

**BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS  
STATE OF GEORGIA**

<b>GREGORY LANIER CLEVELAND,</b>	:	
<b>Petitioner,</b>	:	Docket No.: OSAH-CSS-GLS-1404915-48-
<b>v.</b>	:	<b>WALKER</b>
	:	
<b>DHS, DIVISION OF CHILD SUPPORT</b>	:	Agency Reference No.: 440014205
<b>SERVICES,</b>	:	
<b>Respondent.</b>	:	

**INITIAL DECISION**

**I. Introduction**

In response to Respondent’s proposed action to suspend Petitioner's driver’s license in Georgia for the non-payment of child support arrears, Petitioner requested a hearing. The hearing took place on September 18, 2013. Petitioner represented himself at the hearing, and Child Support Agent Stacy Sitten appeared for the Respondent.<sup>1</sup> For the reasons indicated, Respondent’s action is **AFFIRMED**.

**II. Findings of Fact**

1.

Petitioner is an obligor whose name appears on the agency's certified list of delinquent child support obligors. Via a Superior Court Order, he has a monthly child support obligation of \$675.45. *Testimony of Agent Sitten; Exhibit R-1.*

2.

Respondent seeks to suspend Petitioner’s driver’s license because he has not paid child support due to the custodial parent. This is at least the second action brought by Respondent seeking suspension of Petitioner’s driver’s license for his failure to pay child support. *Testimony of Agent Sitten.*

3.

In February 2013, the undersigned found Petitioner owed child support arrears and issued an Order affirming Respondent’s proposed licensed suspension. However, the Order allowed Petitioner to avoid such suspension by making two purge payments of \$500.00 each towards his total arrearage. This amount did not satisfy the total amount of arrears due in his case, and also

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<sup>1</sup> As agreed at the hearing, the undersigned left the record open for ten days; however, no additional material was received from either party.

mandated that Petitioner continue to pay his monthly child support obligation. *Testimony of Agent Sitten.*

4.

In the prior case, Petitioner made the necessary payments and his license was not suspended. However, since that time he has failed to pay his child support arrears in full, explaining that the two payments towards his arrears impeded his ability to keep paying child support. Petitioner has now accrued additional arrears of \$2137.00. *Testimony of Agent Sitten; Testimony of Petitioner.*

### **III. Conclusions of Law**

1.

Respondent has the burden of proof. Ga. Comp. R. & Regs. 616-1-2-.07(1). The standard of proof is preponderance of the evidence. Ga. Comp. R. & Regs. 616-1-2-.21(4).

2.

"Delinquent obligor" means any obligor who is not in compliance with an order for child support and who appears on the agency's certified list. O.C.G.A. § 19-11-9.3(a)(5). "License" means a certificate, permit, registration, or any other authorization issued by any licensing entity that allows a person to operate a motor vehicle or to engage in a profession, business, or occupation. O.C.G.A. § 19-11-9.3(a)(7). While an obligor may request a hearing regarding a proposed suspension, the only issues at the hearing will be the following:

- (1) Whether there is an order for child support being enforced pursuant to this article;
- (2) Whether the licensee or applicant is the obligor covered by that order;
- (3) Whether the support obligor is or is not in compliance with the order for child support;
- (4) Whether the support obligor shall be entitled to pay past due child support in periodic payments; and
- (5) Whether the support obligor has been able and willing to comply with such order for support. O.C.G.A. § 19-11-9.3(h).

An Administrative Law Judge (ALJ) may consider evidence relating to a delinquent obligor's ability and willingness to comply with such order for support in making the decision to either suspend a license or deny the issuance or renewal of a license under this code section. Further, an ALJ is authorized to enter an order requiring such periodic payments and issue a release for the obligor to obtain each license or licenses; however, such an agreement will not act to modify an existing child support order, but rather only affects the payment of arrears which have accrued subsequent to any prior order. Id.

**IV. Decision**

Finding no circumstances which would warrant an exception to suspension, Respondent's action is affirmed.

**SO ORDERED**, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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**RONIT WALKER**  
**Administrative Law Judge**