

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

IN THE MATTER OF)	OAH No. 08-0440-CSS
L. K. G.)	CSSD No. 001105304
)	
_____)	

DECISION AND ORDER

I. Introduction

On September 8, 2008, a formal hearing was held to consider whether the identifying and contact information of L. K. G. should be released to S. S.¹ Mr. S. did not participate. Mr. S. was called at the number he provided before the hearing, but did not answer. Ms. G. did not participate either. David Peltier, Child Support Services Specialist, represented the Child Support Service Division (Division). The hearing was audio-recorded.

After the hearing, Mr. S. called the Alaska Office of Administrative Hearings and indicated that he had been too busy to be available for the hearing, but intended to file a written request to reschedule the hearing. The record was held open until September 18, 2008, in order to allow Mr. S.'s ten days to file a written request to reschedule. No written request to reschedule was filed.²

This case is Mr. S.' appeal of the Division's decision not to disclose Ms. G.'s contact information to him. Having reviewed the record in this case and after due deliberation, I conclude that the Division correctly decided that it should not release Ms. G.'s contact information to Mr. S.

II. Facts

A. History

Ms. G.'s requested that the Division not disclose her contact information to Mr. S.³ On July 28, 2008, the Division issued a Nondisclosure of Identifying Information Decision.⁴ The

¹ The hearing was held under Alaska Statute 25.27.275.

² This decision is issued under the authority of 15 AAC 05.030U), which authorizes the entry of a decision if "a person requests a hearing and fails to appear at the hearing.

³ Ex. 1.

⁴ Ex. 2.

Division decided not to disclose Ms. G.'s contact information to Mr. S.⁵ Mr. S. filed a timely objection to the decision.⁶ He requested a formal hearing.⁷

Ms. G. had filed an affidavit with her request that her contact information not be disclosed, explaining that she had a domestic violence restraining order against him after she was in a relationship with Mr. S., and explaining that there were incidents of threats of violence and stalking.⁸ Ms. G. stated that she still feared Mr. S.⁹

Mr. S. did not directly dispute these accusations in his request for a hearing.¹⁰ He asserted that he might want Ms. G.'s contact information in case of a medical emergency.¹¹ Mr. S. expressed anger about the Division's failure to collect child support arrears from Ms. G.¹²

B. Findings

Based on the evidence in the record, I conclude that it is more likely than not that the health and safety of Ms. G. would be put unreasonably at risk by the Division's disclosure of Ms. G.'s contact information.¹³

III. Discussion

This case is an administrative appeal of the Division's determination that it should not disclose Ms. G.'s address and phone number to Mr. S. This appeal does not involve either party's child support obligation.

This is a nondisclosure case under a statute which authorizes the Division to order that a case party's contact information will not be disclosed if the "health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information."¹⁴

On the factual issue of unreasonable risk, Mr. S.' asserted desire to have the ability to contact Ms. G. in case of emergencies was less persuasive than the affidavit of Ms. G., describing Mr. S.' prior history of threats of domestic violence. Mr. S. can send mail for Ms. G.

⁵ Ex. 2.

⁶ Ex. 3.

⁷ Ex. 3.

⁸ Ex. 1.

⁹ Ex. 1.

¹⁰ Ex. 3.

¹¹ Ex. 3.

¹² Ex. 3.

¹³ Ex. 1.

¹⁴ See Alaska Statute 25.27.275 & Alaska Regulation 15 AAC 125.860.

to his CSSD caseworker to be forwarded. It would create an unreasonable risk to require the Division to provide Ms. G.'s contact information at this time.

IV. Conclusion

The Division should not release Ms. G.'s contact information to Mr. S.

V. Child Support Order

1. The Division's Nondisclosure of Identifying Information Decision issued on July 28, 2008 is Affirmed.
2. The Division shall not release Ms. G.'s contact information to Mr. S.

DATED this 24th day of November, 2008.

By: Signed _____
Mark T. Handley
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.

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 11th day of December, 2008.

By: Signed Terry L. Thurbon for _____
Signature
Mark T. Handley _____
Name
Administrative Law Judge _____
Title

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