

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

IN THE MATTER OF)	
)	
W. E. P.)	OAH No. 07-0535-PFD
)	Agency No. 06630641_1
<u>2006 Permanent Fund Dividend</u>)	

DECISION & ORDER

I. Introduction

W. E. P. applied for a 2006 PFD after the 2006 application period for the purpose of initiating an appeal regarding a claimed timely application. The Permanent Fund Dividend Division (Division) determined that Mr. P. had not filed a timely application and denied the late application initially and at the informal appeal level. Mr. P. requested a formal hearing, which was held on October 24, 2007, before Administrative Law Judge Kay L. Howard, Office of Administrative Hearings. Lori Anderson represented the Division.

Based on the record as a whole and after due consideration, the Division's denial of Mr. P.'s application for a 2006 PFD is affirmed.

II. Facts

In early 2006, Mr. P. read in the newspaper that one could apply for a PFD by filing an application online. He said he went through the application process on his mother's computer. He got as far as a screen that told him he would be getting a confirmation number sent to him by email within 2-3 days. Mr. P. did not print out a copy of that message because his mother's computer does not have a printer. The Division did not receive a 2006 PFD application from Mr. P. In the fall, Mr. P. did not receive a 2006 PFD; he contacted the Division and was instructed to file a paper application, which he did on November 17, 2006.¹

III. Discussion

In order to be eligible for a dividend, a person must submit an application.² Applications must be submitted during the period from January 2 through March 31 of the qualifying year.³ It is an individual's responsibility to ensure that an application is timely submitted.⁴ At a formal

¹ Exh. 1 at pg. 1.
² AS 43.23.005(a)(1).
³ AS 43.23.011(a).
⁴ 15 AAC 23.103(g).

hearing, the person who requested the hearing has the burden of proving that the division's decision was in error.⁵

Mr. P. testified that he filed his PFD application online and was informed he would receive a confirmation number from the Division by email within 2-3 days. In response, the Division indicated the confirmation number Mr. P. was referring to was, in actuality, the confirmation number that is sent by email to someone who has completed an application for a MyAlaska account. An individual who signs up for a MyAlaska account, once his or her identity is verified, can file online for the PFD without having to send a signature page to the Division.⁶ But getting a MyAlaska account is not a PFD application, nor can it be substituted for one. It is after MyAlaska registration that an individual gets the confirmation number back by email, and can then file a PFD application. Had Mr. P. successfully filed an online application for the PFD, he would have received that confirmation number immediately, while he was still online, with a message congratulating him for completing the online PFD application.

In further support of its position, the Division submitted an affidavit that indicates the staff searched the online database for a 2006 PFD application from Mr. P., using as search criteria his name, social security number, date of birth and address. No application was located.⁷

It appears, based on the evidence in this appeal, that Mr. P. did not complete his PFD application online, but, in fact, registered for a MyAlaska account. Thus, he did not complete a timely PFD application. The paper application he filed was received after the application period.

IV. Conclusion

Mr. P. did not meet his burden of proving that he submitted a timely PFD application. The division's decision to deny his application should be affirmed.

V. Order

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

DATED this 11th day of December, 2007.

By: Signed _____
Kay L. Howard
Administrative Law Judge

⁵ 15 AAC 05.030(h).

⁶ Exh. 9 at pg. 3.

⁷ Exh. 8.

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 AS 25.27.210 and Alaska Rule of Appellate Procedure 601(a)(2) within 30 days after the date of this decision.

DATED this 7th day of January, 2008.

By: Signed
Signature
Kay L. Howard
Name
Administrative Law Judge
Title

[This document has been modified to conform to technical standards for publication.]