

IN THE OHIO DEPARTMENT OF JOB AND FAMILY SERVICES  
BUREAU OF STATE HEARINGS

ADMINISTRATIVE APPEAL SECTION

IN RE APPEAL OF:

DOCKET NO. 2006-AA-0251  
APPEAL NO(S). 1264595 / IVD  
AG NO. HEARING REQUEST DATE: 12/28/2005  
HEARING DECISION DATE: 02/28/2006 / PJS  
APPEAL REQUEST DATE: 03/10/2006  
AGENCY: Hamilton CSEA

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**Administrative Appeal Decision**

The Appellant is appealing a December, 2005, agency denial of his request for an administrative adjustment in his child support order. The agency denied the request because the child who is the subject of the support order will be emancipated in less than six months. Another child also covered in the order became emancipated in January, 2006. At the hearing the Appellant indicated that he disputed the amount of the arrearages for both children because the support order entered in 2000 was made retroactive. He is also concerned because support withholding has continued for the child who was recently emancipated.

The hearing officer overruled the appeal, finding that these concerns are not among the grounds for which a non-custodial parent can request a state hearing. The Appellant filed his request for administrative appeal without comment, so we have reviewed the hearing decision and determined that it correctly applied the law in this case. In addition, there is a separate procedure under ORC 3119.74 (B) for the Appellant to attain agency and court review of his dispute regarding the arrearages in his case.

Finally, although ORC 3119.60 et seq. sets forth a procedure for the agency to conduct administrative reviews of both administrative and court child support orders, that procedure is intended to result in only a revision of the underlying administrative or court order for ongoing support.<sup>1</sup> Arrearages due under such orders are usually liquidated by an order for an additional payment of up to twenty percent of the current support order.<sup>2</sup> When current support terminates, as in the present case, any remaining arrearages are liquidated through the continuation of the same amount of support payment.<sup>3</sup>

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<sup>1</sup> ORC 3119.61(B); 3119.63(A)

<sup>2</sup> ORC 3123.21

<sup>3</sup> ORC 3121.36

**DECISION**

Accordingly, we must ORDER that the hearing decision be AFFIRMED.



Robert J. Frankart  
Administrative Appeal Officer

CONCUR:



Margaret Adams  
Administrative Appeal Officer



Robert Mullinax, Attorney-at-Law  
Chief Legal Counsel

DATE OF ISSUANCE March 20, 2006

This Administrative Appeal decision is the final decision on this appeal from the state department of job & family services. It is binding on the department and agency, unless it is reversed or modified on appeal to the court of common pleas.

cc: Director, Hamilton County Child Support Enforcement Agency  
Hearings Supervisor, PJS, Bureau of State Hearings  
Susan DeVol, Jack Saliba  
Appellant