

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

IN THE MATTER OF )  
 )  
 Z. D. ) Case No. OAH-08-0049-CSS  
 ) CSSD Case No. 001148695

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**DECISION & ORDER**

**I. Introduction**

The obligor, Z. D., appeals an Amended Administrative Child Support and Medical Support Order issued by the Child Support Services Division (CSSD) on December 26, 2007. Administrative Law Judge Dale Whitney of the Office of Administrative Hearings heard the appeal on February 21, 2008. Neither Mr. D. nor the custodian, S. N., appeared at the hearing. David Peltier represented CSSD. The child is A. D. (DOB 00/00/04). The administrative law judge issues a support order adopting revised calculations proposed by CSSD.

**II. Facts**

CSSD had originally set arrears at \$410 per month for one child for the period from July 1 through December 31, 2007. Ongoing support had been set at \$50.00 per month for one child effective January 1, 2008. These calculations had been based on primary custody. Mr. D. provided credible evidence that custody has been and continues to be shared on an equal basis. Ms. N. did not provide any evidence to the contrary. CSSD recalculated Mr. D.'s support obligation based on shared custody and found the correct amount of support to be \$309 per month for one child, both for arrears and ongoing support.

**III. Discussion**

There appears to be no dispute in this case that custody is shared and that CSSD has correctly calculated Mr. D.'s support obligation to be \$309 per month for one child, both for arrears and ongoing support.

It should be noted that the Fairbanks Superior Court appears to also be in the process of calculating Mr. D.'s support obligation in case number 4FA-07-0000 CI. Any order issued by the court will supersede this administrative order. The parties should immediately advise their caseworker when the court issues an order on support.

**IV. Conclusion**

Support should be set in accordance with CSSD's most recent calculations.

**V. Order**

IT IS HEREBY ORDERED that:

- 1. Mr. D.'s support obligation is set at \$309 per month for one child, effective January 1, 2008.
- 2. Arrears are set at \$309 per month for one child for the six-month period from July 1, 2007, through December 31, 2007, a total of \$1,854.
- 3. All other terms of the Amended Administrative Child Support and Medical Support Order issued by the Child Support Services Division on December 26, 2007, shall remain in effect.

DATED this 4th day of March, 2008.

By: Signed  
 DALE WHITNEY  
 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 notices, 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 R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 20th day of March, 2008.

By: Signed  
 Signature  
Dale Whitney  
 Name  
Administrative Law Judge  
 Title

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