

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

IN THE MATTER OF:

J F. F

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OAH No. 07-0480-CSS
CSSD No. 001126791

DECISION AND ORDER UPON CONSENT OF THE PARTIES

This case involves the Obligor J F. F's appeal of a Modified Administrative Child Support and Medical Support Order that CSSD issued in his case on July 10, 2007. The Obligee child is Z, DOB 00/00/03. The hearing was held on August 22, 2007. Mr. F did not appear; the Custodian, J N, did not participate. David Peltier, Child Support Specialist, represented CSSD. The record closed on September 1, 2007.

Although Mr. F did not appear, CSSD consented at the hearing to Mr. F's appeal request to lower his child support in this case to \$103.00 per month. CSSD had already modified the support amount from \$232 per month down to \$170 per month, but CSSD said this case should be modified consistently with Mr. F's other cases, based on a child support order issued by former Deputy Commissioner of Revenue Larry Persily on December 11, 2002. That order set Mr. F's child support at \$103.00 per month for each child, finding that strict adherence to the Civil Rule 90.3 guidelines, given all of his cases, would result in a total support obligation far in excess of anything Mr. F could hope to pay. Also, Mr. Persily recognized that applying Civil Rule 90.3 to each case individually would result in widely differing support obligations (and, it should be noted, comparatively low orders for the youngest children, as in this case).

Utilizing the authority in Civil Rule 90.3(c), Mr. Persily found there were unusual circumstances in Mr. F's cases, so in order to avoid manifest injustice for both Mr. F and his children, he calculated Mr. F's child support obligation at \$103.00 per month per child, based on an income figure of \$20,979.34. Mr. Persily had three of Mr. F's cases before him at the time, so CSSD has been gradually bringing Mr. F's other cases in line with that order.

Even though nearly five years have passed since the Deputy Commissioner issued his order, it is still relevant today. Mr. F earns about the same amount of income in a year, he is determined to make significant inroads into his arrears with consistent child support payments, and Mr. Persily's order was based on a finding of unusual circumstances under Civil Rule

90.3(c). CSSD agrees that unusual circumstances exist in this case, and recommends that Mr. F's child support obligation for Z be set at \$103.00 per month. Although it appears that Z is having his child support lowered significantly, setting Mr. F's child support at the same amount as his other cases actually should result in more consistent payments on Z' behalf.

The parties' agreement should be adopted.

THEREFORE IT IS ORDERED:

- Mr. F is liable for modified ongoing child support in the amount of \$103.00 per month, effective July 1, 2007.¹

DATED this 14th day of September, 2007.

By: Signed
Kay L. Howard
Administrative Law Judge

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

¹ The effective date of a modification is the first month after CSSD issues the notice that a petition for modification has been filed. 15 AAC 125.321(d). In this case, the notice was issued on June 4, 2007. Exh. 2.