

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

In the Matter of	)	
	)	
Q.E	)	OAH No. 25-0477-CSS
_____	)	

DECISION AND ORDER

I. Introduction

This case involves the obligor Q.E’s appeal of a Modified Administrative Child Support Order that the Child Support Services Division (Division) issued on December 16, 2024. The children in this case are O.U and M.U. The custodial parent is P.D.

Several formal telephonic hearing dates were held between March 27, 2025, and May 20, 2025. Ms. D did not participate, and Mr. E initially participated, representing himself. Shawn Pattison, Child Support Specialist, represented the Division.

Based on the record and after careful consideration, Mr. E’s child support is set at \$603 per month for one child and \$814 per month for two children, from December 1, 2024, and ongoing based upon his average income for the years 2022 through 2024.

II. Facts

A. Procedural Facts

In November 2024, Mr. E submitted a verbal request for modification of the 2021 Decision and Order Upon Consent of the Parties setting his monthly child support obligation at \$497 for two children.¹ Neither Mr. E nor Ms. D submitted the requested income information to the Division.² Based upon income information obtained from Mr. E’s employer, the Division issued a Modified Administrative Child Support Order – Primary Custody on December 16, 2024, setting Mr. E’s monthly support obligation at \$975 for two children, and \$722 for one child, effective December 1, 2024.³ Mr. E appealed, asserting that the new monthly support payment was too high.⁴

An initial hearing was set before the Office of Administrative Hearings (OAH) for March 27, 2025. Child Support Specialist Shawn Pattison represented the Division.

¹ Div. Ex. 1.

² Testimony of Shawn Pattison.

³ Div. Ex. 4.

⁴ Div. Ex. 5, p. 1.

Neither Mr. E nor Ms. D were reachable for the hearing. A failure to appear notice was issued and the hearing was re-set. Additional hearing dates were held on April 6, 2025, April 14, 2025, and May 20, 2025. Ms. D did not present herself for any hearings. Mr. E, representing himself, appeared initially, however, he hung up during the May 20th hearing after losing his temper during any inquiry into his household expenses. He failed to appear at the subsequent status conference and refused to provide a completed hearing expense worksheet.

Based upon Mr. E's initial testimony, the additional wage and hour information the Division obtained from his current employer, and the Alaska Labor and Workforce Development (DOL) 2025 first quarter wage reporting, the Division proposed a recalculation of Mr. E's support obligation was appropriate based upon his average annual income of \$39,014.22, for the years 2022 through 2024 from wages and \$1,758 from UIB. The Division submitted that re-calculation in a submission to record on June 9, 2025.⁵ Mr. E and Ms. D were provided one week to submit any objection to the filing. No objection was received by either Mr. E or Ms. D, thereby Division exhibits 9 and 10 were deemed admitted and the record was closed on June 18, 2025.

B. Material Facts⁶

Q.E and P.D share two children, O.U, who turned 18 in December 2024, and M.U, who is 17.⁷ Ms. D is the custodial parent, and she lives out of state with their children.⁸ She does not communicate with Mr. E and did not participate in the child support proceedings.⁹

Mr. E lives in Alaska with his four younger children from a separate relationship. He works as an on-call laborer in the abatement and construction fields for a variety of employers which results in variable hours and wages, causing his income to vary from year to year.¹⁰ His income has been augmented by Unemployment Insurance Benefits (UIB)

⁵ Submission to Record, June 9, 2025, and Div. Ex. 9 and 10.

⁶ Material facts are based on the testimony presented at the hearing by Mr. E, as well as the submitted written record.

⁷ Div. Ex. 4, p. 2.

⁸ Testimony of Q.E.

⁹ Ms. D was contacted for each hearing and failed to present herself by telephone.

¹⁰ Testimony of Q.E.

from 2022 through 2025. He is eligible for and receives the Alaska Permanent Fund Dividend (PFD).¹¹

According to the Alaska Department of Labor and Workforce Development (DOL), Mr. E's employers reported wages and unemployment benefits (UIB) paid to him in the following amounts:¹²

2022	\$41,428.85	wages	5 different employers
2022	\$724	UIB	
2023	\$29,512.27	wages	3 different employers
2023	\$1,376	UIB	
2024	\$46,101.54	wages	2 different employers
2024	\$3,174	UIB	

Total: \$117,042.66 from wages; \$5,274 from UIB

Dividing the total figures by three (for three years) yields an average income figure from wages of \$39,014.22 and \$1,758 from UIB. A monthly child support calculation from these figures, augmented by the 2025 PFD and applicable deductions is \$603 for one child and \$814 for two children, based on primary custody.¹³

III. Discussion

Mr. E filed an appeal and requested a formal hearing, but he did not fully participate in the hearing. During his participation he provided limited evidence consisting of his employment and his current family needs. The Division obtained the historical wage information Mr. E's employers reported to the DOL. The Division also obtained from Mr. E's current employer, his recent wage and hour information.

To the extent that Mr. E failed to appear for all the proceedings, this decision is issued under the authority of 15 AAC 05.030(j), which authorizes the entry of a child support decision if the person requesting the hearing fails to appear. The person who filed the appeal, in this case, Mr. E, has the burden of proving by a preponderance of the evidence that Division's support order is based on incorrect information.¹⁴

¹¹ Div. Ex. 6.

¹² *Id.*

¹³ Div. Ex. 10.

¹⁴ 15 AAC 05.030(h).

A parent is obligated both by statute and at common law to support his or her children.¹⁵ Civil Rule 90.3(a)(1) provides that an obligor's child support amount is to be calculated based on his or her total income from all sources. In its administrative order, the Division calculated Mr. E's child support obligation at \$975 per month for two children and \$722 per month for one child, based on primary custody.¹⁶ The Division calculated the support obligation based upon Mr. E's 2024 earnings of \$46,101.54, as reported to DOL, augmented by \$4,702 UIB and \$1,702 PFD payments.¹⁷

The income figure the Division used is significantly higher than the wages Mr. E's employers reported over the prior years, as are his UIB benefits. There is also a vast difference between the amounts earned from year to year. This is explained by the fluctuation in his wages and hours based upon employer and amount of work available.

Civil Rule 90.3 allows the administrative law judge to average an obligor parent's income if, historically, the income has been "erratic" in the past.¹⁸ Using an average income figure is the best method of calculating Mr. E's child support obligation. From 2022 through 2024, his income ranged from just over \$42,000 to just under \$31,000 and then to just over \$49,000. To have that variation in income from one year to the next is a good example of "erratic" income.

Therefore, effective December 1, 2024, the average of Mr. E's reported earnings for the years 2022 through 2024 of \$39,014.22 should be used for the child support calculation. His income should be augmented by the 2022 through 2024 average UIB of \$1,758 and his 2025 PFD of \$1,702, resulting in a total gross income of \$42,474.22. After monthly allowable deductions of \$524.03 for Federal income tax, FICA and unemployment insurance, his adjusted annual income totals \$36,185.86. From this amount for two children, 20% is marked as available for child support as per Civil Rule 90.3, which is \$7,237.17 annually or \$603 per month. For two children, 27% is marked as available for child support as per Civil Rule 90.3, which is \$9,770.18 annually or \$814 per month.

These income figures yield a lower child support calculation than the figures determined by the Division in the Modified Administrative Child Support Order on appeal.

¹⁵ *Matthews v. Matthews*, 739 P.2d 1298, 1299 (Alaska 1987) & AS 25.20.030.

¹⁶ Div. Ex. 4.

¹⁷ Div. Ex. 4, pp. 5-6.

¹⁸ Civil Rule 90.3, Commentary III.E.

The average income used here is a more reliable indicator of Mr. E's annual income than using his most recent annual salary due to the yearly fluctuations of up to a \$10,000+ swing in either direction. Thus, the average figure taken from his actual wages as augmented by the average UIB benefits and his PFD are more likely than not a better indicator of Mr. E's ability to pay support.

IV. Conclusion

Mr. E met his burden of proving by a preponderance of the evidence that the Division's Modified Administrative Child Support Order was based upon incorrect income. His average income from the years 2022 through 2024 yields a child support amount of \$603 per month for one child or \$814 per month for two children, based on primary custody, which should be adopted. This figure is a better indicator of Mr. E's ability to pay support than the \$722 per month for one child or \$975 per month for two children figure generated using his 2024 annual income from wages and UIB.

V. Child Support Order

- Q.E is liable for child support in the amount of \$603 per month for one child; \$814 per month for two children, effective December 1, 2024, and onward, based on a primary custody calculation.
- All other terms of the Modified Administrative Child Support Order dated December 16, 2024, remain in full force and effect.

Dated: June 7, 2025

Signed

Beth Goldstein
Administrative Law Judge

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 24th day of Jul, 2025.

By: Signed

Signature
Beth Goldstein

Name
Administrative Law Judge

Title

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