

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

IN THE MATTER OF:)

R. M. P.)

) OAH No. 07-0271-CSS
) CSSD Case No. 001144899
)

DECISION AND ORDER

I. Introduction

This case concerns the obligation of R. M. P. for the support of G. L. C. (DOB 00/00/89).

The Child Support Services Division issued an amended administrative child support order on April 17, 2007. Ms. P. filed an appeal, which was referred to the Office of Administrative Hearings. A hearing was scheduled for June 5, 2007. Ms. P. did not appear.

II. Facts

Ms. P. was provided notice of the scheduled hearing at her address of record, by certified mail, which was signed for on May 25, 2007. The administrative law judge attempted to contact Ms. P. at her telephone number of record at the scheduled time, but she was not available. Subsequent attempts by staff to contact Ms. P. were also unsuccessful. Ms. P. has not subsequently contact the division or the Office of Administrative Hearings.

III. Discussion

Ms. P.'s appeal document asserts that the order for arrears is erroneous because (1) the child was not in foster care, but in a court-ordered treatment program; (2) Ms. P. provided insurance for the child until May, 2006; and (3) she was not voluntarily underemployed in 2006. None of these points has merit:

(1) Ms. P.'s obligation to provide support does not depend on status as a foster child. While in a court-ordered treatment program, the child was not in Ms. P.'s physical or legal custody and she is therefore liable for support during that time.

(2) Calculation of credits and debits for insurance coverage provided is an administrative matter to be addressed by the caseworker. Those credits do not alter the amount of the underlying child support order.

(3) Ms. P.'s support order for 2006 is based on her actual income, not imputed income.

IV. Conclusion

The failure of a party to attend a scheduled hearing is grounds for denial of the relief requested and entry of an order affirming the decision of the division.¹ Ms. P.'s appeal does not identify any error in the division's order. Accordingly, entry of an order affirming the division's actions is appropriate.

DATED: July 20, 2007

Signed

Andrew M. Hemenway
Administrative Law Judge

¹ AS 25.27.170(f).

Non-Adoption Options

1. The undersigned, on behalf of the Commissioner of Revenue and in accordance with AS 44.64.060, declines to adopt this Decision and Order, and instead orders under AS 44.64.060(e)(2) that the case be returned to the administrative law judge to :

take additional evidence about _____;

make additional findings about _____;

conduct the following specific proceedings: _____.

DATED this _____ day of _____, 2007.

By: _____

Signature

Name

Title

2. The undersigned, on behalf of the Commissioner of Revenue and in accordance with AS 44.64.060 (e)(3), revises the enforcement action, determination of best interest, order, award, remedy, sanction, penalty, or other disposition of the case as follows:

Enter order expressly affirming CSSD's April 17, 2007 Amended Administrative Child and Medical Support Order.

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 R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 20th day of August, 2007.

By: *Signed* _____

Jerry Burnett

Director, Administrative Services

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