

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

IN THE MATTER OF)	
)	
C. J.)	Case No. OAH-09-0128-CSS
_____)	CSSD Case No. 001067696

CORRECTED DECISION & ORDER¹

I. Introduction

The obligor, C. J., appeals an Amended Administrative Child Support and Medical Support Order issued by the Child Support Services Division (CSSD) on February 12, 2009. Mr. J. appeared by telephone at a hearing held on April 2, 2009, as did the custodian H. K. Andrew Rawls represented CSSD. The child is L. J. III, (DOB 00/00/97).

Mr. J.'s child support obligation is set at \$50 per month for one child, effective April 1, 2008.

II. Facts

CSSD initially set Mr. J.'s support amount at \$50 per month in the administrative order of November 20, 2008. The amended order raised support to \$218 per month. At the hearing, Mr. J. testified that he has been incarcerated for the last two years, but has now been released. Mr. J. is currently working in a re-entry program for former inmates in Anchorage, where he is learning job skills, working on obtaining his driver's license, and applying for jobs. This program currently consumes most of Mr. J.'s time.

III. Discussion

The initial administrative order set Mr. J.'s support obligation at \$50 per month. CSSD agrees with Mr. J. that until he obtains employment his support amount should remain as set in the initial order. Ms. K. testified that the reason she requested services was that it was required before she could obtain health insurance benefits for L. in the state where she lives. Ms. K. did not oppose the amount, but requested that Mr. J. contact her so that he could reestablish contact with L. Mr. J. also requested contact; the parties exchanged telephone numbers and agreed to talk by telephone after the hearing.

¹ The Decision and Order issued on May 14, 2009, contained a typographical error in the CSSD case number. The decision also stated that CSSD's amended order of February 12, 2009, set support at \$50 per month, and it went on to affirm the amended order. In fact, the amended order had incorrectly set support at \$218 per month; it was CSSD's initial order of November 20, 2008, that had correctly set support at \$50 per month. The intent of the parties and of the Decision and Order was to vacate the amended order in favor of the initial order, thus returning support to \$50 per month, not to affirm the amended order of February 12, 2009.

IV. Conclusion

There are no issues in dispute. The parties agree that at this time Mr. J.'s support obligation should remain at \$50 per month as set in the initial order. The amended order should be vacated in favor of the initial administrative order.

V. Order

IT IS HEREBY ORDERED that the Amended Administrative Child Support and Medical Support Order issued by the Child Support Services Division on February 12, 2009 be VACATED; the Administrative Child Support and Medical Support Order issued on November 20, 2008 is AFFIRMED and shall remain in effect.

DATED this 9th day of July, 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 28th day of July, 2009.

By: Signed _____
Signature
Dale Whitney _____
Name
Administrative Law Judge _____
Title

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