

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

IN THE MATTER OF )  
 )  
 G. F. )  
 ) Case No. OAH 09-0203-PFD  
 2008 Permanent Fund Dividend )

**DECISION**

**I. Introduction**

G. F. applied for a 2008 permanent fund dividend. The Permanent Fund Dividend Division (“the division”) determined that Mr. F. was not eligible, and it denied the application initially and at the informal appeal level. Mr. F. requested a formal hearing by written correspondence only.

Because Mr. F. did not apply for a dividend before the end of the 2008 application period, he is not eligible for a 2008 dividend.

**II. Facts**

Mr. F. signed his 2008 PFD application form on January 5, 2009, and the division received it on January 9, 2009. There is no explanation in the record as to why Mr. F. submitted this application approximately one year late. In his formal hearing request, Mr. F. checked boxes indicating that he agreed with all of the divisions conclusions in its informal appeal decision. For “other relevant facts that should have been considered by the division,” Mr. F. wrote “none.” Mr. F. left blank the section of the form for explaining why he believes he is eligible. Mr. F.’s informal conference request reads, in its entirety,

**A SHORT HISTORY**

In 1949 we moved to a homestead south of Anchorage where we’ve been ever since. The only traveling in the past 20 yrs has been to the Sitka music festival in June ea. yr. We feel qualified for a perm. fund pymnt.

**III. Discussion**

In order to qualify for a permanent fund dividend, a person must apply between January 1 and March 31 of the dividend year.<sup>1</sup> There is an exception to this rule for disabled persons, if the disability prevented the person from filing on time. There is no evidence in this case that a disability prevented Mr. F. from filing an application during the 2008 application period. If there is

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<sup>1</sup> AS 43.23.011. Exceptions to this statute for military members on active duty and for children whose parents failed to apply on their behalf do not apply to this case.

an issue regarding a disability, Mr. F. should immediately submit a request to reopen the record to consider that issue.

Since the application in this case was filed during the 2009 application period, there is also a possibility that Mr. F. intended to apply for a 2009 dividend, but mistakenly used the previous year's form. If no other application is on file for Mr. F. for 2009, the division should process Mr. F.'s application as a 2009 application.

Mr. F. has not disputed the division's assertion that his application was not filed during the 2008 application period, or provided a reason the application should be granted even though it was filed a year late.

#### **IV. Conclusion**

Mr. F.'s application was not timely. There is no evidence that a disability prevented Mr. F. from filing on time. Because the division was correctly applying the law when it made the decision to deny Mr. F.'s application for a 2008 dividend,

IT IS HEREBY ORDERED that the PFD Division's decision to deny the application of G. F. for a 2008 permanent fund dividend be AFFIRMED.

DATED this 3rd day of August, 2009.

By: Signed  
DALE WHITNEY  
Administrative Law Judge

#### **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 3rd day of September, 2009.

By: Signed  
Signature  
Dale Whitney  
Name  
Administrative Law Judge  
Title

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