

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

IN THE MATTER OF )  
 )  
 C. D. ) Case No. OAH-08-0051-CSS  
 ) CSSD Case No. 001149149

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**DECISION & ORDER**

**I. Introduction**

The obligor, C. D., appeals an Amended Administrative Child Support and Medical Support Order issued by the Child Support Services Division (CSSD) on April 4, 2006. Administrative Law Judge Dale Whitney of the Office of Administrative Hearings heard the appeal on February 26, 2008. Neither Mr. D. nor the custodian of record, C. D., appeared at the hearing. Andrew Rawls represented CSSD by telephone. The children are M. D. (DOB 00/00/03) and B. D. (DOB 00/00/04). The administrative law judge issues a support order adopting revised calculations proposed by CSSD.

**II. Facts**

This case arises from public assistance that Ms. D. received on behalf of the children from January 2007 through June 2007. Ms. D. withdrew from CSSD services on January 28, 2008, and it appears that the family was reunited and has been intact since July of 2007.

Based on information that it received from Ms. D., CSSD has determined that in 2007 Mr. D. earned gross annual income of \$43,530.85, made up of \$38,356.85<sup>1</sup> in wages, \$3,520<sup>2</sup> in unemployment insurance benefits, and \$1,654 in permanent fund dividend income. With a credit of \$416 per month that Mr. D. pays to support older children of a previous relationship, CSSD calculates that Mr. D.'s monthly support obligation for two children should be \$656 per month.

**III. Discussion**

Mr. D. raised two issues on appeal. Mr. D.'s principal argument is that CSSD should not collect support for the month of December, 2006, because Ms. D. did not collect any support that month. CSSD agrees with Mr. D. on this point and recommends that the support obligation be effective January 1, 2007.

Mr. D. next questioned CSSD's estimate of his annual income. Mr. D. asserts that the estimate was based on a joint tax return that also included Ms. D.'s income. CSSD requested

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<sup>1</sup> Exhibit 9, pages 2, 4 and 5.

<sup>2</sup> Exhibit 9, page 3.

that Mr. D. provide financial information showing just his separate income before the hearing. Ms. D. provided Mr. D.'s financial information for 2007, which is at Exhibit 9. This evidence shows that Mr. D.'s separate gross income for 2007 was \$43,530.85.

Although Mr. D. did not raise it as an issue, CSSD states that Mr. D. pays \$416 per month for the support of older children of a previous relationship, and that he is entitled to a credit for these payments when calculating support. This credit was not included in CSSD's original calculation. With this credit, CSSD has calculated Mr. D.'s correct support obligation to be \$656 per month for two children.<sup>3</sup>

#### **IV. Conclusion**

Mr. D.'s support obligation should be set at \$656 per month for two children, effective January 1, 2007. Collection of ongoing support should be suspended effective July 1, 2007, for so long as Mr. D. is in the family home.

#### **V. Order**

IT IS HEREBY ORDERED that Mr. D.'s support obligation be set at \$656 per month for two children, effective January 1, 2007. Collection of ongoing support should be suspended effective July 1, 2007, for so long as Mr. D. is in the family home. All other terms of the Amended Administrative Child Support and Medical Support Order issued by the Child Support Services Division on April 4, 2006, shall remain in effect.

DATED this 10th day of March, 2008.

By: *Signed* \_\_\_\_\_  
DALE WHITNEY  
Administrative Law Judge

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<sup>3</sup> Exhibit 11.  
OAH No. 08-0051-CSS

## 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 26th 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.]