



a 100% refund of all tuition and fees; withdrawal no later than September 11 entitled the student to a 50% refund.<sup>6</sup>

On May 11, 2007, the university notified Ms. T that her account was in default in the amount of \$1,669.00 for tuition, fees, and other charges.<sup>7</sup> The notice informed Ms. T that she could appeal the notice of default and request a hearing by contacting the university's chief financial officer.<sup>8</sup> Ms. T did not appeal or request a hearing on the notice of default.

On June 25, 2007, the university notified Ms. T that it had filed a claim against her Alaska Permanent Fund dividend.<sup>9</sup> Ms. T requested a hearing on the claim against her dividend, and on August 8, 2007, the matter was referred to the Office of Administrative Hearings.<sup>10</sup>

### **III. Discussion**

Alaska law provides that tuition, fees and other charges owed by an individual to the University of Alaska are in default if not paid within 180 days.<sup>11</sup> Upon default, the university may take the individual's Alaska Permanent Fund dividend.<sup>12</sup> An individual may appeal a notice of default by requesting review by the university's chief financial officer within 30 days.<sup>13</sup> If review is requested, the university's chief financial officer's decision is a final decision that may be appealed to the superior court.<sup>14</sup>

If an individual does not request review of the notice of default, the university may claim the individual's Alaska Permanent Fund dividend in satisfaction of the amount indicated in the notice of default.<sup>15</sup> Upon a timely request, the individual is entitled to a hearing before the Office of Administrative Hearings on the claim against the dividend.<sup>16</sup> The hearing is subject to the Administrative Procedure Act, AS 44.62.330-.630.<sup>17</sup> At the hearing, the individual must show that (1) the university did not provide notice of the default; (2) the university rescinded the notice

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<sup>6</sup> Ex. 4. Whether Ms. T was provided a copy of Exhibit 4 prior to the deadlines for withdrawal has not been established.

<sup>7</sup> Ex. 7.

<sup>8</sup> *Id.*

<sup>9</sup> Ex. 8.

<sup>10</sup> Ex. 9, Case Referral Notice.

<sup>11</sup> AS 14.40.251(a).

<sup>12</sup> *Id.*

<sup>13</sup> AS 14.40.251(c).

<sup>14</sup> *Id.*

<sup>15</sup> AS 43.23.073(a)(3).

<sup>16</sup> AS 43.23.073(c); AS 44.64.030(a)(30).

<sup>17</sup> AS 43.23.073(c).

of default; or (3) “the amount owed by the individual is less than the amount claimed from the permanent fund dividend.”<sup>18</sup>

Ms. T’s notice of defense asserts that the university did not provide a notice of default, and that the amount due is less than the amount claimed.<sup>19</sup>

Ms. T has not provided any evidence to support her assertions, and the university has submitted evidence, as noted in the preceding section of this decision, of both the notice of default and the amount of the claim.

#### **IV. Conclusion**

Because Ms. T failed to participate in the scheduled telephonic hearing, the university’s claim may be affirmed if supported by the evidence in the record.<sup>20</sup> The university submitted evidence sufficient to support its claim, and Ms. T failed to meet her burden of proof that a notice of default was not served or that the amount owed is less than the amount claimed. For these reasons, the university is entitled to claim a maximum of \$1,669.00 against one or more of Ms. T’s Alaska Permanent Fund dividends until the claim is satisfied by collection from a dividend or otherwise.

DATED December 31, 2007.

*Signed* \_\_\_\_\_  
Andrew M. Hemenway  
Administrative Law Judge

#### **Adoption**

The undersigned, on behalf of the University of Alaska 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 11th day of February, 2008.

By: *Signed* \_\_\_\_\_  
Signature  
Fran Ulmer  
Name  
Chancellor  
Title

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

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<sup>18</sup> AS 43.23.073(c)(1)-(3).

<sup>19</sup> Ex. 9.

<sup>20</sup> AS 44.62.530; 2 AAC 64.320(a).