

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

In the Matter of:)
)
S.C.) OAH No. 22-0778-CSS
) Agency No. 001192831
_____)

DECISION AND ORDER

I. Introduction

Custodian S.C. appeals a Decision on Nondisclosure that the Child Support Services Division (Division) issued on August 12, 2022. The Division’s decision granted N.N.’s request for release of S.C.’s identifying information.

The formal hearing took place on October 3, 2022. Both S.C. and N.N. appeared by telephone and represented themselves. Child Support Specialist Mark Phang represented the Division.

Based on the record and after careful consideration, the Division’s August 2022 Decision on Nondisclosure is affirmed.

II. Facts

N.N. and S.C. are the parents of 9-year-old B.C. They were never married, did not date, and have had little contact since the conception of their son. S.C. has always exercised sole physical custody of B.C.

N.N. testified that in July 2022 he was organizing his personal finances, which included clarifying several separate issues handled by the Division, along with the child support order for B.C. Sorting the details of that order meant he needed to speak with S.C. directly. Just a few weeks after soliciting S.C.’s information from the Division, N.N. evidently obtained her contact number by other means. On July 20, 2022, he reached out to S.C. to ask if she would consider withdrawing from the Division’s services and instead accept direct child support payments. The two had several exchanges; S.C. did not agree to this. The two ceased contact.

III. Procedural History

On July 5, 2022, Division received from N.N. a written request for S.C.’s contact information. Accordingly, two days later the Division sent S.C. an Authorization to Release Information. It was not returned, and on August 12, 2022, the Division proceeded to issue a

Decision on the Nondisclosure granting N.N.'s request for S.C.'s identifying information, but giving S.C. 30 days to file an objection. She timely submitted an appeal, and the matter was set for a formal administrative hearing.

IV. Discussion

The only issue is whether the Division correctly decided to disclose S.C.'s identifying information to N.N. upon his request. Alaska Statute 25.27.275 authorizes the Division to decide whether a parent or child's identifying information may be disclosed to the other parent. The statute restricts such disclosure only in situations where there is a finding that the health, safety, or liberty of a party or child would be unreasonably put at risk by doing so.

In her written appeal S.C. asserted that she did not feel safe with N.N. having her contact information. At the hearing, however, she acknowledged while his request that she withdraw from the Division's services was highly intrusive and offensive, N.N. did not threaten her wellbeing, nor B.C.'s. When the elements of the statute were reviewed, she testified that she did not want N.N. to contact her again, but that neither the health, safety, nor liberty of herself or B.C. would be unreasonably put at risk if the Division disclosed her contact details to N.N.

V. Conclusion

As the party requesting the hearing, S.C. bore the burden of proving by a preponderance of the evidence that Division's August 12, 2022, Decision on Nondisclosure was incorrect.¹ She did not meet this burden. Therefore, the Division's decision allowing disclosure is affirmed.

THEREFORE, IT IS ORDERED:

- The Division's Decision on Nondisclosure issued August 12, 2022, is AFFIRMED.

Dated: October 3, 2022

By: Signed _____
Name: Danika B. Swanson
Title: Administrative Law Judge

¹ 15 AAC 05.030(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 20th day of October, 2022.

By: Signed
Name: Danika B. Swanson
Title: Administrative Law Judge

[This document has been modified to conform to the technical standards for publication. Names may have been changed to protect privacy.]