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

IN THE MATTER OF:)
T. P. S.)
)
)

OAH No. 08-0168-CSS CSSD Case No. 001148735

DECISION AND ORDER

I. Introduction

This case concerns the obligation of T. P. S. for the support of K. W. (DOB 00/00/04). The child's mother is J. W., and the child presently lives with her grandmother, R. W.

On February 29, 2008, the Child Support Services Division issued an amended administrative child support order establishing an ongoing support obligation in the amount of \$50 per month effective March 1, 2008, with arrears in the amount of \$4,815 for the period from June 1, 2007, through February 28, 2008.

Mr. S. filed an appeal and requested an administrative hearing. The case was referred to the Office of Administrative Hearings and the assigned administrative law judge conducted a telephonic hearing on April 16, 2008. David Peltier represented the division. Mr. S. participated, as did R. W.

II. Facts

In July, 2007, T. S. and J. W. and their daughter K. lived in an apartment adjacent to J.'s mother's apartment. T. obtained work in the McGrath area, and when he found a place to live there J. and K. joined him. In late October Mr. S. was jailed; he was released on third party custody for about a month until December 7, 2007 when he was remanded to custody. He remains incarcerated, with a trial date expected to be set in June, 2008.

III. Discussion

Mr. S. raised one issue on appeal: arrearages for the months of July through October, 2007. Mr. S. and R. W. testified as to custody during those months, and based on their testimony the division recommended that arrears for those months be eliminated because the family was intact and Mr. S. was in fact providing support. Mr. S. agreed to that resolution, which is consistent with the facts. His arrears for the period from June 1 through February 29, 2008, should therefore be reduced by \$2,980 (4 x \$745), from \$4,815 to \$1,835; with the addition March and April, 2008, his arrears currently total \$1,935.

IV. Conclusion

Arrears for July through October, 2007, should be removed.

CHILD SUPPORT ORDER

The Amended Administrative Child Support and Medical Support Order dated February 29, 2008, is **AMENDED** as follows; in all other respects, the Modified Administrative Child Support and Medical Support Order dated February 29, 2008, is AFFIRMED:

1. Mr. S.'s arrears are set at \$245 for the month of June, 2007; \$0 for the period from June 1 through October 31, 2007; \$745 per month for the period from November 1 through December 31, 2007; and \$50 per month for the period from January 1 through April 30, 2008.

Amended ongoing child support is set at \$50 per month, effective May 1,
2008.

DATED: April 18, 2008.

<u>Signed</u> Andrew M. Hemenway 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 notice, 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 Rule of Appellate Procedure 602(a)(2) within 30 days after the date of this decision.

DATED this 5th day of May, 2008.

By:	Signed
-	Signature
	Andrew M. Hemenway
	Name
	Administrative Law Judge
	Title

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