

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

In the Matter of:)
)
V.V.) OAH No. 22-0760-CSS
) Agency Nos. 001225324 & 00124515
_____)

ORDER AFFIRMING CALCULATION AND DISMISSING CASE¹

The Child Support Services Division (Division) issued a Modified Administrative Child Support Order on August 22, 2022. It increased V.V.’s monthly support obligation by adding his son K.V. to a pre-existing order for his daughter B.V., based on a third-party custody calculation. V.V. appealed the decision, asserting financial hardship, and a telephonic hearing was held on September 30, 2022. V.V. participated and represented himself. The Division was represented by Child Support Specialist Mark Phang.

The Division based V.V.’s support calculation on his annual wages of \$10,171.81, augmented by a PFD in the amount of \$3,200, resulting in a total gross income of \$13,371.81. After monthly allowable deductions for federal income tax, Social Security, and Medicare, his adjusted annual income totaled \$12,418.17. Under Civil Rule 90.3(a)(2) this resulted in a monthly support obligation for B.V. in the amount of \$140, and an additional \$88 for K.V., for a total of \$228 for both children, or 27% of V.V.’s adjusted annual income. The Division’s calculation was reviewed on the record and the parties agreed that it was accurate.

What makes V.V.’s support order confusing is that the Division’s support calculation applies only to months that there has been an application for services. For example, B.V. was placed in Federal foster care for several months in 2018; there was an application submitted for this time period, and a support obligation was billed to V.V. that the Division reported has been paid in full.

The dates that K.V. was in non-Federal foster care and an application for services was in place was from February – April 2022. The Division is currently only seeking to collect the \$88 monthly support obligation due for K.V. during those three months, which totals \$264. The monthly support obligation for K.V. was suspended effective May 2022, when the tribe took jurisdiction of this matter.

¹ This Order was distributed on October 5, 2022, without the requisite Notice Regarding Proposed Decision and Adoption pages. It is reissued today, October 6, 2022, with this administrative oversight corrected.

Once V.V. understood that his current child support obligation consisted solely of a \$264 balance, he no longer wanted to move forward with this appeal.

If, in the coming months, the tribe relinquishes jurisdiction and the Division receives an application for services, then V.V.'s monthly support obligation of \$228 for two children based on the Division's third-party custody calculation could be reinstated. This Tribunal deems the obligation appropriately calculated by the Division under Civil Rule 90.3. However, nothing would prevent V.V. from filing an appeal in the future.

THEREFORE, IT IS ORDERED:

1. V.V. is liable for child support in the amount of \$228 per month for two children effective August 1, 2022, and ongoing.
2. All other terms of the Modified Child Support issued August 22, 2022 remain in full force and effect.

The Division's calculation is AFFIRMED and this matter is DISMISSED with the Office of Administrative Hearings.

DATED: Nunc pro tunc October 5, 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.]