

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

IN THE MATTER OF )  
 )  
 B H ) OAH No. 08-0361-CSS  
 ) CSSD No. 001042205  
\_\_\_\_\_)

**DECISION & ORDER**

**I. Introduction**

The obligor, B H, appeals a Modified Administrative Child Support and Medical Support Order issued by the Child Support Services Division (CSSD) on June 13, 2008. Administrative Law Judge Dale Whitney of the Office of Administrative Hearings heard the appeal on August 11, 2008. Neither Mr. H nor the custodian of record, F K, appeared at the hearing. Andrew Rawls represented CSSD. The child is B K (DOB 00/00/1993). The modified order is affirmed.

**II. Facts**

Mr. H's support obligation had previously been set at \$50 per month. CSSD stated that according to Alaska Department of Labor data, Mr. H earned the following annual amounts:

2005:	\$29,156.50 plus \$3,145.00 in unemployment benefits
2006:	\$66,876.25
2007:	\$61,776.00
2008, first two quarters:	\$30,846.00

In the modified order, CSSD calculated Mr. H's support obligation based on the most recent four quarters of data available as of June 13, 2008, which showed earnings of \$66,144, plus the amount of a 2007 dividend. This calculation resulted in a monthly support amount of \$859 for one child.<sup>1</sup>

**III. Discussion**

At a formal hearing, the person requesting the hearing has the burden of proving that the division's decision was in error.<sup>2</sup> Mr. B has not presented any evidence. Mr. B's appeal reads, in its entirety: "I have 3 other children that I'm living with. Sorry so late just got back from fish camp."

Child support is calculated according to a formula in Civil Rule 90.3(a). According to the rule, the obligor is entitled to a deduction for older children from a previous relationship that he is supporting but not for younger children. CSSD stated that it has no information regarding

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<sup>1</sup> Exhibit 4, page 6.

<sup>2</sup> 15 AAC 05.030(h).

any other children who might be living in Mr. H's household. There is thus no way to tell if these children are Mr. H's, or if they are older than B.

**IV. Conclusion**

Mr. H has not met his burden of proving that the division's decision was incorrect.

**V. Order**

IT IS HEREBY ORDERED that the Modified Administrative Child Support and Medical Support Order issued by the Child Support Services Division on June 13, 2008 be AFFIRMED.

DATED this 26<sup>th</sup> day of August, 2008.

By: Signed  
DALE WHITNEY  
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 notices, 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 R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 18<sup>th</sup> day of September, 2008.

By: Signed  
Signature  
Dale Whitney  
Name  
Administrative Law Judge  
Title

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