

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

IN THE MATTER OF:	)	
	)	OAH No. 13-0623-CSS
B E	)	CSSD No. 001186391
_____	)	

**DECISION AND ORDER**

**I. Introduction**

This case involves the custodian, E O. C's, appeal of an Amended Administrative Child and Medical Support Order that the Child Support Services Division (CSSD) issued on March 23, 2013. The child in this case is E, 8. The obligor parent is B E.

The formal hearing was held on May 28, 2013. Mr. C did not participate.<sup>1</sup> Ms. E appeared by telephone with counsel. Erinn Brian, Child Support Specialist, represented CSSD. The hearing was recorded.

Based on the record and after careful consideration, CSSD's Amended Administrative Child Support and Medical Support Order dated March 23, 2013, is affirmed

**II. Facts**

Public assistance benefits on behalf of E began in July 2012.<sup>2</sup> CSSD issued an administrative child support order on January 5, 2013, that established Ms. E's child support obligation.<sup>3</sup> On January 24, 2013, Ms. E requested an administrative review.<sup>4</sup> On March 22, 2013, she withdrew from CSSD's services.<sup>5</sup> The next day, March 23, 2013, CSSD issued an Administrative Review Decision and an Amended Administrative Child and Medical Support Order.<sup>6</sup> This order set Ms. E's total arrears at \$1,084.98 for the period from July 1, 2012 through

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<sup>1</sup> Telephone calls were made to Mr. C's contact numbers prior to the hearing, but he could not be reached. A message was left at one telephone number for Mr. C to call the Office of Administrative Hearings (OAH). File notes reveal that Mr. C contacted OAH and was told how to request a supplemental hearing. After ten days, the record closed without his participation.

<sup>2</sup> Exh. 3 at pg. 9.

<sup>3</sup> Exh. 3.

<sup>4</sup> Exh. 4.

<sup>5</sup> Exh. 5.

<sup>6</sup> Exh. 6; Exh. 7.

March 31, 2013.<sup>7</sup> Her monthly child support obligation was set at \$40.72 effective April 1, 2013 and ongoing. Support was calculated using a shared custody calculation.<sup>8</sup> Mr. C appealed asserting that his income was overstated, Ms. E had borrowed money, and that E was in his custody more than 50% of the time.<sup>9</sup>

A formal hearing was held as requested by Mr. C, but he did not participate. Other than his appeal statement, he provided no evidence regarding his current financial circumstances or the custody arrangement between himself and Ms. E.<sup>10</sup> Therefore, this decision is issued under the authority of 15 AAC 05.030(j), which authorizes the entry of a child support decision if the person requesting the hearing fails to appear. The person who filed the appeal, in this case, Mr. C, has the burden of proving by a preponderance of the evidence that CSSD's support order is incorrect.<sup>11</sup> His appeal statement is insufficient to meet his burden of proof.

### **III. Conclusion**

Mr. C did not appear at the hearing, so he did not meet his burden of proving by a preponderance of the evidence that CSSD's Amended Administrative Child Support and Medical Support Order was incorrect.

### **V. Child Support Order**

Therefore, CSSD's Amended Administrative Child Support and Medical Support Order issued on March 23, 2013 is affirmed: Ms. E is liable for child support for E in the amount of \$160.47 per month for July 2012 through December 2012; and \$40.72 per month for January 2013 and ongoing.

DATED this 28<sup>th</sup> day of June, 2013.

*Signed*

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Rebecca L. Pauli

Administrative Law Judge

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<sup>7</sup> Exh. 7.

<sup>8</sup> Exh. 7 at pgs. 8, 11.

<sup>9</sup> Exh. 8.

<sup>10</sup> See Exh. 8.

<sup>11</sup> 15 AAC 05.030(h).

**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 15<sup>th</sup> day of July, 2013.

By: Signed  
Signature  
Rebecca L. Pauli  
Name  
Administrative Law Judge  
Title

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