

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

IN THE MATTER OF )  
 )  
 L. G. ) Case No. OAH-09-0183-CSS  
 ) CSSD Case No. 001154514  
\_\_\_\_\_)

**DECISION & ORDER**

**I. Introduction**

The obligor, L. G., appeals an Amended Administrative Child Support and Medical Support Order issued by the Child Support Services Division (CSSD) on May 8, 2008. Mr. G. appeared by telephone at a hearing held on April 22, 2009, as did the custodian D. S.. Erinn Brian represented CSSD. The child is V. S. (DOB 00/00/08).

Mr. G.'s child support obligation will remain at \$366 per month for one child for the months of July through October, 2008. Support is set at \$50 per month for one child from November 1, 2008, through the present and ongoing.

**II. Facts**

CSSD set Mr. G.'s support obligation at \$309 per month for one child based on his income as a filing clerk. In November of 2008 Mr. G. was charged with a felony, and the case is still in the pre-trial phase. Mr. G. was not sure of the charge's classification, but CSSD believes it to be a Class A felony charge. Currently Mr. G. has been released on bail with his sister-in-law, who is a stay-at-home mother of two children, as a third-party custodian. The conditions of release require Mr. G. to remain within 24-hour sight and sound contact with his custodian. At the present time, these circumstances have prevented Mr. G. from working. A pre-trial conference is scheduled for some time in May, 2009, but at this point Mr. G. is uncertain of his trial date or the likely outcome of the case.

The parties agree that Mr. G. is entitled to credit for a direct payment of \$75 made in November, 2008.

**III. Discussion**

For one child in primary custody, child support is generally calculated as twenty percent of the obligor's annual income after adjustments have been made for items such as tax, retirement contributions, and union dues. Except under certain circumstances that do not apply to this case, child support may not be set lower than \$50 per month.

CSSD and the parties do not dispute that before he was arrested, Mr. G.'s income supported a \$366 monthly support obligation, and that after his arrest Mr. G. has been unable to

earn any significant income. While support is usually calculated on a yearly basis, CSSD has recommended that support remain at \$366 per month for the period ending on October 31, 2008, and from that time it be set at \$50 per month. Under the circumstances of this case, changing the support amount in concert with the change to Mr. G.'s employment situation is fairer and provides for easier calculations.

#### **IV. Conclusion**

Mr. G.'s support obligation should be set at \$366 per month for one child for the months of July through October, 2008, and \$50 per month for one child from November 1, 2008, through the present and ongoing. The parties should contact CSSD as soon as Mr. G.'s legal situation is resolved to modify the support amount to reflect that Mr. G. is able to work again.

#### **V. Order**

IT IS HEREBY ORDERED that arrears be set at \$366 per month for one child for the months of July through October, 2008, and \$50 per month for one child from November 1, 2008, through March 31, 2009. Ongoing support is set at \$50 per month for one child, effective April 1, 2009. All other elements of the Amended Administrative Child Support and Medical Support Order issued by the Child Support Services Division on May 8, 2008, shall remain in effect. CSSD shall apply appropriate credit for direct payments.

DATED this 26th day of May, 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 11th day of June, 2009.

By: Signed  
Signature  
Dale Whitney  
Name  
Administrative Law Judge  
Title

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