

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

IN THE MATTER OF)
)
 K. C.) Case No. OAH-09-0354-CSS
) CSSD Case No. 001110226
_____)

DECISION & ORDER

I. Introduction

The obligor, K. C., appeals a decision issued by the Child Support Services Division (CSSD) on May 21, 2009, to modify his child support obligation. Mr. C. appeared by telephone at a hearing held on July 28, 2009. Erinn Brian represented CSSD. The custodian, M. D., did not appear.¹ The child is R. D. (DOB 00/00/01).

Mr. C.'s child support obligation should be modified and set at \$50 per month for one child, effective March 1, 2009.

II. Facts

The facts are not in dispute. Mr. C. has been incarcerated since September, 2008. He is tentatively scheduled to be released in December, 2009. At this time Mr. C. has no significant income.

III. Discussion

According to Civil Rule 90.3, child support is calculated as a percentage of the obligor's income. However, support may not be set lower than \$50.00 per month.² Mr. C. and CSSD are in agreement that Mr. C.'s support obligation should be modified and that support should be set at \$50.00 per month.

IV. Conclusion

Mr. C.'s modification request should be granted and support set at \$50.00 per month for one child.

¹ Ms. D. did not provide a contact number. The administrative law judge called two numbers on file for Ms. D. and received no answer.

² Civil Rule 90.3(c)(3).

V. Order

IT IS HEREBY ORDERED that Mr. C.'s request for modification is granted. Support is set at \$50.00 per month for one child, effective March 1, 2009.

DATED this 29th 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 18th day of August, 2009.

By: Signed
Signature
Dale Whitney
Name
Administrative Law Judge
Title

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