

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

IN THE MATTER OF: )

E. J. B. )

---

) OAH No. 07-0340-CSS

) CSSD No. 001065010

**DECISION AND ORDER  
DISMISSING APPEAL**

**A. Background**

On June 1, 2007, E. J. B. requested a formal hearing in this child support case. In response, CSSD filed a Motion to Dismiss the appeal. Oral argument on the motion was held on June 25, 2007. Mr. B. appeared in person; the Custodian, T. L. T., did not participate.<sup>1</sup> Andrew Rawls, Child Support Specialist, represented CSSD. The proceeding was recorded.

Kay L. Howard, Administrative Law Judge, Office of Administrative Hearings (OAH), presided. Based on the record as a whole and after due deliberation, CSSD's Motion for Dismissal is granted and Mr. B.'s appeal is dismissed.

**B. Facts and Procedural History**

Mr. B.'s child support obligation for K., DOB 00/00/96, was established in 1997 and subsequently modified to \$271.29 per month in April 2002.<sup>2</sup> Other than denying Mr. B.'s 2004 request for Ms. T.'s contact information<sup>3</sup>, CSSD has taken only collection and enforcement actions in Mr. B.'s case since the 2002 modification.

Mr. B.'s request for a formal hearing was referred to the OAH on June 7, 2007, and CSSD filed a Motion for Dismissal of the appeal on the same day.

**C. Discussion**

CSSD's motion asserts Mr. B.'s appeal should be dismissed because CSSD has not taken any official agency action that entitles him to a formal hearing before an administrative law judge. CSSD has been enforcing Mr. B.'s child support case, however, so it must be determined whether he is entitled to a formal hearing on the basis of CSSD's collections in his case.

---

<sup>1</sup> Ms. T. provided a telephone number, but the telephone call placed to her went to a fax machine and she could not be reached.

<sup>2</sup> Exh. 2 at pg. 1.

<sup>3</sup> See Exh. 3.

The record indicates that CSSD and Mr. B. have been in an ongoing disagreement as to the amount of his child support arrears. On March 16, 2006, CSSD wrote to Mr. B. and informed him his arrears totaled \$24,421, and that the agency intended to refer those arrears to the IRS for collection from his federal tax return.<sup>4</sup> Mr. B. objected, so CSSD conducted an administrative review of the notice. As a result of that review, the agency issued a Decision Regarding Federal Administrative Offset that states the arrears amount was correct and CSSD would continue with collection.<sup>5</sup>

That same process transpired in 2007: Mr. B. apparently requested an administrative review regarding his arrears and/or CSSD's collection efforts, after which CSSD issued a Decision Regarding Federal Administrative Offset on May 18, 2007. The decision stated his arrears remain the same and CSSD will proceed with its collection efforts.<sup>6</sup>

Mr. B. is not entitled to a formal hearing before an administrative law judge based on an appeal of the Decision Regarding Federal Administrative Offset. The decision specifically states that a party disagreeing with that decision must file an appeal in the Superior Court.<sup>7</sup> The reason is because in general, administrative hearings are available only for establishment or modification of monthly child support amounts.<sup>8</sup> To appeal collection or enforcement actions, a parent usually must file an appeal in the Superior Court.

Mr. B. raised several issues in his appeal: CSSD has erroneously placed a levy on his personal property; CSSD has ignored his request to prove how the agency has superior claim to his wages and property; CSSD has violated his constitutional rights; CSSD deemed his draft no. 0504 in the amount of \$25,375.95, as fictitious; and CSSD has repeatedly committed copyright infringement through the unauthorized and counterfeit use of his and the child K.'s names.<sup>9</sup> Because an administrative appeal is not available to Mr. B. from CSSD's Decision Regarding Federal Administrative Offset, these issues are not properly before the administrative law judge and cannot be heard or decided. If Mr. B. wants to further pursue the issue of CSSD's collection orders, he must address those issues in court.

---

<sup>4</sup> Exh. 20 at pg. 2. It appears this issue also arose in 2005. *See* Obligor's Exh. 4.

<sup>5</sup> Exh. 20 at pg. 1.

<sup>6</sup> Exh. 21.

<sup>7</sup> *Id.*

<sup>8</sup> *See* AS 25.27.170; AS 25.27.190.

<sup>9</sup> Exh. 1.

**D. Conclusion**

Mr. B. is not entitled to an administrative appeal and formal hearing of CSSD's Decision Regarding Federal Administrative Offset. Therefore, CSSD's motion should be granted, and his appeal should be dismissed.

**THEREFORE IT IS ORDERED:**

1. CSSD's June 7, 2007, motion for dismissal is GRANTED;
2. Mr. B.'s June 1, 2007, appeal and request for a formal hearing is dismissed.

DATED this 8<sup>th</sup> day of August, 2007.

By: Signed  
Kay L. Howard  
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 27<sup>th</sup> day of August, 2007.

By: Signed  
Signature  
Kay L. Howard  
Name  
Administrative Law Judge  
Title

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