

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

IN THE MATTER OF: )

R. P. )

) OAH No. 08-0024-CSS  
) CSSD Case No. 001146832  
)

**DECISION**

**I. Introduction**

This case concerns the obligation of R. P. for the support of D. P. (DOB 00/00/01). The custodian of record is M. H. The appeal is dismissed as untimely.

**II. Facts**

The Child Support Services Division issued an administrative support order dated May 19, 2007 in the amount of \$741 per month. Mr. P. was personally served with a copy of the order on September 13, 2007. On January 8, 2008, Mr. P. filed an appeal, asserting that he had not been given appropriate credit for direct payments. The division filed a motion to dismiss the appeal as untimely. A hearing on the motion was conducted on March 25, 2008. Mr. P. and Ms. H. participated, and Andrew Rawls represented the division. Mr. P. explained that he had filed his appeal late because he had moved several times and had not received notices timely. Mr. P. testified that he had provided direct payments of approximately \$1,000 from April through September, 2007; Ms. H. testified that she had received one direct payment in the amount of \$350 on August 20, 2007.

**III. Discussion**

Under 15 AAC 05.010(i), an individual must request an administrative review before filing an appeal from a administrative child support order. Furthermore, under 15 AAC 125.118(a), a request for administrative review must be filed within 30 days of the service of the notice and finding of financial responsibility. In this case, Mr. P. did not timely request administrative review, and he has therefore waived the right to appeal the administrative child support order.

The administrative law judge may waive the requirement for filing a request for administrative review “if it appears that strict adherence to the...requirement will work an injustice.”<sup>1</sup>

In this case, it does not appear that strict adherence to the requirement for administrative review will work an injustice. Mr. P. was personally served with the order on September 13, 2007, and failed to file a timely appeal. The parties provided testimony at the hearing on the motion that can be considered by the case worker in setting the amount of arrears following administrative review. Mr. P. retains the right to appeal to the superior court if he objects to the division’s calculation of arrears following administrative review.<sup>2</sup>

#### **IV. Conclusion**

The motion should be granted.

### **ORDER**

This appeal is DISMISSED.

DATED: March 25, 2008.

*Signed* \_\_\_\_\_  
Andrew M. Hemenway  
Administrative Law Judge

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<sup>1</sup> 15 AAC 05.030(k).

<sup>2</sup> 15 AAC 125.465(d).

## 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 and Alaska Rule of Appellate Procedure 602(a)(2) within 30 days after the date of this decision.

DATED this 11th day of April, 2008.

By: Signed  
Signature  
Andrew M. Hemenway  
Name  
Administrative Law Judge  
Title

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