

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

IN THE MATTER OF
D.D.-F.

Case No. OAH 05-0237-PFD

2005 Permanent Fund Dividend

DECISION & ORDER

I. Introduction

M. and T. P. for 2005 permanent fund dividends (PFD) for themselves and their children, S.P. and D.D.-F. The Permanent Fund Dividend Division (Division) determined that Ms. and Mr. P., D., and S. were not eligible, and it denied the applications initially and at the informal appeal level. Ms. and Mr. P. requested a formal hearing.

The appeals of M. and T. P. and S.P. were separated from the appeal for D.D.-F. in the administrative appeals process. Before D.'s appeal was scheduled a formal administrative hearing, a hearing on Mr. and Ms. P. and S.'s eligibility was held. After their formal hearing, a final administrative decision and an order that the applications of M. and T. P. and S.P. for 2005 permanent fund dividends should be denied was issued. After this order was issued, a formal administrative hearing on D.'s eligibility was scheduled.

Administrative Law Judge Mark T. Handley heard D.'s appeal on May 2, 2006. Ms. P. participated by telephone. Susan Lutz represented the Division by telephone. The administrative law judge finds that the Division correctly denied D.'s 2005 PFD application.

II. Facts

Although they asserted that they did not decide to move until after they applied, it has already been determined that M. and T. P. decided to move to Oregon before they filed their 2005 PFD applications. Ms. and Mr. P. did move, and they and their children are still living in Oregon.

Based on the evidence in the record, I conclude that it is more likely than not that D. lived with his parents in 2004 and 2005. Ms. and Mr. P. were determined to be disqualified for

2005 PFDs in a final administrative order, issued in March of 2006. That order has not been appealed.

III. Discussion

In order to qualify for a permanent fund dividend, a person must be an Alaska resident on the date of application.¹ It has already been established that Ms. and Mr. P. had decided to move and where therefore not Alaska residents when they applied for 2005 PFDs.

Ms. and Mr. P. were not eligible for 2005 PFDs. When a child is in the custody of his parents, his eligibility is dependent on his parents' eligibility.² D. is not eligible for a 2005 PFD because he does not have an eligible sponsor for the 2005 PFD.³

V. Order

IT IS HEREBY ORDERED that the 2005 permanent fund dividend application of M. and T. P. for their child, D.D.-F. be DENIED.

DATED this 2nd day of August, 2006.

By: Mark T. Handley
Administrative Law Judge

¹ AS 43.23.005(a)(2)-(3).

² 15 A A C 23.113(b)(1).

³ 15 A A C 23.113(b)(1).

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.

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 31st day of August, 2006.

By: Mark T. Handley
Administrative Law Judge

The undersigned certifies that this date an exact copy of the foregoing was provided to the following individuals:

Case Parties
8/31/06