

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

In the Matter of:)	
)	OAH No. 19-0651-CSS
M C)	CSSD No. 001180146
_____)	

DECISION

M C requested a modification of his Administrative Child Support and Medical Support Order for his child, Z C.¹ The Child Support Services Division (Division) denied his request for a modification review on June 28, 2019.² The Division denied the request because Mr. C did not provide income information to support the modification he requested.³ Mr. C appealed the Division’s denial of his request for a modification of his child support order.⁴

A Notice of Hearing was sent by certified mail to Mr. C at the address listed in the referral from CSSD. The hearing was scheduled for August 8, 2019, but Mr. C did not appear in person nor did he answer the phone at the number he provided. After several attempts to reach him, the hearing began.

During the hearing, with his voice mail recording, Mr. C was advised that he had 10 days to provide good cause for not appearing at the hearing. The record remained open for 10 days after the hearing, but Mr. C did not contact the Office of Administrative Hearings to explain his failure to participate in his appeal.

Civil Rule 90.3(a)(1) provides that an obligor’s child support amount is to be calculated based on his or her “total income from all sources.” Child support orders may be modified upon a showing of “good cause and material change in circumstances.”⁵ If the newly calculated child support amount is more than a 15% change from the previous order, Civil Rule 90.3(h) assumes a “material change in circumstances” has been established and the order may be modified. If the 15% change has not been met, CSSD may modify the child support obligation, but is not

¹ Exhibit 2.
² Exhibit 3.
³ Exhibit 3.
⁴ Exhibit 4.
⁵ AS 25.27.190(e).

required to do so. Child support is usually calculated as a percentage of the obligor parent's income.⁶

The person appealing CSSD's decision has the burden of demonstrating that the decision is incorrect.⁷ Here, that means Mr. C must provide evidence that his income has changed in order to justify a modification. Mr. C did not provide any income information to support his request for modification prior to or during the hearing. Because no evidence was presented, his burden was not met.

The Division's decision denying a modification review is upheld. The Division's Modified Administrative Child Support and Medical Support Order dated November 18, 2013 remains in effect. This decision does not affect Mr. C's ability to request a modification in the future.

DATED August 29, 2019

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

DATED this 12th day of September, 2019.

By: *Signed* _____
Signature
Hanna Sebold _____
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.]

⁶ Alaska Rule Civil Procedure 90.3(a)(2).

⁷ 15 AAC 05.030(h).