

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

In the Matter of	)	
	)	
M.L	)	OAH No. 22-0232-CSS
_____	)	

DECISION AND ORDER UPON CONSENT OF THE PARTIES

On March 8, 2022, the Child Support Services Division (Division) issued a Modified Review Administrative Child Support and Medical Support Order increasing M.L's monthly support obligation for R T.L from \$306 to \$384, effective February 1, 2022. On March 16, 2022, Mr. L appealed the decision, asserting that the obligation as set would cause a financial hardship.

A formal hearing was held on April 11, 2022, then reconvened on April 18 and May 3. Mr. L and Ms. U participated and represented themselves, while the Division was represented alternately by Child Support Specialists Brandi Estes, Mark Phang and/or Kimberly Sledgister.

Under Civil Rule 90.3(c)(1) a child support variance may be granted for good cause if unusual circumstances exist and there is clear and convincing evidence that enforcing the order would result in manifest injustice.¹ Mr. L asserted that he could not afford to pay the ordered support amount without going into debt each month and creating substantial hardship on his other child. He and Ms. U testified regarding their household compositions and respective budgets, which allowed for a balancing of their financial situations and an evaluation of the resources available for the support of R.

After reviewing the financial circumstances of both households, it is clear that Ms. U's household is be able meet R's needs should Mr. L's support obligation be lowered. Mr. L and Ms. U reached an agreement that his support obligation should be reduced to \$200 per month for one child. The Division agrees that this resolution is reasonable, as Mr. L's situation represents the difficult circumstances for which a variance is appropriate. The administrative law judge has reviewed the parties' settlement and concurs that the child support obligation is correctly calculated under Civil Rule 90.3, with a variance applied under Civil Rule 90.3(c)(1).

¹ 15 AAC 125.075(a)(2); Civil Rule 90.3, Commentary VI.B.

The parties' settlement is adopted.

1. M.L is liable for child support in the amount of \$200 per month for one child effective February 1, 2022, and ongoing.
2. All other terms of the Modified Administrative Child Support and Medical Support Order dated March 8, 2022, remain in full force and effect.

Dated: May 3, 2022

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.]