

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

IN THE MATTER OF:)

F. D. B.)

) OAH No. 09-0342-CSS

) CSSD No. 001030458

DECISION AND ORDER

This is a Temporary Assistance for Needy Families case. The Obligor, F. D. B., challenges the Amended Administrative Child Support and Medical Support Order that the Child Support Services Division (CSSD) issued on June 3, 2009. This order sets Mr. B.'s child support payment at \$54 per month effective July 1, 2009, and arrears from June 1, 2005 to June 30, 2009 in the amount of \$2,522.¹ The Obligee child is A. A. B., born 00/00/01. The custodian is J. U. B. At the time of this order A. turned 18 years of age on 00/00/09.

The formal hearing was held on July 15, 2009. A supplemental hearing was held August 10, 2009. Mr. B. appeared telephonically; Ms. B. did not participate.² Andrew Rawls, Child Support Specialist, represented CSSD. The record closed at the supplemental hearing's conclusion.

Mr. B. is incarcerated and has no income. He does not dispute the amount of child support ordered, but he disputes paternity. Paternity was established by default when Mr. B. failed to respond to the Notice of Paternity and Financial Responsibility served on July 30, 2005.³ CSSD received Mr. B.'s request for genetic testing on February 2, 2009. In response, CSSD mailed the appropriate forms to Mr. B. on February 10, 2009 and again on March 12, 2009. The forms were not returned to CSSD. Rather, Mr. B. requested an Administrative Review.

Child support calculations for 2005 through 2008 were based on zero income plus the permanent fund dividend. Based on its calculations, CSSD determined Mr. B.'s child support obligation to be \$50 per month beginning June 2005 through December 2007 and \$54 per month beginning January 2008 through June 2009. This results in arrears in the amount of \$2,522 from

¹ Exhibit 9. (June 3, 2009, Administrative Review Decision and June 3, 2009, Amended Administrative Child and Medical Support Order).

² Ms. B. was called at her number of record; there was no answer and no voicemail upon which to leave a message.

³ Exhibit 2 (Order Establishing Paternity).

June 1, 2005 through June 30, 2009.⁴ If Mr. B. were required to pay child support beyond June 30, 2009, it would be at the rate of \$54 per month.

Mr. B. concurs with the amount of child support ordered. He would like to disestablish paternity. Because A. is emancipated, CSSD cannot disestablish paternity.⁵ If Mr. B. wishes to pursue disestablishment he must do so through the court system.

IV. Conclusion

Mr. B. does not dispute the amount of child support ordered. The relief he requests, disestablishment of paternity, must be accomplished through the civil court system not this administrative tribunal. The agency's order should be affirmed.

V. Child Support Order

- Mr. B. is liable for child support in the amount of \$50 per month from June 2005 through December 2007 and \$54 per month beginning January 2008 through June 2009.
- All other provisions of the Amended Administrative Child Support and Medical, Support Order issued June 3, 2009, remain in full force and effect.

DATED this 12th day of August, 2009.

By: Signed
Rebecca L. Pauli
Administrative Law Judge

⁴ Exhibit 9 at 4, 8 – 13 (June 3, 2009, Administrative Review Decision and June 3, 2009, Amended Administrative Child and Medical Support Order).

⁵ Exhibit 11 (Denial of Petition for Genetic Testing).

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 notice, 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 Rule of Appellate Procedure 602(a)(2) within 30 days after the date of this decision.

DATED this 31st day of August, 2009.

By: Signed
Signature
Christopher Kennedy
Name
Deputy Chief Administrative Law Judge
Title

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