

submit a request to reapply.⁵ A request to reapply when a timely submitted mailed application is not on file must be accompanied by specified evidence that an application was timely filed: either a mailing receipt, or a mailing return receipt documenting delivery to the department or other evidence of receipt by the department.⁶

Mr. K.'s father asserts that an application for C. K. was either timely mailed or delivered. However, an application that has been timely mailed or delivered may be lost, misdirected, destroyed, stolen or for any of a myriad of reasons not be retained in the Division's files when the time comes to pay dividends. When that occurs, the Department's regulations expressly provide that unless the applicant has the necessary documentary evidence of timely mailing or delivery, a late application will not be paid. The administrative law judge is bound by the Department's regulations. Mr. K.'s appeal must therefore be denied.

IV. Conclusion

C. M. K. is ineligible for a 2007 dividend.

V. Order

1. The Division's denial of C. M. K.'s application for a 2007 Alaska Permanent Fund dividend is AFFIRMED.

DATED December 18, 2008.

Signed _____
Andrew M. Hemenway
Administrative Law Judge

⁵ 15 AAC 23.103(h).

⁶ 15 AAC 23.103(h)(1), (2).

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 Corrected 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 18th day of December, 2008.

By: Signed
Signature
Andrew M. Hemenway
Name
Administrative Law Judge
Title

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