

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

In the matter of:	)	
	)	OAH No. 07-0464-CSS
C. D. H.	)	CSSD No. 001144562
_____	)	
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	)	OAH No. 07-0465-CSS
C. D. H.	)	CSSD No. 001144563
_____	)	

**DECISION AND ORDER OF DISMISSAL**

**I. Introduction**

C. D. H. wrote a letter to Child Support Services Division (CSSD) dated April 27, 2007 but not delivered to CSSD until July 23, 2007, raising a question as to the total amount of arrears owing for her two child support cases captioned above.<sup>1</sup> CSSD Case No. 001144562 relates to A. M. F., born 00/00/89. CSSD Case No. 001144563 relates to C. L. B., born 00/00/92.

CSSD treated the letter as a request for formal hearing as to the support order in effect in each of the cases and referred the two matters to the Office of Administrative Hearings (OAH). CSSD also moved to dismiss the appeals.

A consolidated formal hearing on the pending motions took place on August 21, 2007. Ms. H. attended in person, accompanied by her husband, T. H. A. D. H., who has custody of both children, listened by telephone. David Peltier represented CSSD.

The hearing identified three issues Ms. H. wished to have addressed. Two are outside the jurisdiction of OAH. The third is a challenge to the arrears calculated in orders issued in November of 2006; that challenge is untimely. Accordingly, the motions to dismiss will be granted.

**II. Identity of Case Worker**

At the hearing, the first issue Ms. H. said she would like to have addressed in her appeal was that she “would like to know why somebody lied to me by saying they were my case worker.” This is an investigatory or informational function and is not within the jurisdiction of

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<sup>1</sup> Exhibit 2 in both case files.

OAH. On child support matters, OAH is, in general, empowered only to conduct adjudicatory hearings regarding CSSD orders creating financial responsibility in some way.<sup>2</sup>

### **III. Welfare Bill**

At the hearing, the second issue Ms. H. said she would like to have addressed in her appeal was that she wants to see her “welfare bill.” Again, this is an investigatory or informational function and is not within the jurisdiction of OAH.

### **IV. Arrears**

In the support case for A., the only order establishing financial responsibility was entered on November 2, 2006. It established arrears of \$936 for the period from August 1 through November 30, 2006, and an ongoing support duty of \$234 for each month thereafter. In the support case for C., the only order establishing financial responsibility was entered on November 17, 2006. It established arrears of \$561 for the period from August 1 through November 30, 2006, and an ongoing support duty of \$187 for each month thereafter. Together, these two orders placed the arrears at \$1497 as of November 2006.

Ms. H. became concerned in connection with a notice she received from a third party in April of 2007 to the effect that she owed, as of that date, \$1744 in child support. She wishes to appeal the two November orders.

An appeal of a denial of modification must ordinarily be filed within 30 days.<sup>3</sup> Ms. H.’s appeal was more than 200 days past the deadline.

The 30-day deadline for appeal may be waived if the person seeking to appeal shows that “strict adherence to the deadline . . . would work an injustice.”<sup>4</sup> At the hearing, Ms. H. was given an opportunity to present an explanation for the delay in challenging the November orders. She offered primarily the testimony of T. H., who explained that during the winter of 2006-2007 the family was living at his worksite behind the Northway Mall, with limited access to a cell phone and with unreliable transportation. He said that he had difficulty collecting his mail. Ms. H. also offered various exhibits, and her own testimony, showing changes of address earlier in 2006.

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<sup>2</sup> See Alaska Statute 44.64.030(a); 25.27170 - 180. There are one or two minor exceptions not relevant here; *see, e.g.*, AS 25.27.275.

<sup>3</sup> 15 AAC 05.030(a).

<sup>4</sup> 15 AAC 05.030(k).

The fact is, however, that Ms. H. had an active address in November of 2006 and did receive notice of the child support orders at the time they were issued.<sup>5</sup> Accordingly, her showing that it might be difficult for her to receive notice is beside the point. She has not otherwise demonstrated anything unusual about her situation that would make it unjust to apply the normal deadline. Notably, the arrears calculations in the November orders at issue make sense on their face, and they are consistent with a debt of \$1744 that might have accrued by April of 2007. Because there is no basis to disregard the deadline, it will be enforced.

**V. Order**

1. CSSD's Motions for Dismissal are granted.
2. C. D. H.'s appeal of the Administrative Child Support and Medical Support Order issued in CSSD Case No. 001144562 on November 2, 2006 is dismissed.
3. C. D. H.'s appeal of the Administrative Child Support and Medical Support Order issued in CSSD Case No. 001144563 on November 17, 2006 is dismissed.

DATED this 23<sup>rd</sup> day of August, 2007.

By: Signed \_\_\_\_\_  
Christopher Kennedy  
Administrative Law Judge

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<sup>5</sup> See, e.g., Ex. 3 (return receipt signed by Ms. H).

**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 11<sup>th</sup> day of September, 2007.

By: Signed  
Signature  
Christopher Kennedy  
Name  
Administrative Law Judge  
Title

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