

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

IN THE MATTER OF

G.G.

Case No. OAH 07-0043-PFD

2006 Permanent Fund Dividend

DECISION & ORDER

I. Introduction

G.G. timely applied for a 2006 permanent fund dividend. The Permanent Fund Dividend Division determined that Ms. G. was not eligible, and it denied the application initially and at the informal appeal level. Ms. G. requested a formal hearing by written correspondence. Upon review of the written record and due deliberation, the administrative law judge affirms the division's decision.

II. Facts

Ms. G. and her young child moved into an Anchorage apartment in October of 2004, a month after her husband first occupied the apartment. In November, 2005, the family moved out of the apartment. Ms. G. states that she was evicted; her landlord states that the family moved out in the middle of the night without giving notice, and that she obtained a judgment for unpaid rent due for December, 2005. Ms. G. states that after moving out of the apartment the family stayed in a hotel, and that she and her son left Alaska on May 1, 2006. Ms. G. did not provide the name of the hotel she stayed or any documentation of her stay there. She states that she flew to Illinois, where she now lives, but she did not provide any evidence of when her flight was.

Ms. G. applied for a 2006 dividend using an online application. She printed a signature page and delivered it, or had it delivered, to the Anchorage Dividend Information Office on February 16, 2006. On May 8, 2006, the division wrote to Ms. G. requesting more information about steps she may have taken toward establishing residency in 2004. Ms. G. returned the letter to the division on May 17, 2006. On May 23, 2006, the division sent another letter to Ms. G. with a form to complete, stating that it had received information indicating that Ms. G. may have left the state. On June 19, 2006, Ms. G. returned the form, stating that she had been evicted on March 31, 2006, and that she moved to Illinois on May 1, 2006.

III. Discussion

In order to qualify for a permanent fund dividend, a person must be an Alaska resident from the beginning of the qualifying year through the date of application.¹ The "date of application" is the date the applicant returns the last of any information needed to evaluate the applicant's eligibility, including materials the division has requested in addition to the original application.²

In this case, Ms. G.'s "date of application" was June 19, 2006, when she responded to the division's letter of May 23, 2006. By this time, Ms. G. admits that she had already moved away from Alaska. Ms. G. has stated that she intends to return to Alaska, but she also indicates that her return is contingent on winning the lottery.³

IV. Conclusion

Because Ms. G. was not an Alaska resident at on her date of application, the division was correct in its decision to deny her application for a 2006 dividend.

V. Order

IT IS HEREBY ORDERED that the decision of the Permanent Fund Dividend Division to deny the application of G.G. for a 2006 permanent fund dividend be AFFIRMED.

DATED this 16th day of July, 2007.

By: DALEWHITNEY
Administrative Law Judge

¹ AS 43.23.005(a)(2)-(3).

² 15 A A C 23.993(b).

³ Exhibit 10, page 6.

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 Rule of Appellate Procedure 602(a)(2) within 30 days of the date of this decision.

DATED this 14th day of August, 2007.

By: Dale Whitney
Administrative Law Judge

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

PFD Division
8/14/07