

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

IN THE MATTER OF)	OAH No. 09-0351-CSS
R. H. B.)	CSSD No. <i>001155195</i>
)	
_____)	

CORRECTED DECISION AND ORDER¹

I. Introduction

On July 21, 2009, a formal hearing was held to consider the child support obligation of R. H. B. (Obligor) for the support of his child, R.² Mr. B. participated in the hearing. The child in this case is in the custody of the State of Alaska. Erinn Brian, 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 Mr. B.'s appeal of the Division's order establishing his monthly child support obligation. At the hearing, the parties agreed that Mr. B.'s arrears and ongoing child support should be set at the monthly amounts in the Division's latest calculations, which base most of Mr. B.'s child support on a third party child support calculation with one child in his home and one in state custody.

II. Facts

Mr. B.'s child, R. was placed in nonfederal foster care on January 4, 2009.³ Paternity is not in dispute.⁴

The Division served Mr. B. with an Administrative Child and Medical Support Order on February 18, 2009.⁵ Mr. B. requested an administrative review of that order.⁶

The Division issued an Amended Administrative Child and Medical Support Order on

¹ In the Matter of R. H. B., Child Support Decision and Order, was adopted and distributed to the parties. On August 19, 2009, the Division filed a motion for reconsideration asking for a correction of typographical errors in the Decision and Order. The Division correctly pointed out that there was a typographical error in Division case number on page 1, and the effective date of the order on page 3. Therefore, this corrected decision is issued in place of the original. The corrections appear in bold italic type. This corrected decision is issued under the authority of 2 AAC 64.350(b).

² The hearing was held under Alaska Statute 25.27.170.

³ Division's Pre Hearing Brief, page 1.

⁴ Ex.7 & Recording of Hearing.

⁵ Ex. 3.

June 2, 2009.⁷ The Division set Mr. B.'s ongoing child support for R. at \$600 per month. The order also established arrears beginning in January of 2008. Mr. B. requested a formal hearing, explaining that he had a second child in his home.⁸

Prior to the hearing, the Division filed new calculations based on this information and determined that Mr. B.'s arrears and ongoing monthly child support should be set at \$505 per month, except for the months of April 2008 through October 2008, when the monthly amount should be \$619 because the second child was not in Mr. B.'s home.⁹

At the hearing, Mr. B. agreed that his ongoing child support and arrears should be set in accordance with the Division's latest calculations, as shown in the Division's Summary of Support Obligation at exhibit 8, page 6.¹⁰

Based on the evidence in the record, I conclude that it is more likely than not that the Division's latest calculations and the information used in these calculations is correct.¹¹

III. Discussion

In a child support hearing, the person who filed the appeal, in this case Mr. B., has the burden of proving by a preponderance of the evidence that the Division's order is incorrect.¹²

There was no dispute at the hearing that the Division's latest calculations and the information used in these calculations are correct and that the Division's order should be adjusted.¹³

IV. Conclusion

Mr. B.'s monthly child support arrears and ongoing should be set in accordance with the Division's latest calculations.

V. CHILD SUPPORT ORDER

1. Mr. B.'s ongoing child support for R. is set in the monthly amount of \$505, effective *August 1, 2009*.

⁶ Ex. 4.

⁷ Ex. 6.

⁸ Ex. 7.

⁹ Ex. 8 & Recording of Hearing.

¹⁰ Recording of Hearing.

¹¹ Recording of Hearing & Ex. 8.

¹² Alaska Regulation 15 AAC 05.030(h).

¹³ Recording of Hearing & Ex. 16.

2. Mr. B.'s child support arrears for R. are set in the amounts of \$505 for the months of January, February and March of 2008; \$619 for the months of April through October of 2008; \$505 for the months of November and December of 2008; and \$505 for the months of January through July of 2009.
3. The Division shall give Mr. B. the appropriate credit for any out-of-pocket expenses for providing health insurance coverage for R.
4. All other provisions of the Amended Administrative Child and Medical Support Order issued on June 2, 2009 remain in effect

DATED this 1st day of September, 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.

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 1st day of September, 2009.

By: Signed

Signature

Mark T. Handley

Name

Administrative Law Judge

Title

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