

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

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|------------------|---|---------------------------|
| In the Matter of |) | |
| |) | |
| K R |) | OAH No. 17-1173-PFD |
| _____ |) | Agency No. 2017-0011-5215 |

DECISION AND ORDER

I. Introduction

K R filed a timely application for a 2017 Alaska Permanent Fund Dividend (PFD). The Permanent Fund Dividend Division (Division) denied her application on the grounds that during the 2016 qualifying year, Ms. R had full-time, permanent employment outside the state and maintained a principal home in Arizona. At the informal appeal level, the Division upheld the denial of Ms. R’s application on the grounds set forth above, and on the additional ground that Ms. R did not qualify as a state resident in 2016 because she lacked the requisite intent to remain in Alaska indefinitely during all of calendar year 2016. Ms. R filed a timely appeal, and a hearing was held on January 8, 2018.

Because Ms. R held full-time employment in Arizona during part of the qualifying year, she is ineligible for the 2017 dividend. Therefore, the Division’s decision is affirmed.

II. Facts

Ms. R is a long-time Alaskan resident who filed for, and received, PFDs from 1993 through 2016.¹ Ms. R attended Northern Arizona University and worked in Alaska at No Name Business during her summer breaks from school.² She obtained full-time employment with No Name Business in 2015. On September 6, 2016, Ms. R accepted a transfer to a full-time job with No Name Business in Scottsdale, Arizona.³ While living in Arizona, she lived with family and friends and stored much of her household goods in Alaska.⁴

¹ Exh. 1 p. 5.
² Exh. 9.
³ Exh. 2 p. 9.
⁴ Exh. 4 p. 3.

Ms. R filed her application for the 2017 PFD on January 12, 2017.⁵ At that time, she was in Alaska on a short-term visit; she was deciding whether to remain in Arizona or return to Alaska.⁶ After her visit, Ms. R returned to Arizona. She later received a work promotion and decided to stay in Arizona.⁷

III. Discussion

Under 15 AAC 23.143(d)(4):

An individual is not eligible for a dividend if, at any time from January 1 of the qualifying year through the date of application, the individual

- (4) accepted full-time permanent employment in another state or country except . . . [for limited allowable absences not applicable here].

Ms. R testified that, at the time she applied for the 2017 PFD in January of 2017, she had not decided whether she would remain in Arizona or return to her longtime home in Alaska. However, regardless of her intentions on the date of her PFD application, she accepted full-time employment in another state in September of 2016. Therefore, she is not eligible for the 2107 dividend, regardless of her subjective intent at the time of her application.⁸

In its original decision, and at the informal appeal, the Division also found that Ms. R was ineligible because she maintained a principal home in Arizona, and did not qualify as a state resident because she did not have the requisite intent to return and remain in Alaska throughout the whole of the 2016 qualifying year.⁹ Ms. R disputes that she moved her principal home to Arizona, because she was staying with family and friends and stored much of her household goods in Alaska during the last quarter of 2016. However, neither of these issues need to be resolved because her full-time employment in Arizona, which began in September of 2016, renders her ineligible to receive the 2017 PFD.

⁵ Exh. 1.

⁶ Testimony of Ms. R.

⁷ Id.

⁸ See *In Re J.L.O.*, OAH No. 08-0633-PFD (Applicant who accepted permanent employment in another state to further her training during qualifying year was ineligible for dividend despite applicant's intent to return and remain permanently in Alaska) (published at <http://state.alaska.us/officeofadminhearings/Documents/PFD/PFD080633.pdf>).

⁹ Exhs. 3, 6.

IV. Conclusion

Ms. R is ineligible for the 2017 PFD because she accepted full-time, permanent employment in another state during the qualifying year. The Division’s decision to deny Ms. R the 2017 PFD is therefore AFFIRMED

Dated: January 16, 2018

Signed

Karen L. Loeffler
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 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 13th day of February, 2018.

By: Signed

Signature
Karen L. Loeffler

Name
Administrative Law Judge

Title

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