

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

In the Matter of)	
)	
L S)	OAH No. 18-1258-CSS
_____)	Agency No. 001201491

ORDER OF REMAND

On June 7, 2017, CSSD issued an Administrative Child Support and Medical Support Order that established L S’s ongoing support obligation for his son, D, at \$1,162 per month.¹ D lives in Virginia with his mother, W Q, who exercises primary physical custody. Mr. S is active-duty military and currently lives in Alaska. On January 4, 2019, he received orders transferring him to Virginia.

On November 5, 2018, CSSD received Mr. S’s request for a modification of the 2017 order.² Mr. S provided recent Military Leave and Earnings Statements (LES) and documentation showing the child support he pays for his three older children from other relationships.³ The 2017 support order did not include a deduction for Mr. S’s support of prior children.

After reviewing Mr. S’s documents, CSSD declined to initiate a modification review; it did not send the parties a Notice of Petition for Modification. It determined that, even including prior child deductions, Mr. S’s current income would not result in a change of 15% or more to his support amount for D. Because there was no material change of circumstances and the existing order was less than three years old, CSSD sent a “Response to Request for Modification Review” on November 20, 2018, informing Mr. S that a modification review would not take place.⁴ Mr. S requested a formal hearing.

CSSD referred the case to the Office of Administrative Hearings (OAH). It then moved for dismissal, asserting that the case was referred in error and there is no appealable issue when it declines to initiate a modification review. Oral argument and an evidentiary hearing took place by telephone on January 8, 2019. Mr. S and Ms. Q represented themselves and testified on their own behalf. Child Support Specialist Brandi Estes represented CSSD and testified as to the case history.

¹ Exhibit 1.
² Exhibit 3, p. 2.
³ Exhibit 3.

At a case status conference on January 29, 2019, Ms. Estes explained that CSSD recently located Mr. S's timely request for an administrative review of the 2017 order. However, the request was not properly routed within CSSD and the review never took place. She reported that CSSD now has scheduled an administrative review of the 2017 child support order. The review will address the concerns Mr. S raised in this appeal. In addition, it will result in a decision that is subject to a formal hearing upon a timely request by either parent. Thus, both parents retain appeals rights if they disagree with the administrative review hearing decision.

Because of this development, all parties agreed the issues in this matter necessarily will be addressed by CSSD's pending process, and this case should be remanded to CSSD. The undersigned concurs.

THEREFORE, IT IS ORDERED:

- This matter is remanded to CSSD so it can proceed with the administrative review process regarding the Administrative Child Support and Medical Support Order dated June 7, 2017;
- The parties retain the right to appeal the outcome of that process;
- The OAH case file for this matter is closed.

DATED: January 29, 2019.

By: Signed

Name: Kathryn A. Swiderski

Title: Administrative Law Judge

[This document has been modified to conform to the technical standards for publication. Names may have been changed to protect privacy.]