

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

In the Matter of	)	
	)	
N U. J	)	OAH No. 18-0754-CSS
<hr style="width: 80%; margin-left: 0;"/>	)	Agency No. 001203139

**DECISION AND ORDER**

This case involves the establishment N J’s child support obligation for his two children with N J. The children are H, age 5, and S, age 3. At issue is the determination of Mr. J’s pre-order arrears for five months, from May 2017 through September 2017. This decision affirms CSSD’s calculations for those months.

On June 13, 2018, the Child Support Services Division (CSSD) issued an Administrative Review Hearing Decision and an Amended Administrative Child and Medical Support Order. The amended administrative child support order established Mr. J’s ongoing support obligation and set pre-order arrears beginning September 2016.<sup>1</sup> Mr. J appealed.

During the administrative appeal, Mr. J showed that the superior court has issued two child support orders that preempt parts of CSSD’s order. On November 6, 2017, the superior court issued an Interim Child Support Order that set his obligation at \$264.91 per month for two children, effective October 1, 2017 through March 30, 2018, based on shared custody (57% mother, 43% father).<sup>2</sup> On July 13, 2018, the court adopted the interim amount for October 2017 through March 2018 as a final determination.<sup>3</sup> The same day, it issued a Final Child Support Order that set Mr. J’s ongoing obligation at \$281.94 for two children (\$199.13 for one child), effective April 1, 2018, based on equal shared custody.<sup>4</sup>

The superior court orders resolved Mr. J’s child support obligations for October 2017 and later months, thereby preempting CSSD’s determinations for those months. However, the superior court had not necessarily preempted CSSD’s child support order as to the months of September 2016 through September 2017.

The formal hearing was scheduled to take place by telephone on August 7, 2018. Bonnie Coghlan, Esq. represented Mr. J. N J represented herself. Child Support Specialist Patrick Kase

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<sup>1</sup> Exhibit 5.  
<sup>2</sup> Exhibit 4.  
<sup>3</sup> Exhibit 6, p. 2.  
<sup>4</sup> Exhibit 6, pp. 3-19

represented CSSD. The administrative appeal was stayed so Mr. J could obtain clarification from the superior court regarding the scope of its prior orders.

On October 24, 2018, the court issued a “Decision and Order on Defendant’s Motion to Clarify Child Support Orders,” ruling that CSSD may only set pre-order arrears for the months of May 2017 through September 2017.<sup>5</sup>

CSSD’s Amended Administrative Child and Medical Support Order set Mr. J’s arrears for May 2017 at \$443 based on primary custody by Ms. J. For the months of June through September 2017, it adopted the court’s calculation of \$264.91 per month, reflecting a 57% (mother), 43% (father) custody arrangement.<sup>6</sup>

Mr. J does not contest these amounts, and no error has been shown. The evidence in the record supports CSSD’s calculations under Civil Rule 90.3(a) and (b). Therefore, the Amended Administrative Child and Medical Support Order dated June 13, 2018 is affirmed, though portions have been preempted by the superior court’s orders.

**THEREFORE, IT IS ORDERED:**

- Mr. J is liable for pre-order arrears for H and S in the amount of \$443 for May 2017, and \$264.91 per month for June 2017 through September 2017, pursuant to the Amended Administrative Child and Medical Support Order dated June 13, 2018, which remains in full force and effect as to those months;
- Mr. J is not liable for any pre-order arrears for April 2017 or preceding months, as ordered by the superior court;
- For the period beginning October 2017 and ongoing, Mr. J’s support obligation for H and S has been set by the superior court’s orders.

DATED: January 25, 2019.

By: *Signed* \_\_\_\_\_  
Signature  
Kathryn A. Swiderski \_\_\_\_\_  
Name  
Administrative Law Judge \_\_\_\_\_  
Title

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

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<sup>5</sup> N J Submission to Record, received by OAH 11/14/18.  
<sup>6</sup> Exhibit 5, p. 14.

## 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 and Alaska Rule of Appellate Procedure 602(a)(2) within 30 days after the date of this decision.

DATED this 8<sup>th</sup> day of February, 2019.

By: Signed  
Signature  
Kathryn A. Swiderski  
Name  
Administrative Law Judge  
Title

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