

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

IN THE MATTER OF:)
)
L. L. G.)
)
) OAH No. 08-0229-CSS
) CSSD Case No. 001140570
_____)

DECISION AND ORDER

I. Introduction

This child support case (CSSD No. 001140570) concerns the obligation of L. L. G. for the support of his ten children. The case is before the Office of Administrative Hearings on appeal from a modified administrative support order issued on April 22, 2008.

II. Facts

L. L. G. and his wife live in No Name City. The G.s have ten children, six boys and four girls: A. (DOB 00/00/88), B. (DOB 00/00/89), C. (DOB 00/00/90), M. (DOB 00/00/92), E. (Jr.) (DOB 00/00/94), F. (DOB 00/00/96), K. (DOB 00/00/98), H. (DOB 00/00/99), I. (DOB 00/00/01), and J. (DOB 00/00/02).

The G.s' eldest daughter C., spent three months in non-federal foster care in 2005.¹ The G.s' three other daughters were placed in non-federal foster care in March, 2006, and were joined by C. in January, 2007.² All four girls remained in non-federal foster care until Mr. G.'s parental rights for the three younger girls were terminated on February 28, 2008;³ C. is still in non-federal foster care. All four of the girls, when not living in their parents' home, lived with their grandmother; all six of the G.s' boys have remained with their parents in the G. home in No Name City. during their minority.⁴ The G.s' eldest boy, A., emancipated 00/00/2006; B. emancipated 00/00/2007.

L. G. had total income in 2005 of \$23,719, consisting of wages (\$16,097), unemployment compensation (\$6,776) and his Alaska Permanent Fund dividend (\$845).⁵ His total income in 2006 was \$10,478, consisting of wages (\$8,187), unemployment compensation (\$1,184), and his

¹ Ex. 7, p. 1.

² Ex. 7, p. 1.

³ Ex. 4, p. 3.

⁴ Testimony of L. G. The division's electronic notes do not indicate that any of the boys were not in the G.s' custody. Ex. 5, p. 3.

⁵ Ex. 7, p. 10.

Alaska Permanent Fund dividend (\$1,106).⁶ His total income in 2007 was \$16,789, consisting of wages (\$15,135) plus his Alaska Permanent Fund dividend (\$1,654). At the time of the hearing he was unemployed and providing day care for his youngest child, age 5; his wife works as a health care aide.

III. Discussion

Mr. G.'s appeal document states that he is not currently working and that he cannot pay the arrears owed. At the hearing he did not dispute the amount of his income during the prior years. He agreed that he had worked for M. T. P. and NANA Management in 2007, in 2006 he worked for NANA management and the No Name City, and in 2005 he worked for T. C. Mr. G. has not shown that the income information relied on by the division is erroneous.

Calculation of the amount of pre-order arrears on the modified order is determined pursuant to Civil Rule 90.3(i)(1). The division has correctly calculated the pre-order arrears on the modified order for 2005 and for 2006 through June. However, for July through December, 2006, and in all of 2007 and 2008, the division calculated arrears based on the number of children listed in the order (10), rather than on the number of children for whom Mr. G. had a support obligation (9 from July, 2006, through June, 2007; 8 from July, 2007, through February, 2008, and 5 beginning March, 2008). Adjusted to reflect the number of children for whom he owed support, rather than the number listed on the support order, Mr. G.'s monthly pre-order arrears are \$91 for July-December, 2006, \$278 for January-June, 2007, and \$295 for July-December, 2007, as shown on Appendix A. In addition, the arrears and ongoing support obligation beginning January 1, 2008, as calculated by Civil Rule 90.3(i) is less than \$50 per month, as shown on Appendix B. Arrears and ongoing support in 2008 should therefore be set at the minimum amount of \$50 per month.

IV. Conclusion

Modification to add children to the prior order was appropriate and Mr. G. did not show that the amount of income attributed to him was in error. The amount of arrears and ongoing support should be amended to reflect the number of children for whom Mr. G. had a support obligation, rather than the number of children listed on the modified order.

⁶ Ex. 7, p. 7. Mr. G. estimated his 2006 income as \$8,000, but did not submit an income tax return to support his estimate. The division based its determination of income on data obtained from the Department of Labor. *See* Ex. 6, p. 4.

CHILD SUPPORT ORDER

The Modified Administrative Child Support and Medical Support Order dated April 22, 2008, is **AMENDED** as follows; in all other respects, the Amended Administrative Child Support and Medical Support Order dated April 22, 2008, is **AFFIRMED**:

1. Mr. G.'s arrears are set at \$91 per month for the months from January 1, 2006-December 31, 2006, \$278 per month for the months from January 1-June 30, 2007, \$295 per month for the months from July 1-December 31, 2007, and \$50 per month for the months from January 1-February 28, 2008.

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

DATED: July 8, 2008.

Signed

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 31st day of July, 2008.

By: *Signed*

Signature
Andrew M. Hemenway
Name
Administrative Law Judge
Title

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