

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

IN THE MATTER OF)	OAH No. 08-0575-CSS
S. V. S.)	CSSD No. 001103793
)	
_____)	

DECISION AND ORDER

I. Introduction

On November 10, 2008, a formal hearing was held to consider whether the identifying and contact information of L. V. (Custodian) should be released to S. V. S. (Obligor).¹ Mr. S. participated. Ms. V. chose not to participate.² David Peltier, Child Support Services Specialist, represented the Child Support Service Division (Division). The hearing was audio-recorded. The record closed at the end of the hearing.

This case is Ms. V.'s appeal of the Division's decision to disclose her contact information to Mr. S. Prior to the hearing, the Division changed its position in this matter. Having reviewed the record in this case and after due deliberation, I conclude that the Division correctly decided that it should not release Ms. V.'s contact information to Mr. S.

II. Facts

A. History

Mr. S. requested that the Division provide him with Ms. V.'s contact information. Ms. V. failed to file a timely objection to this request.³ On October 3, 2008, the Division issued a Nondisclosure of Identifying Information Decision.⁴ The Division decided to disclose Ms. V.'s contact information to Mr. S.⁵

Ms. V. requested a formal hearing.⁶ Ms. V. explained in her appeal that she had filed several petitions for restraining orders against Mr. S. and had moved to get away

¹ The hearing was held under Alaska Statute 25.27.275.

² Ms. V. was called prior to hearing, but she indicated that she did not wish to participate.

³ Ex. 2.

⁴ Ex. 2.

⁵ Ex. 2.

⁶ Ex. 3.

from him.⁷ The Division found and provided court records of petitions for domestic violence restraining orders filed by Ms. V.⁸

At the hearing, the Division maintained that its decision should be overturned.⁹ Mr. S. argued that he should be provided with Ms. V.'s contact information.¹⁰

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. V. would be put unreasonably at risk by the Division's disclosure of her contact information.¹¹

III. Discussion

This case is an administrative appeal of the Division's determination that it should disclose Ms. V.'s address and phone number to Mr. S. This appeal does not involve Mr. S.'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."¹²

On the factual issue of unreasonable risk, Mr. S.'s general denials that he had ever done anything that should prevent him from receiving Ms. V.'s contact information were not particularly credible, and were less persuasive than the fact, documented by the court records, that Ms. V. had more than once petitioned the court for a restraining order against Mr. S.

Mr. S. indicated at the hearing that he had been unaware of the petitions filed by Ms. V. before the Division provided him with case records. Because Mr. S. was unsure of the status of those cases, I located and printed out some of the Alaska Court System records for Mr. S. Those records indicate that in addition to the cases cited by Ms. V., Mr. S. has an open Class C felony case, 3AN-05-00000CR, in which the last record is of a pre-indictment hearing in December of

⁷ Ex. 3.

⁸ Ex. 4.

⁹ Recording of Hearing.

¹⁰ Recording of Hearing.

¹¹ Recording of Hearing and Ex. 4.

¹² See Alaska Statute 25.27.275

2006 at which Mr. S. failed to appear. ¹³ I will attach those records to this proposed decision for Mr. S. and the other parties, marked as exhibit A.

IV. Conclusion

I conclude the health and safety of Ms. V. would be put unreasonably at risk by the Division's disclosure of Ms. V.'s contact information. The Division should not release Ms. V.'s contact information to Mr. S.¹⁴

V. Child Support Order

1. The Division's Nondisclosure of Identifying Information Decision issued on October 3, 2008 is Overturned.
2. The Division shall not release Ms. V.'s contact information to Mr. S..

DATED this 18th 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 5th day of December, 2008.

By: Signed
Signature
Mark T. Handley
Name
Administrative Law Judge
Title

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

¹³ Ex. A.

¹⁴ This decision is issued under the authority of 15 AAC 05.030(j), which authorizes the entry of a decision if "a person requests a hearing and fails to appear at the hearing."