services by the custodian is not a basis to refuse to consider a modification request. Counsel for Mr. S. concurs that the matter should be remanded for the agency to go forward with the modification review. The agency’s motion for remand will be granted.

Ms. B.’s concern that she made a mistake when she withdrew from services is a separate matter. **Ms. B. can reapply for services at any time by contacting CSSD.**

## IV. Order

- CSSD’s Motion for Remand is granted.
- This matter is remanded with directions to consider the Request for Modification of a Child Support Order submitted on January 22, 2007.

DATED this 31<sup>st</sup> day of May, 2007.

By: Signed \_\_\_\_\_  
Christopher Kennedy  
Administrative Law Judge

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

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1 Exhibit 1.  
2 Exhibit 4.  
3 Exhibit 6.  
4 *Id.*