

Under the university's published policies, as set out in the school catalogue for the 2006-2007 school year, a student is "financially responsible for all courses for which they register."⁶ However, a student who withdrew from a course no later than September 1, 2006, was entitled to a 100% refund of all tuition and fees; withdrawal no later than September 11 entitled the student to a 50% refund.⁷

On May 11, 2007, the university notified Mr. Q that his account was in default in the amount of \$1,326.00 for tuition, fees, and other charges.⁸ The notice informed Mr. Q that he could appeal the notice of default and request a hearing by contacting the university's chief financial officer.⁹ Mr. Q did not appeal or request a hearing on the notice of default.

On June 25, 2007, the university notified Mr. Q that it had filed a claim against his Alaska Permanent Fund dividend.¹⁰ Mr. Q requested a refund of his tuition and fees, but the request was denied as untimely.¹¹ Mr. Q requested a hearing on the claim against his dividend, and on August 8, 2007, the matter was referred to the Office of Administrative Hearings.¹²

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.¹³ Upon default, the university may take the individual's Alaska Permanent Fund dividend.¹⁴ An individual may appeal a notice of default by requesting review by the university's chief financial officer within 30 days.¹⁵ If review is requested, the university's chief financial officer's decision is a final decision that may be appealed to the superior court.¹⁶

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

⁶ Ex. 4.

⁷ Ex. 5. This information is contained in a document entitled "Class Schedule." Whether Mr. Q was provided a copy of the class schedule has not been established.

⁸ Ex. 7.

⁹ *Id.*

¹⁰ Ex. 8.

¹¹ Ex. 10, Ex. 11.

¹² Ex. 9, Case Referral Notice.

¹³ AS 14.40.251(a).

¹⁴ *Id.*

¹⁵ AS 14.40.251(c).

¹⁶ *Id.*

notice of default.¹⁷ Upon a timely request, the individual is entitled to a hearing before the Office of Administrative Hearings on the claim against the dividend.¹⁸ At the hearing, the individual must show that (1) the university did not provide notice of the default; (2) the university rescinded the notice of default; or (3) “the amount owed by the individual is less than the amount claimed from the permanent fund dividend.”¹⁹

Mr. Q does not dispute that the university provided notice of the default, and that it has not rescinded the notice.²⁰ On appeal, he argues that university’s claim against his dividend should be denied because he did not himself register for the courses for which he was enrolled: he asserted that he was unaware he had been registered.

Mr. Q asserted that anyone might have registered him for courses, but the evidence in the record indicates that the university’s online registration system includes unique passwords, which would have precluded another person from registering under Mr. Q’s name without his knowledge or consent, unless that person had obtained Mr. Q’s password.²¹ Mr. Q presented no evidence to indicate that another person had access to his password. For this reason, Mr. Q has failed to prove by a preponderance of the evidence that he did not himself register for the courses in question.²² He is therefore liable for the full amount of the claim.

IV. Conclusion

Mr. Q failed to meet his burden of proof that the amount owed is less than the amount claimed. The university is entitled to claim a maximum of \$1,326.00 against one or more of Mr. Q’s Alaska Permanent Fund dividends until the claim is satisfied by collection from a dividend or otherwise.

DATED October 30, 2007.

Signed

Andrew M. Hemenway
Administrative Law Judge

¹⁷ AS 43.23.073(a)(3).

¹⁸ AS 43.23.073(c); AS 44.64.030(a)(30).

¹⁹ AS 43.23.073(c)(1)-(3).

²⁰ Mr. Q’s Notice of Defense is marked to indicate that the claim had been rescinded. However, the grounds asserted on the notice, as well as at the hearing, concerned the status of his registration, not the rescission of the claim.

²¹ Ex. 2.

²² For purposes of this discussion, it is assumed that Mr. Q’s failure to request review of the default did not constitute a waiver of any defenses he might have had to the underlying debt, at least in the context of a hearing concerning the validity of the university’s claim against his Alaska Permanent Fund dividend.

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 6th day of December, 2007.

By: Signed
Signature
Fran Ulmer
Name
Chancellor
Title

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