

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

In the Matter of	)	
	)	
K. T.	)	OAH No. 23-0382-CSS
_____	)	

CORRECTED DECISION AND ORDER UPON CONSENT OF THE PARTIES

Mr. K. T. appealed a Modified Administrative Child Support Order issued by the Child Support Services Division (Division) on April 19, 2023.¹ The order added D. N. to an existing child support order for M. T., children Mr. T. shares with Ms. W. U. The order raised Mr. T.’s monthly support obligation to \$2,793 per month for two children effective March 1, 2023, with Ms. U. having primary custody of both. Mr. T. objected, citing a reduction in his work hours, and asserting that Ms. U. does not exercise primary custody of M. A telephonic hearing took place over two days, July 10 and August 1, 2023.² Mr. T. and Ms. U. both participated and represented themselves. The Division was represented by Child Support Specialist Mark Phang.

Mr. T. testified that he works in the construction industry, and his 2022 gross income was largely based on a lucrative project out of town. This year his work to date has involved smaller, less well compensated local projects, resulting in a lower gross income. However, Mr. T. acknowledged that in his line of work his income fluctuates, and in the coming months he might be offered another big project. Therefore, his request for a modification based on his current drop in income is still premature.

Mr. T. also testified that Ms. U. does not exercise primary custody of M., as his son spends “60-100% of his time” at his father’s home. Several witnesses testified on behalf of Mr. T. At the close of the July 10 hearing the parties agreed to work on a consent agreement.

At the start of the August 1 hearing Ms. U. testified about her annual income. With this information, the Division recalculated Mr. T.’s monthly support obligation based on the following mutually agreed upon factors:

- An adjusted annual income of \$124,137 for Mr. T.
- An adjusted annual income of \$13,000 for Ms. U.
- The dependent child D. N. in the primary custody of Ms. U.

¹ The Division also issued a Notification of Correction to Modified Child Support Order on May 22, 2023, but it is not implicated in the issues raised on appeal by Mr. T.

² A status conference was held on August 14, 2023, in response to the Division’s request for clarification that the agreed upon support obligation was for both children. The request was granted, the Order was reissued with clarifying language mutually agreed upon by the parties.

- The dependent child M.M. T. in 50/50 shared custody of the parties.

Relying on this these figures and custody arrangements resulted in a monthly support obligation for Mr. T. of \$2,334.26 based on two children.³ Mr. T. testified about difficulty he is having paying his monthly support obligation due to financial hardship, as his earnings this year have been lower than the year prior. The parties reached a consent agreement that his monthly support obligation - based on two children, with Ms. U. having primary custody of D. and shared custody of M. - should be set at \$1500.

Mr. T., Ms. U. and the Division indicated on the record that \$1,500 per month as Mr. T.'s ongoing monthly support obligation for two children effective March 1, 2023, and ongoing was wholly acceptable. The administrative law judge has reviewed the parties' settlement and concurs that it is fair and appropriate under Civil Rule 90.3. Thus, the parties' settlement is adopted.

THEREFORE, IT IS ORDERED:

1. K. T. is liable for child support in the amount of \$1,500 per month for two children beginning March 1, 2023.
2. All other terms of the April 19, 2023 Modified Administrative Child and Medical Support Order remain in full force and effect.
3. The arrears for D. N., effective March 1, 2022, through February 28, 2023, remain as set by the May 22, 2023 Notification of Correction to Modified Child Support Order.

DATED: Nunc pro tunc August 7, 2023.

By: Signed
Danika B. Swanson
Administrative Law Judge

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

³ Ex. 9. See also August 2, 2023 Submission to the Record filed by the Division.