

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

IN THE MATTER OF )  
 )  
 J. H. ) Case No. OAH-09-0637-CSS  
 ) CSSD Case No. 001061322  
\_\_\_\_\_)

**DECISION & ORDER**

**I. Introduction**

The obligor, J. H., appeals a notice denying his request for child support modification that was issued by the Child Support Services Division (CSSD) on October 13, 2009. A hearing was held on December 21, 2009. The custodian, L. J., appeared by telephone. Erinn Brian represented CSSD by telephone. The child is A. J.

Mr. H. did not appear at the hearing or show cause for his failure to appear; this decision is therefore based on the written record in accordance with 15 AAC 05.030(j). CSSD's decision is affirmed.

**II. Facts**

CSSD issued an administrative order in 2002 setting Mr. H.'s support obligation at \$322.24 per month for one child. Mr. H. requested modification of the support order. Mr. H. provided financial information showing that in 2008 he earned \$15,407.31 in wages, and also collected unemployment insurance benefits. Mr. H. wrote that as of April 9, 2009, he had been unemployed since October 17, 2008. Mr. H. has not provided information about why he is unemployed and what his prospects are for returning to work.

CSSD prepared a support calculation based on statistical wage data for a painter of \$10.75 per hour. This calculation resulted in a support obligation of \$319 per month, which is less than fifteen percent in difference from the current existing support amount of \$322.24.

**III. Discussion**

Child support modifications are governed by Civil Rule 90.3(h). Support amounts may be changed if there is a material change of circumstances. A material change of circumstances is presumed if the support amount would change by fifteen percent.

At a formal hearing, the person who has requested the hearing has the burden of showing that the division's decision was in error.<sup>1</sup> Because Mr. H. did not appear at his hearing to

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<sup>1</sup> 15 AAC 05.030(h).

explain why he has been unemployed, there is not enough evidence in the record to show that there has been a material change of circumstances.

**IV. Conclusion**

Mr. H. has not demonstrated a material change of circumstances that would warrant modification of his support amount.

**V. Order**

The decision issued by the Child Support Services Division on October 13, 2009, to deny Mr. H.'s request for modification is AFFIRMED.

DATED this 4th day of January, 2010.

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 25th day of January, 2010.

By: Signed \_\_\_\_\_  
Signature  
Dale Whitney \_\_\_\_\_  
Name  
Administrative Law Judge \_\_\_\_\_  
Title

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