

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

IN THE MATTER OF )  
 )  
C. O. ) Case No. OAH-09-0004-CSS  
 ) CSSD No. 001152086 & 001152088

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**DECISION & ORDER**

**I. Introduction**

The obligor, C. O., appealed an Amended Administrative Child Support and Medical Support Order issued by the Child Support Services Division (CSSD) on December 23, 2008. Mr. O. appeared by telephone at a formal hearing on January 22, 2009. Andrew Rawls represented CSSD by telephone. The child is H. M. B. (DOB 00/00/07).

CSSD has correctly calculated Mr. O.'s support obligation under Civil Rule 90.3. The amended order is affirmed.

**II. Facts**

Mr. O. worked several different jobs in 2007. In the first half of 2008, Mr. O. again worked for several different employers for a period of about three months, and he collected unemployment insurance benefits for several months. Mr. O. has been incarcerated since June of 2008.

CSSD calculated Mr. O.'s child support obligation by adding up all of his income for each year, applying the Civil Rule 90.3(a) formula to this amount, and then dividing that support obligation by twelve to calculate the monthly support amount. Thus, the support amount is the same for each month of 2007 and for 2008, in spite of the fact that Mr. O. made varying amounts of money throughout those two years. For 2009 and ongoing, CSSD set the support amount at the minimum monthly amount of \$50, recognizing that Mr. O. is currently incarcerated and has no significant earning capacity.

**III. Discussion**

In his appeal, Mr. O. stated that "I still don't see how I'm being charged with so much for child support in the amounts of \$190 [for 2007] and \$144 [for 2008]. I only worked 3 months this year and I was arrested in June. I collected unemployment for the other 3 months."

At the hearing, CSSD explained in detail its methodology in calculating support. CSSD also listed the employers it had on record for Mr. O., and the amounts of income each of them reported to the Alaska Department of Labor.

After some discussion on the record, Mr. O. agreed that CSSD's figures were correct. Mr. O. stated that his questions had been answered and he no longer objected to the amount of support as set in the amended order.

#### **IV. Conclusion**

CSSD has correctly calculated Mr. O.'s support obligation by applying Civil Rule 90.3(a) to actual income figures. The amended order should be affirmed.

#### **V. Order**

IT IS HEREBY ORDERED that the Amended Administrative Child Support and Medical Support Order issued by the Child Support Services Division on December 23, 2008, be AFFIRMED.

DATED this 29<sup>th</sup> day of January, 2009.

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 18th day of February, 2009.

By: Signed  
Signature  
Dale Whitney  
Name  
Administrative Law Judge  
Title

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