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

In the Matter of:

S. B.

OAH No. 08-0368-CSS CSSD No. 001134437

DECISION AND ORDER

I. Background

The Child Support Services Division (CSSD) issued a Decision on Nondisclosure of Identifying Information on July 2, 2008. The effect of the order was to determine that contact information for T. B., the custodian, should be released to S. B., the obligor. The child in the case is Z. C. B., born 00/00/96.

Ms. B. filed a form entitled "Appeal of Administrative Review Decision," referencing the July 2 decision. Because of this choice of form, CSSD treated the document as an appeal and the matter was referred to this office for hearing.

Administrative Law Judge Christopher Kennedy held a hearing on this appeal on August 13, 2008. Andrew J. Rawls, Child Support Specialist, appeared in person and represented CSSD. Neither Ms. B. nor Ms. B. participated, although both had been notified of the hearing. Messages were left at the telephone numbers on record for them, and the hearing went forward as scheduled.

Because there is no dispute in this case that CSSD's course of action chosen in its order is appropriate, CSSD's order is affirmed.

II. Facts

This case presents some procedural confusion, but there is no ultimate dispute between the parties.

In January of 2008 Ms. B. signed a form that, among other things, asked that her own contact information be kept confidential.¹ On June 20, 2008, the same Ms. B. requested the "Address, phone#, and e-mail" of S. B..² On the same page, Ms. B. gave CSSD explicit

¹ Exhibit 1, p. 1.

² Exhibit 2.

permission to provide her own contact information to Ms. B.³

Perhaps overlooking this explicit grant of permission, CSSD issued a "Decision on Nondisclosure of Identifying Information" on July 2, 2008.⁴ The decision was addressed to Ms. B., and it began: "You asked that identifying information be withheld." It then denied her supposed request to withhold contact information.

Ms. B. was probably confused by the statement that "You asked that identifying information be withheld," since she had just finished doing the opposite. She submitted an appeal form reiterating, "I don't mind if S. B. has this info my address, phone #, and email."⁵

III. Discussion and Resolution

There is no disagreement among the parties about what should be done. Ms. B. wants her contact information released, and CSSD has issued a decision indicating that it plans to release the contact information. CSSD has asked for summary adjudication on the basis that the parties are in agreement. The request is well taken.

The procedural history in the order under appeal may not be entirely correct, since by the time the order was issued Ms. B. was *not* seeking nondisclosure. However, the actual proposed action—disclosure—is desired by all concerned and will be affirmed.

IV. Order

Accordingly, IT IS ORDERED:

(1) The outcome of the Decision on Nondisclosure of Identifying Information of July2, 2008 is affirmed;

(2) CSSD may disclose to S. B. the address, telephone, and e-mail of T. B.

DATED this 13th day of August, 2008.

By: <u>Signed</u>

Christopher Kennedy Administrative Law Judge

³ *Id.* at page 1 ("You may also give him my address . . . my e-mail is . . . I would offer my phone # but I don't have one at the moment.").

⁴ Exhibit 4.

⁵ Exhibit 5.

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.

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with AS 25.27.210 within 30 days after the date of this decision.

DATED this 12th day of September 2008.

By: :______*Signed*_____

Christopher Kennedy Administrative Law Judge

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