

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

In the matter of:)	
)	OAH No. 07-0560-CSS
T S. T, JR.)	CSSD No. 001146171
_____)	

DECISION AND ORDER UPON CONSENT OF THE PARTIES

T S. T, Jr. appealed an Amended Administrative Child and Medical Support Order that the Child Support Services Division (CSSD) issued on August 2, 2007, setting ongoing support at \$318 per month effective February 1, 2007. The obligee children are T S. T III, born 00/00/00, J A. T, born 00/00/02; and A F. T, born 00/00/03. The other parent is S L. T, who has shared physical custody with Mr. T at times in the past but who has had primary physical custody since the end of September, 2007.

Procedural History: After Ms. T applied for services, CSSD issued an Administrative Child Support and Medical Support Order on May 8, 2007 calculating, based on shared physical custody, that Mr. T had an obligation of \$413 per month from February 1, 2007, continuing into the future.¹ Mr. T asked for administrative review.² The resulting review lowered his support obligation to \$318 per month, again commencing February 1, 2007 and continuing indefinitely.³

Still dissatisfied, Mr. T requested a formal hearing on August 31, 2007.⁴ The formal hearing took place on October 3, 2007. Andrew J. Rawls, Child Support Specialist, represented CSSD. Both Mr. and Ms. T participated actively by telephone. The hearing established a more complex history of custody than had previously been recognized, with Ms. T having primary physical custody in February 2007 and after September 30, 2007; Mr. T having primary physical custody in June and July, 2007; and the parents having 50-50 shared custody in March, April, May, August, and September, 2007. The hearing also flagged some additional issues that would require further information and analysis.

The administrative law judge gave Mr. T until October 15, 2007 to submit certain additional factual information. CSSD would then propose new child support calculations by

¹ Ex. 2.
² Ex. 3.
³ Ex. 7.

October 25, and both parents would have until November 5 to make any objections they might have to the revised calculations.⁵ Mr. T submitted some of the information he was permitted to add, and CSSD then circulated its new calculations.⁶ Neither parent objected to the revised calculations. Accordingly, the appeal has been settled.

New support amounts: The revised calculations to which the parties have consented appear at Exhibits 15-19. In February of 2007, Ms. T had primary physical custody. Based on Mr. T's May 2007 military leave and earnings statement, the support amount under Civil Rule 90.3 is \$1403 for that month. The parties had shared physical custody on a 50-50 basis from March through May and in August and September, 2007. Using the same income for Mr. T and income figures for Ms. T developed before and at the hearing, the child support amount for Mr. T in those months is \$458 per month. In June and July, 2007, no support is owed because Mr. T had primary physical custody. Beginning with October, 2007 and continuing thereafter, Mr. T's income has been calculated based on the earnings, housing allowance, and cost of living allowance for his new duty station in California. With Ms. T having primary physical custody by court order, the support amount rises to \$1089 per month.

Child Support Order

1. T S. T, Jr. is liable for child support in the amount of \$1403 per month for three children for the period from February 1, 2007 through February 28, 2007;
2. T S. T, Jr. is liable for child support in the amount of \$458 per month for three children for the following periods: March 1, 2007 through May 31, 2007; August 1, 2007 through September 30, 2007;
3. T S. T, Jr. is liable for child support in the amount of \$1089 per month for three children⁷ for the period from October 1, 2007 through the date of this order, and ongoing.

⁴ Ex. 8.

⁵ Interim Order (Oct. 3, 2007).

⁶ Notice to Parties (Oct. 15, 2007).

⁷ Amounts for one child and two children are \$660 and \$891, respectively.

4. CSSD shall administer appropriate credits and debits for health insurance. Except as expressly superseded in items 1-4 above, all provisions of the Amended Administrative Child and Medical Support Order issued on August 2, 2007 remain in effect.

DATED this 9th day of November, 2007.

By: Signed
Christopher Kennedy
Administrative Law Judge

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