

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

IN THE MATTER OF)
)
 W. M.) Case No. OAH-09-0384-CSS
) CSSD Case No. 001021089
_____)

ORDER GRANTING SUMMARY ADJUDICATION

I. Introduction

The obligor, W. M., appeals an Administrative Child Support and Medical Support Order issued by the Child Support Services Division (CSSD) on June 27, 2009. A hearing was held on August 12, 2009. The custodian of record, V. P., appeared by telephone. Andrew Rawls represented CSSD by telephone. Mr. M. did not appear or show cause for his failure to appear; this decision is therefore issued in accordance with 15 AAC 05.030(j). The emancipated child is A. C. (DOB 00/00/84).

CSSD moved for summary adjudication. CSSD's motion is granted and the administrative order is affirmed.

II. Facts

Mr. M.' paternity was established by the Nome Superior Court on April 11, 1994 by default judgment. CSSD (then known as the Child Support Enforcement Division, or CSED) established an administrative support order in 1999. Mr. M. did not appeal this order.

On December 19, 2006, Mr. M. requested a default review. On June 27, 2009, CSSD vacated the previous order and issued a new order that reduced the amount of arrears owed. On July 17, 2009, Mr. M. appealed the new order and asked for genetic testing.

III. Discussion

In his appeal, Mr. M. states that "I would like to have genetic testing done, none has never taken place. Alaska Statute 25.27.900(12). It's just to make positive that's my child. I was told it was very expensive to take the test that's why I did not pursue the test I had very few monies, or none at all."

CSSD has the authority to do genetic testing and to disestablish "paternity of a child whose paternity was established in this state other than by court order."¹ Because paternity was established by a judge in court, CSSD does not have the authority to do genetic testing in this case, unless ordered to do so by the court. While Mr. M. may wish to have genetic testing done,

¹ AS 25.27.166(a).

he will need to do so by filing an appropriate action to disestablish paternity in the Superior Court.

IV. Conclusion

CSSD does not have the authority to grant Mr. M.' request for genetic testing; such a request must be made to the court. Because there is nothing that could be accomplished at an administrative hearing, CSSD is entitled to summary adjudication.

V. Order

IT IS HEREBY ORDERED that CSSD's Motion for Summary Adjudication is GRANTED. No further hearing will be scheduled in this matter.

IT IS FURTHER ORDERED that the Administrative Child Support and Medical Support Order issued by the Child Support Services Division on June 27, 2009, is AFFIRMED.

DATED this 28th day of August, 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 22nd day of October, 2009.

By: Signed
Signature
Dale Whitney
Name
Administrative Law Judge
Title

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