

BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA

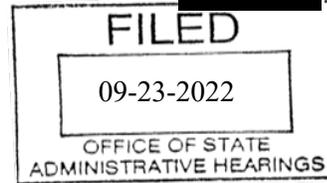
K [REDACTED] B [REDACTED],
Petitioner,

v.

DHS, DEPARTMENT OF CHILD
SUPPORT SERVICES,
Respondent.

Docket No.: [REDACTED]
[REDACTED]-OSAH-CSS-OTHER-60-Malihi

Agency Reference No.: [REDACTED]



FINAL DECISION
ORDER OF DISMISSAL

The Petitioner in this matter has requested a hearing to dispute an allegation that Petitioner owes child support arrears. At this time, however, because the Respondent has not initiated an enforcement action against the Petitioner, the undersigned lacks jurisdiction to adjudicate the amount of Petitioner's arrears balance, if any. Yet, the Respondent has agreed to review all of the documents submitted by the Petitioner in an attempt to resolve any outstanding disputes. The Court will scan and email the documents to the parties.

The Office of State Administrative Hearings ("OSAH") is an executive branch agency charged with conducting impartial administrative hearings in contested cases between state agencies and private parties. See O.C.G.A. §§ 50-13-2(1), 50-13-13, 50-13-40(a); Ga. Comp. R. & Regs. 616-1-1-.01. OSAH's jurisdiction is limited to that conferred by the Georgia Administrative Procedure Act or other specific state or federal statutes and rules. See O.C.G.A. §§ 50-13-1 to -44. OSAH is not a court of general jurisdiction.

The Respondent's rules provide as follows regarding the opportunity for an administrative hearing:

Under these Rules, administrative hearings before OSAH are available with regard to certain enforcement actions taken by or decisions made by the Department. The availability of an administrative hearing and the deadlines for seeking an administrative hearing are controlled by the specific Rule addressing the action in question.

Ga. Comp. R. & Regs. 290-7-1-.19(a). Although the Respondent has promulgated a number of rules regarding specific enforcement actions, none of these provide for a hearing before OSAH solely to resolve a dispute as to the amount of arrears owed. See, e.g., Ga. Comp. R. & Regs. 290-7-1-.12 (suspension or revocation of licenses and passports), 290-7-1-.08 (tax refund intercepts), 290-7-1-.17 (liens against personal or real property), 290-7-1-.09 (wage garnishment).

Accordingly, because the undersigned lacks jurisdiction to determine the amount of the Petitioner's arrears, if any, outside the confines of an enforcement action, this matter is hereby **DISMISSED**. O.C.G.A. §§ 50-13-2(2), 50-13-41.

SO ORDERED, this 23rd day of September, 2022.

Michael Malihi
Michael Malihi
Administrative Law Judge

