

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

In the Matter of	)	
	)	
D. N. H.	)	OAH No. 23-0698-CSS
_____	)	

CORRECTED ORDER AFFIRMING CALCULATIONS AND DISMISSING CASE¹

On October 12, 2020, the Child Support Enforcement Division (Division) issued an Administrative Review Hearing Decision amending the August 13, 2020 Administrative Child Support Order establishing D. H.’s monthly support obligation for M. and K., the children he shares with custodial parent E. C., beginning in 2017 and ongoing. Mr. H. appealed, and a hearing was held over a series of dates; the first was held in December 2023. Mr. Mark Phang represented the Division, and Mr. H. represented himself. E. C. was informed of the hearing dates by email and on the record during the proceedings she attended, but she was only able to be reached on two occasions. The other dates she was left a message reminding her of the hearing and was called back several minutes later. She did not answer, and at no point did she contact the Office of Administrative Hearings in response.

Mr. H. objected to the October 12, 2020 Decision as he asserted that the 2018 Permanent Fund Dividend was incorrectly included in the calculation of his income. Additionally, he felt that his 2019 monthly support obligation should not have been based off his first and second quarter wages, but rather set at \$50 per month as he was incarcerated for the latter half of the year.²

The Division’s calculations as set forth below were reviewed and discussed on the record.

1. Beginning July 1, 2017, Mr. H.’s support obligation for two children based on a primary custody situation was set at \$50 per month pursuant to 15 AAC 125(d), as he was incarcerated the entire year.
2. For the year 2018 Mr. H.’s support obligation for his children was based on employer reported wages of \$14,858.59 and a PFD of \$1,600, resulting in a total gross income of \$16,458.59. However, during the hearing the Division confirmed that Mr. H. did not receive a PFD that year, so his obligation was recalculated based solely on his wages. After subtracting standard deductions from \$14,858.59, including Federal income tax,

¹ On February 21, 2024, this Order was reissued correcting the issuance date of the Division’s Amended Administrative Support Order from August 13, 2020, to October 12, 2020.

² Ex. 5, pp. 8-9.

Social Security, and unemployment insurance, the result was an adjusted annual income of \$13,612.99, and a monthly support obligation for two children of \$306.³

3. For the year 2019 Mr. H.'s support obligation for two children was based on employer reported wages for the first and second quarters totaling \$18,994.35, augmented by a 2019 PFD of \$1,606.⁴ After further discussion and explanation on the record, Mr. H. withdrew his original assertion that his obligation should be set at \$50 notwithstanding his actual earnings. Therefore, after subtracting standard deductions from his total gross income of \$20,600.35, his adjusted annual income totaled \$18,189.07 and a monthly support obligation for two children of \$409.⁵
4. For the year 2020 and onward Mr. H. has been incarcerated, and therefore his monthly support obligation for two children is calculated at \$50.⁶

The Division's calculations were reviewed on the record with the participating parties; Mr. H. and Mr. Phang. After consideration and review, the parties accepted the calculations as accurate. Ms. C., as previously noted, was absent from several proceedings regarding this matter, including the final hearing date. Regardless, this order will issue without her input as

2 AAC 64.320(c) states,

If a person with an interest that will be affected by a decision in an administrative hearing is served with a timely notice of the hearing or other proceeding, and the person fails to participate, the person may be bound by the decision as if the person had participated.

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³ See Alaska Child Support Services Online Calculator, *available at* <https://webapp.state.ak.us/cssd/guidelinecalc/form>.

⁴ Ex. 5, pp. 12-13.

⁵ Civil Rule 90.3(a)(2).

⁶ 15 AAC 125(d). See also Ex. 5, pp. 14-15.

THEREFORE, as this tribunal deems Mr. H.'s monthly support obligations appropriately calculated by the Division under Civil Rule 90.3, they are to be adopted as follows:

1. D. H. is liable for child support in the amount of \$50 per month for two children based on a primary custody calculation beginning July 1, 2017, through December 31, 2017.
2. D. H. is liable for child support in the amount of \$306 per month for two children based on a primary custody calculation beginning January 1, 2018 through December 31, 2018.
3. D. H. is liable for child support in the amount of \$409 per month for two children based on a primary custody calculation beginning January 1, 2019 through December 31, 2019.
4. D. H. is liable for child support in the amount of \$50 per month for two children based on a primary custody calculation beginning January 1, 2020 and ongoing.
5. All other terms of the Division's Amended Administrative Child Support Order issued on October 12, 2020, remain in full force and effect.

The Division's calculations are AFFIRMED, and this matter is DISMISSED with the Office of Administrative Hearings.

Dated: Nunc pro tunc February 16, 2024

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.]