

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

In the Matter of	)	
	)	
K N.M	)	OAH No. 22-0271-CSS
_____	)	

DECISION AND ORDER UPON CONSENT OF THE PARTIES

On March 2, 2021, the Child Support Services Division (Division) set Mr. M’s ongoing monthly support obligation for T, L and O, the three children he shares with custodial parent E.M, at \$1,518 per month. On March 24, 2022, Mr. M appealed the calculation. He asserted that his income was improperly calculated and that the obligation as set would cause a financial hardship.

A formal hearing was held on April 14, 2022, then reconvened on April 25, 2022. Both times Mr. and Ms. M participated and represented themselves. The Division was represented by Child Support Specialists Brandi Estes and Mark Phang. At the initial hearing Mr. M’s objection to the inclusion of wages earned from regularly worked overtime hours in his annual income was addressed by reviewing the Division’s support obligation calculation. A closer look at Mr. M’s paystubs showed that as the overtime hours he worked were routine, habitual, and continued throughout the year, however, the Division’s calculation was appropriate, as “adjusted annual income” includes a parent’s total income from all sources including overtime and tips.¹

Regarding his assertion regarding his restricted finances, 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.² Mr. M testified about struggling to meet his monthly child support obligation without creating a substantial hardship on his current family, and included a detailed breakdown of his household budget with his appeal. At the close of the initial hearing, he and Ms. M both agreed to work together off the record to reach an independent agreement that would balance the needs of both homes.

¹ Civil Rule 90.3, Commentary III A.1.

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

The parties reconvened on April 25 with an agreement that Mr. M's support obligation should be reduced to \$1200 per month for T, L and O, beginning February 1, 2022. The parties also agreed that once a year they will equally divide the expense of back-to-school supplies for the children, as well as once-a-year clothes/necessities shopping for them, although Mr. and Ms. M acknowledged that these additional terms would be recognized as part of this agreement, but would not be enforced by the Division.

The Division agrees that this resolution is reasonable, as Mr. M'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).

The parties' settlement is adopted.

1. K.M is liable for child support in the amount of \$1200 per month for three children effective February 1, 2022 and ongoing.
2. The parties agree that Mr. M is current on his payments for child support for the months of February, March and April of 2022.
3. All other terms of the Administrative Child Support and Medical Support Order dated March 2, 2021 remain in full force and effect.

Dated: April 26, 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.]